

THE VIRGINIA APPRENTICESHIP COUNCIL MINUTES (APPROVED)

The Virginia Apprenticeship Council met on Thursday, November 5, 2020

COUNCIL MEMBERS PRESENT:

Dudley Harris, Chairman
Laura Duckworth, Vice-Chair
Christopher Cash
Todd Estes
Steve Martin
Michael Mays
Dr. Latitia McCane
Dr. Ken Nicely
Dr. Jameo Pollock
Gerald Simpson
Ellen Marie Hess
Ray Davenport, Commissioner

STAFF PRESENT:

Patricia Morrison, Director
Kathleen Eddington, Assistant Director
Shannon Crooks
Caly Emerson
Monica Long
Sean McCusty

CALL TO ORDER AND INTRODUCTIONS:

Chairman Dudley Harris called the meeting to order at 10:00 am and welcomed the council. The Chairman asked the council to introduce themselves. The Chairman welcomed Steve Martin, Dr. Ken Nicely, Dr. Jameo Pollock and Gerald Simpson to the council.

PUBLIC COMMENT:

No public comment.

COUNCIL COMMENTS:

Chairman Harris stated the council bylaws say at the first council meeting of every year, a vice-chairperson will be nominated. Because of the pandemic, the 2020 council meetings were canceled. Ms. Duckworth is currently the vice-chairperson, and at the next council meeting, the Chairman will request nominations for vice-chair.

APPROVAL OF MINUTES:

Section 2.2-3708.2(d)(7), Code of Virginia, requires that "votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes." It also requires that "For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes."

Chair Harris asked the Council if there was any discussion on the September 19, 2019 minutes. There was none. Chair Harris asked if there was a motion to approve the minutes. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of Agenda	Yea	Nay	Abstain	Absent	Other
Dr. Ken Nicely	1				
Christopher Cash	1				
Ms. Laura Duckworth	1				
Mr. Dudley Harris	1				
Dr. Jameo Pollock	1				
Mr. Gerald Simpson	1				
Mr. Steve Martin	1				
Mr. Michael Mays	1				
Dr. Latitia McCane	1				
Ms. Ellen Marie Hess	1				
Mr. Todd Estes	1				
TOTALS	11	0	0	0	

CORRESPONDENCE:

There was no correspondence.

OLD BUSINESS:

No old business

NEW BUSINESS:

Exemption from Examination: Discussion shared by Director Morrison

For several decades, a process has been in place that allows long-standing programs the ability to apply to DOLI and the Council for the privilege of receiving a Tradesmen license without sitting for the examination as managed by the Department of Professional and Occupational Regulation (DPOR). To date, 20 of our Employer/Sponsors utilize this feature. During a recent Council meeting, an inquiry came up and

discussion ensued regarding the history of this program and a request for viewing the process used by DOLI to make these determinations.

The issue was tabled to allow for research on the part of DOLI. This effort returned little in the way of any written documents detailing the process. Anecdotally, the DPOR contacts and some veterans of the Council relay that it potentially was a way to bridge the changes when Virginia added licensure to many of the trades. Other than that, DPOR merely maintains the list that DOLI shares.

DOLI Headquarter staff have discussed the inherited process as we all have joined DOLI after the inception of this exemption. After careful consideration, and weighing out the unintended consequences realized by this practice (some say exemption from examination erodes the credibility and integrity of a program), DOLI would like to recommend that the practice be discontinued.

In order to allow those Employer/Sponsors involved to revise how they handle licensure for their apprentices, DOLI proposes that no new applications be accepted and all programs automatically remain “exempt” for a full year (until January 2022).

DISCUSSION: An active discussion occurred by the VAC regarding the exemption from examination status. Mr. Cash and Mr. Martin stated concerns regarding how this would affect their current apprentices. This item was tabled and a sub-committee was formed in order address certain concerns and to research the pros and cons of the exemption.

REPORTS:

Virginia Employment Commission (VEC):

Commissioner Hess reported the following:

Unemployment insurance is meant to provide a partial wage replacement for those who lose their jobs through no fault of their own. Benefits under unemployment programs are funded through employer taxes paid into the Unemployment Insurance Trust Fund.

Unemployment Insurance Program administration is counter-cyclically funded, meaning in bad economic environments, the agency’s budget is increased to respond to increased workloads. During better economic times, the agency’s budget is reduced. In the five years before the pandemic, VEC’s budget was cut by more than 30%. This funding model assumes some runway between extremely low unemployment and high unemployment, giving state workforce agencies time to ramp up their responses. However, the economic crisis that hit after the onset of the pandemic provided no such runway. The week before the pandemic, Virginia saw the lowest claim volumes in more than 40 years. The next week, we received more than a year’s worth of claims. Since the onset of the pandemic, the Virginia Employment Commission has received more than 1.3 million claims and has paid more than \$9.3 billion in benefits.

The claims figure represents more than five years’ worth of claims. As part of its response to the pandemic, the agency implemented five brand new federal benefit programs, stood up third party call centers, and moved as many staff as possible to telework. We also have begun to borrow from the US Treasury to pay for benefits. Despite what you may have heard in the media, about 90% of claimants are paid benefits timely, making Virginia third in the nation for providing timely payments.

While the VEC has accomplished a lot, there is still much to do. Because unemployment benefits are funded through employer taxes that are experience rated, employers are required under law to dispute

claims. When that happens, claims must be adjudicated. To further complicate matters, one of the new federal programs has as one of its eligibility requirements that the claimant be disqualified for regular unemployment insurance benefits, requiring an application for regular unemployment insurance, a hearing, and an application for the new federal benefit. In normal times, about 50,000 claims are disputed and subsequently adjudicated.

Since March of this year, VEC has adjudicated more than 85,000 claims. The agency has hired additional hearing officers to deal with the uptick in hearings and has streamlined the hearings process while continuing to uphold the requirements of due process.

The unemployment insurance benefits created under the federal CARES Act will expire on December 31. At that time, if not before, the agency will be required to reinstitute to the work search requirement unless there is action taken by the federal government to the contrary.

The most recent published unemployment figure is 6.2% for September 2020. That is an increase of .1% from the August rate and a 3.5% increase from the rate from a year ago. Despite the unemployment figures, there are more than 500,000 jobs listed in Virginia's Workforce Connection. The agency continues to serve both employers and jobseekers. With local offices closed or operating in restrictive environments and under capacity limits, the agency has responded by increasing or use of technology, including virtual hiring events. At the onset of the pandemic, the Virginia Unemployment Trust Fund had a balance of \$1.4 billion and was considered one of the strongest in the country.

As stated earlier, Virginia is now borrowing from the federal government to pay benefits. The VEC staff are among the finest public servants I have ever had the pleasure to work with in my nearly 30 years in state service. From the time the Governor announced the shutdown of nonessential businesses, the staff did not have a day off until Mothers' Day. They have had few days off since, and some of their days have been from before eight in the morning until after 10 at night. They have endured frustrated customers, death threats, a number of covid outbreaks, and the death of one of their teammates from covid. Still, they continue to provide exceptional customer service to their fellow Virginians in need.

Virginia Community College System (VCCS):

Mr. Estes reported the following:

Items as they pertain to the Community College System. Governor funded a G3 program which is Virginia's version of a college promise program to fund workforce programs in the areas of IT, Early Childhood education, Manufacturing, Public Safety, and trade occupations. The State budget allowed \$ 37 ½ million for this program, but under the present pandemic circumstances, that dollar amount has been removed from this year's budget. The benefit of this program to Registered Apprenticeship is the ability to receive RTI without any expenses from the apprentice.

Fast-Forward is another program offered by the Community Colleges, which is designed to support non-credit workforce funding. The budget allows for \$ 13 ½ million dollars for funding this program.

The Community College also introduced a new Virginia Ready Incentive Program, which will give the student the ability to collect \$1,000 after completing a Fast Track Program.

Ed Dalrymple is our new State Board Chairman who comes to us from Fredericksburg. Ed is a strong advocate of the apprentice program, he being a sponsor himself in construction.

Finally, the VCCS had create a position for Apprenticeship and Work base learning, it was filled last year, but the individual left the position. Since COVID-19 hit, the funds have been frozen, but I just found out that we have been able to secure the funds to replace that position.

Division of Registered Apprenticeship (DOLI):

Director Morrison reported the following:

It is great to be able to convene after almost 14 months since our last meeting. Let me focus on some main things in order to get us caught up. First, in April of 2020, the full data extraction occurred from the National Office Engineers to load our data into the RAPIDS 2.0 national database system. The history of registration data in Virginia is as follows. Starting in 1938, the inception of the Registered Apprenticeship Program in Virginia, apprentices were registered on 3 x 5 cards. In the 80's an Oracle based platform database was introduced and used for over 3 decades. The unavoidable de-commissioning of that database was due to there no longer being any technical support available. Hence, we adopted the RAPIDS 2.0 system. We are getting better skilled in the system every day and is a cloud based system. Employer/Sponsors can get user credentials in order to add, cancel or extend apprentices themselves. Those transactions are then approved by the RA Consultant and are more timely.

The metrics back dropped against the September 2019 report for context:

106 National Guard apprentices active

11-5-2020. The coordinator has stopped working on the program. It is currently 0.

500 Department of Corrections' apprentices active as of 9/30/2019 -174 as of 11/5/2020

11,465 public/private apprentices active as of 9/30/2019 - 10,930 as of 11/5/2020

12,071 total apprentices active as of 9/30/2019-11.104 as of 11/5/2020

Issued 1,870 Completion Certificates as of 9/30/2019-1,848 as of 11/5/2020

Added 3638 new apprentices as of 9/30/2019 - 3,303 as of 11/5/2020

Added 335 new or re-activated sponsors as of 9/30/2019 - 261 as of 11/5/2020

As of this date:

Total Sponsors = 2535

Total Employers = 87(only partial)

Total apprentices = 11104

Total occupations = 317

The Division is significantly down partially due to the data clean-up and partly due to COVID19. Our School partners reach out to us in the same limbo state as others. There are local and state and federal streams of guidance to navigate and we keep our channels of communication open to be able to assist in any way we can.

The Division has the Commonwealth Registered Apprenticeship Future Talent (CRAFT) Grant team here today and Shannon Crooks will provide a brief update.

Department of Labor and Industry (DOLI):

Commissioner Davenport reported the following:

The Commonwealth's Registered Apprenticeship Future Talent (CRAFT) grant staff is on board and we have submitted modified documents in response to our Federal Project Officer. We have an Alignment Director, Project Manager and a Lead Generator Specialist LGS on staff. All ready reported on above.

The Commissioner complimented all our Department staff including our RA Directors and consultants who have learned to do things differently during the COVID-19 Pandemic. A lot of Team meetings, Zoom meetings and any way that you can meet virtually is being employed to reach out to sponsors and apprentices. When visiting on site and in person, our staff are required to adhere to state and Agency policies to Social Distance to protect themselves and others.

DOLI

YTD in the calendar year of 2020, VOSH has investigated 43 fatal workplace accidents that we have jurisdiction. This compares to 36 fatalities this time in 2019 and exceeds the 2019 total of 40 fatalities for the entire year.

YTD there have been 27 COVID-19 related fatalities; 6 falls; 2 Caught In or between; and 8 Struck By. Nine of these were in construction, 33 in General Industry and one in Agriculture. We expect these numbers to change due to the extreme difficulty in determining where the virus exposure takes place.

On May 26, 2020, Governor Ralph Northam issued **Executive Order 63** which provides in part:

The Commissioner of the Virginia Department of Labor and Industry shall promulgate emergency regulations and standards to control, prevent, and mitigate the spread of COVID-19 in the workplace. The regulations and standards adopted in accordance with §§ 40.1-22(6a) or 2.2-4011 of the Code of Virginia shall apply to every employer, employee, and place of employment within the jurisdiction of the Virginia Occupational Safety and Health program as described in 16 Va. Admin. Code § 25-60-20 and Va. Admin. Code § 25-60-30. These regulations and standards must address personal protective equipment, respiratory protective equipment, and sanitation, access to employee exposure and medical records and hazard communication.

The Safety and Health Codes Board, an oversight body established by the Virginia General Assembly to make rules and regulations governing workplace safety operations and one of the Boards that DOLI administers is required by statute with adopting Occupational Safety and Health Regulations in the Commonwealth. The SHCB promulgated an Emergency Temporary Standard (ETS) to require employers to mitigate the COVID-19 virus. The ETS was considered over four long days of virtual public meetings there were over 3,300 comments received and considered by the Board. The ETS became effective July 15, 2020 and will be in place for 6 months.

The ETS' publication in the Richmond Times Dispatch also constituted notice the Board intends to adopt a permanent standard within 6 months, with an effective date no later than January 27, 2021.

- We remain very concerned about the fatality rate, year to date and from one year to the next going in the wrong direction.
- We encourage everyone to utilize the DOLI website for resources on how to keep your employees and your workplace safe during these very challenging times.

In closing, The Commissioner thanked the Council for their service and support to Virginia's Apprenticeship Council and Registered Apprenticeship. We believe these challenging times also present opportunities for RA going forward.

Virginia Apprenticeship Alumni Association (VAAA): N/A

ANNOUNCEMENTS:

Chairman Harris announced that the next Council meeting will occur in January 2021; however, the date is to be determined.

Chairman Harris thanked the Council, Director Morrison, her staff, and all in attendance.

The meeting adjourned at 11:30 am.

Mr. Dudley Harris, Chairman

Mr. C. Ray Davenport, Secretary