

**APPROVED**

**THE VIRGINIA APPRENTICESHIP COUNCIL MINUTES**

The Virginia Apprenticeship Council met on Thursday, March 18, 2021

**COUNCIL MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Patricia Morrison, Director  
Kathleen Eddington, Assistant Director  
Sean McCusty, Craft Grant Alignment Director

**CALL TO ORDER AND INTRODUCTIONS:**

Chairman Dudley Harris called the meeting to order at 10:08 am and welcomed the council.

**PUBLIC COMMENT:**

No public comment.

**COUNCIL COMMENTS:** None

**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 November 5, 2020 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.

<b>Approval of Minutes</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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					Technology issue.
Dr. Latitia McCane	1				
Ms. Ellen Marie Hess	1				
Mr. Todd Estes	1				
<b>TOTALS</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**CORRESPONDENCE:**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

Laura Duckworth reported that the subcommittee has decided to continue with the exemption with a recommendation that the approving body would be switched to the Virginia Department of Labor and Industry, Division of Registered Apprenticeship and the VAC would be more similar to the OSHA VPP Star Program. The approved Employer/Sponsor would present a presentation to the VAC and celebrated as an achievement. They also recommend that the process be clearly displayed and provided on the website so all companies could see the exemption process.

The Council suggested that DOLI should create a program template and bring it before the council. The council will table this topic until the next meeting, with DOLI providing an outline for review.

**Annual Elections of the Vice Chair**

Chairman Harris opened the floor for Nominations.

Mr. Cash nominated Laura Duckworth. Seconded by Dr. McCane. Ms. Duckworth accepted. With no other nominations, Laura Duckworth was elected by roll call vote.

<b>Approval of Vice Chairperson</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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					Technology issue.
Dr. Latitia McCane	1				
Ms. Ellen Marie Hess	1				
Mr. Todd Estes	1				
<b>TOTALS</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Vote on the VAC Bylaws**

Mr. Cash motioned to approve the Bylaws as written. Ms. Duckworth seconded the motion. Bylaws were approved by roll call vote.

<b>Approval of Bylaws</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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					Technology issue.

Dr. Latitia McCane	1				
Ms. Ellen Marie Hess	1				
Mr. Todd Estes	1				
TOTALS	10	0	0	0	

## REPORTS:

Virginia Employment Commission (VEC):

Commissioner Hess reported the following:

This week marks one year since the Virginia Employment Commission first began to feel the effects of the pandemic at the agency. In that time VEC has received more than 1.4 million claims and paid benefits of more than \$11.7 billion. In the 12 months before the pandemic the VEC received about 100,000 claims.

The VEC is continuing to hire as it has done for the past year in order to deal with the continuing impact of the pandemic. The agency has implemented several brand new federal programs three times while dealing with 10 years' worth of claims.

Virginia's unemployment rate fell by .3 percentage points to 5.3 percent in January which is 2.8 percentage points above the rate from one year ago. The labor force decreased by 1,452 which is essentially unchanged. The number of employed residents rose by 7,468 to 4,026,343.

While the unemployment rate and number of claims remain high there are positive signs in the economy. There are more than 480,000 jobs listed in the Virginia Workforce Connection and the VEC has held or assisted in very successful virtual job fairs recently. As a result and because vaccinations are increasing in the Commonwealth, the VEC will reinstitute the job search requirement for unemployment claimants with a soft roll out beginning in May and a full implementation in June. During the soft roll out, claimants will not be prevented from claiming unemployment benefits if they do not complete the required job searches.

## Virginia Community College System (VCCS):

Mr. Estes reported the following:

Mr. Estes announced that he has left the VCCS and has accepted a new position. He introduced Dr. Jason Williams as the new coordinator for apprenticeship and work-based learning. He also stated that he would most likely not be the VCCS appointee going forward because of this new position. His former position has not been filled yet so the new VCCS appointee has not been named.

Dr. Williams introduced himself and explained his new role. In his role he would be working with the "G3" grant as well as the "Fast-Forward" Program. Working with K-12 and the Community College system on Youth Apprenticeship.

**Division of Registered Apprenticeship (DOLI):**

Director Morrison reported the following:

We remain busy, but not with the usual registration activity. We are still honoring requests for extensions for apprentices who need to make up OJT or RTI hours. We are still conducting assessments, both Provisional – which is the one-year anniversary of registration – and the regular Quality Assurance Assessments. Most of our historical assessments' dates could not be brought over to the RAPIDS database, so we are playing catch-up.

In January, we started the Brown Bag Series on the last Monday of each month. We are featuring a different topic or guest each time. January was the soft launch of the series, and we had 48 participants. February highlighted Youth Registered Apprenticeship with Kathleen Eddington and Hanover CTE Director Justin Roerink. We had 128 participants. March will feature the Association of General Contractor's new CAO Brandon Robinson as a special guest and he will be discussing equity and inclusion in Construction. The series has been well received.

We continue to promote the CRAFT grant and have seen an uptick in the IT/CS/Cyber sector's interest. Although I did receive an 88-minute long lecture from a disgruntled Internship provider and a follow-up email that 400-700 OJT hours was sufficient for a Software Developer and we would never succeed in this space. I connected him to former VAC member Leigh Armistead, who received one of the Standards Recognition Entity awards from the IRAP program. While the current administration does not endorse IRAPs, those awards remain in place.

Last meeting we provided some baselines as it was the first time reporting since our database conversion. In the future now, I will be reporting in the timeframes available to me in the RAPIDS database, which is based on the Federal fiscal year. We are currently finishing the second quarter, and to date, we have:

10964 Active Apprentices  
 2602 Active Sponsors  
 425 Employers (being served through Group programs)

Additionally, we can pull some demographics, which I recently did for Sean McCusty's presentation to the Equity sub-committee of Virginia's Workforce Board.

9229 Men  
 1686 Women  
 622 Veterans  
 1931 African American  
 568 Hispanic  
 196 Asian

936 New Apprentices added since October 1, 2020 (start of the FY 21)  
 105 New Programs  
 396 Completions issued

We did share with all of you the link to the 2020 Virtual Outstanding Apprentice Awards and we hope you were able to enjoy that presentation.

**Department of Labor and Industry (DOLI):**

Commissioner Davenport reported the following:

The Commissioner complimented all our Department staff including our RA Directors and consultants who continue to adapt 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.

DOLI staff as a whole are continuing to stagger shifts and telework where possible to follow social distancing guidelines. We continue to encourage our staff to sign up individually for vaccinations. Our VOSH CSHOs are considered in the Group 1B. Our apprenticeship staff, Labor Law staff based on current guidance are not in the 1B group. We are having varying degrees of success depending on the local Health District covering the geographic area of our offices/staff. We need updated DHRM guidance regarding the return to work of staff when fully vaccinated?

Calendar year of 2020, VOSH investigated 56 fatalities. 31 of these fatalities were COVID-19 related exposure. This compares to 40 fatalities for calendar year 2019. The Safety and Health Codes Board, an oversight body established by the Virginia General Assembly to make rules and regulations governing workplace safety operations promulgated an Emergency Temporary Standard (ETS) to require employers to mitigate the COVID-19 virus. The ETS became effective July 15, 2020 and was in place for 6 months expiring January 26, 2021. A subsequent revised final permanent standard related to COVID-19 was adopted by the SHCB and became effective January 27, 2021. It should be noted that the Biden Administration has directed federal OSHA to determine whether or not an ETS is warranted for all workers nationwide. OSHA was expected to make it official as to whether or not they would issue an ETS this past Monday, March 15<sup>th</sup>. While there has been no official notification as yet there are press reports that OSHA has notified several business organizations that they plan to promulgate an ETS although there will be a short delay to get it right.

State plans such as Virginia will be ahead of the curve regarding the ETS. We will be required to have the SHCB meet and consider OSHA's ETS and the differences between our final revised standard and OSHA's ETS.

We are continuing to field many worker complaints around COVID-19 the ETS. It appears some of our citizens are tiring of the requirements. We are continuing to work collaboratively with VDH, ABC, Federal OSHA and other agencies in enforcement. As of March 8, 2021, our VOSH Program has handled 11,718 phone calls and investigated 1,800 COVID-19 complaints. 161 COVID-19 VOSH Inspections have been initiated and are ongoing.

Minimum Wage Training regulation has been approved by the Governor's office to move forward under emergency status. It has received preliminary approval from the OAG and the regulation is now posted on the Virginia Town Hall.

We continue to prepare for legislative changes created by the General Assembly. Minimum Wage will become effective May 1<sup>st</sup>. Prevailing wage will become effective May 1<sup>st</sup>. The new Virginia Overtime Wage Act will become effective July 1<sup>st</sup>. This requires our Payment of Wage staff to now also investigate claims that employees are not being paid appropriate overtime compensation under the federal Fair Labor Standards Act at a rate of one and one-half times the employee's regular rate of pay.

In addition, HB 2321 proposed by Delegate Simonds, Creates in the Governor's Cabinet the position of Secretary of Labor. The bill transfers from the Secretary of Commerce and Trade to the Secretary of Labor for the Department of Labor and Industry, the Department of Professional and Occupational Regulation

and the Virginia Employment Commission. This will officially be effective July 1<sup>st</sup>, however, we expect some of the duties will begin to be transferred to the Governor's Chief Workforce Advisor prior to July 1<sup>st</sup>.

In closing, I want to thank you for your service and support to Virginia's Apprenticeship Council and Registered Apprenticeship. I want to thank those who participated in the subcommittee dealing with license testing exemptions and for the discussion held today. We continue to live in challenging times. We also believe these times will present opportunities for RA going forward. We encourage all to continue to social distance, wash your hands frequently, wear a mask when in public and when it's your turn get vaccinated! Thank you and Mr. Chair that concludes my report.

**Virginia Apprenticeship Alumni Association (VAAA): N/A**

**ANNOUNCEMENTS:**

Chairman Harris announced that the next Council meeting will be Thursday, June 17, 2021.

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

The meeting adjourned at 11:30 am.

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**Mr. Dudley Harris, Chairman**

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**Mr. C. Ray Davenport, Secretary**