

**BOARD FOR CONTRACTORS COMMITTEE  
MEETING MINUTES**

The Board for Contractors Committee met on Tuesday, March 9, 2021 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Michael Redifer  
Donald Groh  
E.G. Rudy Middleton  
Jeffrey Hux  
Shawn Mitchell  
Deborah Tomlin  
John O'Dell

The following DPOR staff members were present for all or part of the meeting:

Eric Olson, Executive Director  
Adrienne Mayo, Board Administrator  
Mary Charity, Licensing Supervisor  
Stephanie Keuther, Administrative Assistant

Approved

Chairman, Redifer called the March 9, 2021 Board for Contractors Committee Meeting to order at 8:09A.M.

Call To Order

Mr. Middleton made a motion seconded by Mr. Mitchell to adopt the Agenda of March 9, 2021.

Approval of Agenda

The motion was approved with a vote of 7-0-0. Ayes: Hux, Redifer, Mitchell, Groh, Middleton, O'Dell, and Tomlin. Nays: None Abstain: None Absent: None

Mr. Middleton made a motion seconded by Mr. Hux to approve the Minutes of December 15, 2020 Board for Contractors Committee Meeting as presented.

Minutes

The motion was approved with a vote of 7-0-0. Ayes: Hux, Redifer, Mitchell, Groh, Middleton, O'Dell, and Tomlin. Nays: None Abstain: None Absent: None

Chairman, Redifer opened the Public Comment section of the meeting. With no one wishing to come forward Chairman, Redifer closed the Public Comment section of the meeting.

Public Comment

**New Business**

New Business

Adrienne Mayo, Regulatory Board Administrator addressed the Board:

Education Provider Applications

Applications for proposed education providers and courses were reviewed and the Committee's recommendations are as follows:

Education Provider Applications

Mrs. Mayo shared that staff recommends approval for **Blue Rock Station LLC** – 2 classroom/online (blended courses) for Electrical Vocational education and 2 classroom/online (blended courses) for Electrical continuing education – NEW PROVIDER

**Blue Rock Station LLC**

Mr. Hux made a motion seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 7-0-0. Ayes: Hux, Redifer, Mitchell, Groh, Middleton, O'Dell, and Tomlin. Nays: None Abstain: None Absent: None

Mrs. Mayo shared that staff recommends approval for **Elevator Safety & Technical Services** – 1 classroom and 1 virtual Certified Elevator Mechanic Continuing Education Class

**Elevator Safety & Technical Services**

Mr. Middleton made a motion seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 7-0-0. Ayes: Hux, Redifer, Mitchell, Groh, Middleton, O'Dell, and Tomlin. Nays: None Abstain: None Absent: None

Mrs. Mayo shared that staff recommends approval for **NAESA International** – 1 classroom Certified Elevator Mechanic Continuing Education Class

**NAESA International**

**Mr. Hux made a motion seconded by Mr. Middleton** for approval.

**The motion was approved with a vote of 7-0-0. Ayes:** Hux, Redifer, Mitchell, Groh, Middleton, O'Dell, and Tomlin. **Nays:** None **Abstain:** None **Absent:** None

Mrs. Mayo shared that staff recommends approval for **Virginia Technical Institute** – 1 classroom Vocational Certified Backflow Device Prevention Device worker course.

**Virginia Technical Institute**

**Mr. Middleton made a motion seconded by Mr. Groh** for approval.

**The motion was approved with a vote of 7-0-0. Ayes:** Hux, Redifer, Mitchell, Groh, Middleton, O'Dell, and Tomlin. **Nays:** None **Abstain:** None **Absent:** None

#### **Appoint Damage Prevention Advisory Committee Member**

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Eric Olson, Executive Director, updated the Committee that the Damage Prevention Advisory Committee Member is up for reappointment. Mr. Olson recommended that a Board for Contractors Board Administrator be appointed to the Damage Prevention Advisory Committee due to low Board Member attendance at its meetings.

#### **PMPV Letter**

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Eric Olson Executive Director informed the Committee of a letter received from Virginia Plumbing-Heating-Cooling Contractors Association (PHCC). The letter expressed concerns over the Boards interpretation of regulations regarding contracts, and when routine maintenance would be considered contracting, and require a contract. Mr. Olson reviewed with the Committee the definition of a Contractor and Routine Maintenance. The question of when a contract is required has been brought up on disciplinary cases that have been brought to the Board previously. The Committee noted that there is one such case on the docket for the next board meeting.

The Board reviewed the following definitions from the Board for Contractors Regulations and the Board for Contractors Policy Guidance Document:

"Prime contractor" means a licensed contractor that performs, supervises, or manages the construction, removal, repair, or improvement of real property pursuant to the terms of a primary contract with the property owner/lessee. The prime contractor may use its own employees to perform the work or use the services of other properly licensed contractors.

"Routine Maintenance" The definition of "routine maintenance" as used in the Board for Contractors Regulations means: "Recurring, preventative, and on-going activity necessary to delay or prevent the failure of a building, equipment, machinery, plant, or system, against normal wear and tear and is generally set by the manufacturer, the USBC, or by generally accepted practices within the industry."

After discussion, the Committee choose wait until the next meeting on April 20, 2021, after the Board has ruled on contract cases, to determine if the definitions should be left as is or if they should be amended based on the concerns brought up by PHCC.

### Temp Agency Staffing

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Eric Olson, Executive Director informed the Committee that the Board for Contractors has received several inquiries from individuals and businesses regarding the licensing requirements for companies that provide temporary workers in the construction and trade industries. While many of these companies only supply unskilled laborers that limit their activity to work that would not be considered contracting, such as clean-up and unloading of supplies, some provide skilled labor such as carpenters, drywall installers, and painters; with some actually providing licensed tradesmen. Given the current focus on employee misclassification, the Committee wants to obtain a better understanding of the responsibilities of employers in hiring "contract" help and differentiating between when an employee can be a contract temp or must be a bonafide employee.

After much discussion, the Committee directed staff to consult with the Virginia Department of Taxation to arrange a meeting or training to help the Committee and the Board to have a better understanding of the misclassification issue and how to identify instances where misclassification may have occurred.

### Maryland Tradesman Locality Exams

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Eric Olson, Executive Director, informed the Committee that the licensing staff are receiving verification forms from the Maryland DLLR that indicate that individuals that have taken the PSI trade exam through individual counties are being identified as having received their license through reciprocity, which makes them ineligible to use the current licensing agreement. Staff can contact DLLR and receive verbal verification that the local examination has been successfully completed, but it will not be noted on the license verification form. Staff recommends that the Committee endorse a procedure where licensing staff may contact DLLR to verify that a tradesman candidate has taken a locality exam through PSI and that the examination be acceptable towards obtaining the Virginia tradesman license.

**After discussion, Mr. Middleton made a motion seconded by Mr. Groh** the Board affirms individuals who hold a Maryland electrical or HVA tradesman License are exempted from the Virginia tradesman examination under the current agreement with Maryland.

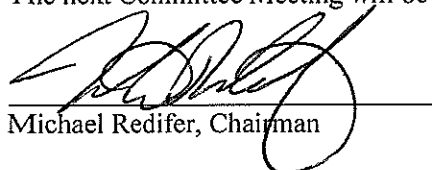
**The motion was approved with a vote of 7-0-0. Ayes:** Hux, Redifer, Mitchell, Groh, Middleton, O'Dell, and Tomlin. **Nays:** None **Abstain:** None **Absent:** None

### Adjournment

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**Chairman, Redifer** thanked the Committee and Staff and adjourned the Committee Meeting at 9:22 A.M.

The next Committee Meeting will be **April 20, 2021**

  
Michael Redifer, Chairman

4-20-21  
Date