

Approved 6/19/2003

**THE VIRGINIA APPRENTICESHIP COUNCIL  
MINUTES  
THURSDAY, MARCH 20, 2003**

The Virginia Apprenticeship Council (Council) met on Thursday, March 20, 2003 at the Confederate Hills Recreation Center, 302 Lee Avenue, Highland Springs, Virginia. Chairman Barry W. Baker called the meeting to order at 10:00 a.m.

**COUNCIL MEMBERS PRESENT:**

Barry Baker, Chairman  
Danny Amos  
Earl Dickerson  
Jim Ellenberger for Ms. Dee Esser  
Dudley Harris  
Bill Mercer for Dr. Glenn DuBois  
Darold Kemp  
Dr. Steven Staples  
Susan Frith Tansey  
Robert Walter  
Jack Whitaker

**STAFF PRESENT:**

C. Ray Davenport, Commissioner  
Jennifer Nolen, Program Director  
Beverley Donati, Assistant Program Director  
Ellen Marie Hess, Director of Labor & Employment Law

**CALL TO ORDER AND INTRODUCTIONS:**

The scheduled quarterly meeting of the Virginia Apprenticeship Council was called to order by Chairman Barry W. Baker. The presence of a quorum was established.

Council Members introduced themselves. Ms. Susan Tansey was welcomed to the Council by the chairman. Staff members introduced themselves.

**PUBLIC COMMENT:**

There was no public comment offered.

**APPROVAL OF MINUTES:**

On proper motion and second the minutes for the Council meeting held on December 19, 2003 were approved unanimously by role call vote.

## **CLOSED SESSION:**

Chairman Baker offered the following motion:

“I move that the members of the Virginia Apprenticeship Council go into closed session to receive a briefing by staff pertaining to actual litigation related to Williams Steel Erection Company and to ask about specific legal matters under section 2.2-3711(A)(7) of the Code of Virginia. Attending will be:

Members of the Council

Ray Davenport, Commissioner of Labor and Industry

DOLI employee, Ellen Marie Hess

DOLI employee, Jennifer Nolen

DOLI employee, Beverley Donati

U.S. Department of Labor, Bureau of Apprenticeship Training, Jim Walker.”

Mr. Harris seconded the motion. The motion was approved unanimously by role call vote of those present.

The Council went into closed session at 10:12 a.m. and reconvened in open session at 10:28 a.m.

Mr. Ellenberger entered the room at 10:14 a.m. Dr. Staples arrived at 10:20 a.m.

Chairman Baker offered the following motion:

“I move that the members of the Virginia Apprenticeship Council end the closed session and certify that only public business matters lawfully exempted from open meeting requirements under 2.2-3711 and 2.2-3712 of the Code of Virginia and that only matters identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”

Mr. Walter seconded the motion. The motion was approved by role call vote with Dr. Staples abstaining because of his late arrival.

Mr. Walter offered the following motion:

“I move that the members of the Virginia Apprenticeship Council authorize the Office of the Attorney General of Virginia to respond to the letter of March 17, 2003 from Frank Kollman in the Williams Steel matter. The response could include but is not limited to: a written notice that the Williams Steel apprenticeship program is in violation of a Council decision, or filing a Motion for Contempt in Prince William County Circuit Court.”

Mr. Dickerson seconded the motion. The motion was approved unanimously by role call vote.

## **CORRESPONDENCE:**

There was no additional correspondence.

## **OLD BUSINESS:**

### **Standing Subcommittee:**

Subcommittee Chairman, Darold Kemp reported that the Ad Hoc Subcommittee met on Thursday, February 13, 2003 at the Powers-Taylor Building, 13 South 13<sup>th</sup> Street, Richmond, VA 23219. Present were committee members Darold Kemp, Dudley Harris, and Bill Mercer. Beverley Donati, Assistant Program Director and Jim Walker, USDOL,BAT, State Director were also present.

Mr. Kemp reported that the following topics were discussed: the problem of booth rental charged to apprentices in the barber and cosmetology trades; the delivery of apprenticeship related instruction across the Commonwealth; and the need for clearer definitions, VAC policies and interpretations.

Mr. Kemp offered the following proposed Virginia Apprenticeship Council Statement of Policy as a motion:

"The Voluntary Apprenticeship Act, Code of Virginia 40.1-121, item 6; the Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia (16VAC 20-20-40B.11, B.13; 16 VAC 20-20-50(7); and the Minimum Standards for Apprenticeship, item 16a.-d. state that an apprentice is to be paid a progressive wage by the sponsor.

When interpreting the above, the Virginia Apprenticeship Council finds no authority to allow a sponsor to charge the registered apprentice booth rental fees or any other charge solely for the purpose of training the registered apprentice.

Any sponsor who has signed the Department of Labor and Industry Master Agreement and agreed to the terms in the Training Program Outline, and then later charges any registered apprentice booth rental fees or any other fee for training shall be notified in writing that this practice is in violation of the Virginia Voluntary Apprenticeship Act and the terms of the Master Agreement and that such violation will be investigated by the Commissioner and the Program Office. Upon receipt of the notice, the sponsor must immediately discontinue this practice. Within ninety (90) days of receipt of this notice payroll records shall be verified by the DOLI representative and an Apprenticeship Sponsor Evaluation shall be conducted.

Failure to discontinue the practice of charging booth fees or other charges may constitute a material breach of the Master Agreement and may be grounds for the Council to consider deregistration of the Apprenticeship Program."

Dr. Staples seconded the motion. The motion was approved unanimously by role call vote.

## **NEW BUSINESS:**

The Chairman reported to the Council that he had been re-appointed as council chairman by the Governor. The term will expire on December 31, 2003. The Chairman then announced the election of a vice-chairman. Mr. Darold Kemp nominated Dr. Steven Staples. Mr. Walter seconded the nomination. The motion was approved unanimously by role call vote. Dr. Staples thanked the Council for their support.

## **REPORTS:**

### **Virginia Community College System:**

Mr. Bill Mercer reported the VCCS is working to improve the apprenticeship database and a Return on Investment Report is being formulated. Mr. Mercer emphasized the financial importance of apprenticeship to the Commonwealth.

### **U.S. Department of Labor, Bureau of Apprenticeship Training:**

Mr. Jim Walker, USDOL, BAT State Director addressed the Council. Mr. Walker brought greetings from the Regional USDOL, BAT Director and the National Administrator. Mr. Walker distributed pens to council members on behalf of the National Administrator. He reported on programs that are being developed with the DOLI Apprenticeship Program staff and the Commissioner and his office. Mr. Walker invited council members to spend a day in the field with his staff.

### **Department of Labor and Industry, Apprenticeship Program:**

Ms. Jennifer Nolen, Apprenticeship Program Director reported that there were 11,311 active apprentices and 1,979 active sponsors to date. Ms. Nolen advised the council that a P14 employee would be hired in the Tidewater office. Ms. Nolen gave a sample of the Certificate of Recognition that has been sent to sponsors with 5, 10, 25 and 50 years of sponsorship. The apprenticeship staff will meet in Richmond on March 25 and May 20. The sponsor evaluation audit form has also been revised and is currently in use by the staff.

### **Department of Labor and Industry:**

Commissioner Davenport reported on current administration proposals. Chief Deputy Adam Ebbin resigned to become a candidate for the General Assembly. Mr. Davenport announced several upcoming events and encouraged anyone interested to contact his office for additional information.

**Announcements:**

Chairman Baker announced the following council meeting dates and locations:  
Thursday, June 19, 2003 - J. Sargent Reynolds Community College, Richmond  
Thursday, Sept. 18, 2003 – New Horizons Regional Educational Center, Hampton.

Mr. Baker also thanked the Subcommittee members and DOLI staff for their work.

There was no further business to come before the Council.

The meeting was adjourned at 10:55 a.m.

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Barry W. Baker, Chair

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C. Ray Davenport, Secretary