

**BOARD FOR CONTRACTORS REGULATORY
WORKGROUP MINUTES**

The Board for Contractors Regulatory Workgroup met on Monday, October 24, 2022, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Wiley "Bif" Johnson, Vice Chairman
Donald Groh, Board Member
Deborah Tomlin, Board Member
Doug Lowe, Board Member
Kyler Hedrick, AGC
Craig Toalson, HBVA

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

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Steve Kirschner, Deputy Director
Eric Olson, Executive Director
Marjorie King, Board Administrator
Stephanie Keuther, Administrative Coordinator

APPROVED

Mr. Olson called the October 24, 2022, Board for Contractors Regulatory Workgroup Meeting to order at 10:13 A.M.

Call To Order

Mr. Johnson made a motion seconded by Mr. Groh to adopt the Agenda of October 24, 2022.

Approval of
Agenda

The motion was approved with a vote of 6-0-0. Ayes: Johnson, Groh, Tomlin, Lowe, Hedrick, and Kerner. Nays: None Abstain: None Absent: None

Mr. Olson opened the Public Comment section of the meeting.

Public Comment

Richard Gordon, Virginia Building and Code Officials Association – commend the board on your recent announcement that all regulations will now be available in Spanish as well as English. We have an exceptional group of workers for whom Spanish is their first language and having regulations and technical references available in your native tongue can be beneficial, even for those that have since become bilingual. As a side note, the International Code Council now publishes all reference standards in both Spanish and English, and we in the code enforcement community have found this beneficial as well.

Second, I would like to discuss two changes made at the August 2nd meeting. First is the reduction in years of experience for tradesmen from four years to two. While I recognize that the time required to develop adequate knowledge varies widely from person to person, I am concerned that we are diluting the collective expertise of our tradesmen by reducing this requirement. Mentorship has always been a basic tenant of the trades, and as technology and construction techniques continue to evolve, guidance from experienced tradesmen becomes more critical, not less.

Part of the rationale for this change is a lack of licensed tradesmen. When I first began my career in code enforcement, I was inspecting a large, 5 story, wood framed apartment building. The structure had just started going vertical when I visited the site, and the superintendent was describing to me what I would see in the coming weeks. He said, "We will have it under roof in about 2 ½ weeks." That seemed exceptionally fast, but he said "Our 60 blow-out framers can do each floor in about 3 days. After that, we will send in three or four good carpenters to fix everything they screwed up. That will take them a couple months." I asked if he was having trouble getting skilled labor and he said no that this method was just faster and cheaper. "Why pay 20 skilled carpenters when you can pay 60 laborers minimum wage?" he said. About three weeks later, I visited the site for a framing inspection. Due to the condition of the framing, this is one of the few structures I have ever had to placard as unsafe while it was still under construction.

Although carpenters are not licensed tradesmen, we have seen this story play out countless times since with plumbing, mechanical and gas contractors. In order to stay competitive, companies are forced to send one licensed tradesman to the job as the foreman and have laborers perform all the work. I am concerned that the net result of this change will be a less-experienced jobsite foreman, as well as lower pay for a diluted workforce of licensed tradesmen.

The second change I would like to discuss is the elimination of continuing education requirements for tradesmen. Although the argument can be made that reducing years of experience opens new paths for licensure, that justification does not work for continuing education. Historically, code officials have looked at the continuing education requirement as an opportunity to provide building code update training to contractors and keep an open dialogue with our customers. Many localities provided training at low or no cost, and the time investment by tradesmen in attending the training paid off with fewer failed inspections and greater compliance with the code. By eliminating this requirement, the board has made it more challenging for code officials to have a productive dialogue

with contractors, the same discussions will be had piecemeal, and probably occur after a failed inspection. Although code officials will likely continue to provide this service, a lack of attendance will limit its effectiveness.

Lou Spencer, UA Local 5 Plumbers and Gasfitters, and VA BCTC

Dear Marjorie King and Eric Olson, and the Board for Contractors:

On behalf of our 1,800 members of United Association Local Union No. 5 -- Plumbers and Gasfitters and our sixty plus signatory contractors, many residing and or operating in northern Virginia, we are opposed to the recent proposed recommendations by the Workgroup (acting in accordance with Executive Directive One). That said, we take this opportunity to offer a few suggestions as well.

We are opposed to the amending of the Individual eligibility requirements thereby reducing the required years of experience and / or vocational training needed to obtain approval to sit for an examination for these professions at the Journeyman (or Master) level: electrical, plumbing, heating, ventilation and cooling, gas fitter, liquefied petroleum gas fitter, and natural gas fitter.

We are in favor of keeping current fees for the examination, the original license, and renewal at the current costs or if deemed possible, lowering these fees by 25% or more. Reinstatement fees should be kept as they are or raised.

We are opposed to exempting all individuals who have successfully completed an apprenticeship program approved by the U.S. Department of Labor or the Virginia Department of Labor and Industry from the requirement to sit for the applicable examination to obtain a journeyman license issued by the Board.

We are in favor of allowing applicants extra credit for time spent in concentrated and documented related training provided by an apprenticeship program approved by the U.S. Department of Labor or the Virginia Department of Labor and Industry. It is our understanding that one or more neighboring jurisdictions give as much as 1-1/2 times credit for applicants' hours spent in related training provided by approved apprenticeship programs, this extra credit advances individuals

timely access to license examination and places emphasis on focused, trade related, shop and classroom training.

We are opposed to eliminating continuing education for the tradesmen in the electrical, plumbing, heating ventilation and cooling, gas fitter, liquefied petroleum gas fitter, and natural gas fitter trades.

Rather, we suggest the continuing education program be bolstered to be more effective, robust, and meaningful.

Moreover, what is most needed, for the cause of advancing free enterprise and promoting legitimate contractor employers and their tradesmen employees, and the general melioration of the state of the industry; is the enforcement of existing Contractor Regulations, Tradesmen Regulations, and Tax Law. The Commonwealth of Virginia has a fundamental problem with illegitimate unlicensed contractors who hire undocumented, unlicensed workers for the sole purpose of oppressing and misclassifying these actual employees as independent contractors thereby evading tradesmen regulations, contractors' regulations, payroll taxes and workers compensation; and in doing so, they undermine state and local treasuries, and undermine legitimate, compliant contracting businesses. It is time for the regulated community to come together and work with all Virginia agencies to fight this profoundly serious matter.

We support the periodic review of regulations, for the purpose of ensuring liberty, and economic development. We are eager to assist the Board, Governor Youngkin, and Secretary Slater in our joint effort to move Virginia forward – to create great careers, promote the building trades and apprenticeships, while continuing to protect the commonweal in the Commonwealth.

Sincerely,

UA Local Union #5 Plumbers & Gasfitters

With no one else wishing to come forward Mr. Olson closed the Public Comment section of the meeting.

New Business

Review of the Board for Contractors Regulations

Eric Olson, Executive Director informed the Workgroup in accordance with Executive Directive One and current statutory requirements, the Workgroup will review a line-by-line review of the Contractors Regulations to determine if they currently meet those requirements or should be amended or removed.

New Business

Regulatory Review

Review of the Contractor Regulations

Recess

Recess

Mr. Olson called a recess to the meeting at 12:00 P.M.
Mr. Olson called the meeting back to order at 12:30 P.M.

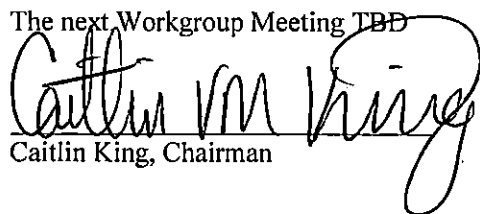
The Workgroup continued the line-by-line review of the Contractors Regulations. No action was taken at this time.

Adjournment

Adjournment

Mr. Olson thanked the Workgroup and Staff and adjourned the Workgroup Meeting at 2:57 P.M.

The next Workgroup Meeting TBD


Caitlin King, Chairman

12/6/2022
Date

APPROVED