Minutes / Notes

1. Committee Membership
   a. Call to order and confirm quorum
      i. Liza called the meeting to order at 1:32pm. Quorum was present.

2. Committee Business
   a. Approval of minutes for November
      i. Minutes for November were approved.
   b. January 2 meeting will be cancelled – there are no items for discussion or consideration

3. Report of the Chair
   a. Congratulations to Ted Faulkner on his retirement and for his service to VT and the CDC
   b. Dining Services has offered a behind the scenes tour of their facilities/operations in the spring
   c. Future Capital projects – design funding received for VT School of Medicine and Center Woods

4. Wage Theft Discussion
   a. Introduction – the discussion topic was requested by committee member Dan Folescu along with a request to invite Riley DeHority to speak to the committee on the topic
   b. Mary Helmick, AVP for Finance and Director of Procurement, and Adam Smith, Associate Director of Capital Construction Procurement, invited by the Chair to co-present on the topic
      i. Definitions, forms of theft, consequences, Virginia laws, Owners (VT) responsibilities, ICAB case study and efforts
ii. Discussion/Questions

1. Dan – USLB subcontractor Manganaro had in the past had a lawsuit in 2017 over this issue (Civil Case No 2018 CA 005406 B). Adam will need to research that specific sub to see if there are any issues.

2. Riley – described personal experience with wage theft issue while employed at a local bookstore. Had heard there are issues at USLB with Labor Brokers. Can we require labor standards for all contractors involved in projects on campus?
   a. Mary Helmick has been involved with putting forth the expectation of a firm commitment to thwart wage theft (it is contractual with us). The challenge is getting into the weeds and understanding the payroll records of the subs. The onus is on the GC or CM. The approach with WT is a best practice and may be duplicated on other major capital projects such as SLV.

3. Soghomonian – are there financial penalties for contractors? Can the state laws be changed to address the penalties?
   a. Adam – not getting future work in the state or on campus can be a significant penalty for contractors
   b. Mary – every year we see new addendums and add-ons to the existing legislation for more accountability

4. Riley – Are we (VT) filing reports with the state when we come across these issues to try and ensure that a contractor would not be able to work here again?
   a. Mary and Adam commented that we can file for enjoinment or disbarment. Adam stated that there is very little chance that we would select a firm with wage theft concerns over other firms that do not have known issues of wage theft

5. In the interest of time management, Liza suggested that the conversation advance to the next agenda item, a design review for LHSACC priority 2. Member Folescu indicated a desire to continue the current conversation, which was agreeable to the guests and members, and the design review item be deferred until the next scheduled meeting, slated for February.

6. Dan – for the ICAB standards, were the labor standards in the contract with WT? Mary – yes, this was incorporated in the final contract. Dan – is this VT policy now? Mary – no, it is not policy but it is part of our procedure to discuss the contractor’s approach to preventing wage theft prior to award. Dan – these are very robust would we incorporate them into all future contracts. Mary – having a third-party audit to look at wages and wage theft is very costly and would need to be a part of our consideration.

7. Chair reminded membership of the charge of the committee, and that policy change regarding procurement is not within the charge. Suggested that committee members work within their appointing organization to sponsor policy changes, if that is desired.

5. Discussion
   a. Motion by Dan Folescu to not cancel the 1/2/24 meeting and continue the wage theft discussion then
      5 IN FAVOR
      5 OPPOSED
      1 abstain
6. **Adjournment**
   a. Membership needed to adjourn due to time. There being no further business or questions, the meeting adjourned at 2:35 pm.
CAMPUS DEVELOPMENT COMMITTEE
UNIVERSITY COUNCIL CABINET

December 5, 2023
AGENDA
AGENDA

1. Committee Membership
2. Committee Business
3. Report of the Chair
4. Construction Wages/Overtime Overview
5. Capital Project Spotlight
6. Open Discussion
MEMBERSHIP
<table>
<thead>
<tr>
<th>Membership Division</th>
<th>Role</th>
<th>Name and Title</th>
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</thead>
<tbody>
<tr>
<td>Campus Planning, Infrastructure, and Facilities</td>
<td>Chairperson</td>
<td>Liza Morris, AVP for Planning and University Architect</td>
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<tr>
<td></td>
<td>Ex officio</td>
<td>Wendy Halsey, AVP for Facilities Operations</td>
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<td>Campus Planning, Infrastructure, and Facilities</td>
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<tr>
<td>College of Architecture, Arts, and Design</td>
<td>Ex officio</td>
<td>Lu Liu, Dean</td>
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<td>College of Architecture, Arts, and Design</td>
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<tr>
<td>Commission on Equal Opportunity and Diversity</td>
<td>1-year term, 2023</td>
<td>Vacant</td>
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<tr>
<td>Council of College Deans</td>
<td>2-year term, 2024</td>
<td>Laura Belmonte, Dean</td>
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<td>College of Liberal Arts and Human Sciences</td>
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<td>Director of ADA and Accessibility Services</td>
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<td>Pam Vickers, Director of ADA and Accessibility Services</td>
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<td>Office for Equity and Accessibility</td>
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<tr>
<td>Executive Vice President and Provost</td>
<td>3-year term, 2025</td>
<td>Van Coble, Assistant Provost</td>
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<td>Academic Resource Management</td>
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<tr>
<td>Faculty Senate (Administrative and Professional)</td>
<td>3-year term, 2025</td>
<td>Ed Olsen, Extension Agent</td>
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<td>Henrico Cooperative Extension</td>
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## MEMBERSHIP

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<th>Committee</th>
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<th>Name</th>
<th>Department/Position</th>
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<tr>
<td>Faculty Senate</td>
<td>3-year term, 2024</td>
<td>Brett Jones, Professor</td>
<td>School of Education</td>
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<td>Faculty Senate</td>
<td>3-year term, 2026</td>
<td>Harold McKenzie, Associate Professor</td>
<td>Large Animal Clinical Sciences</td>
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<td>Vicki Soghomonian, Associate Professor</td>
<td>Physics</td>
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<td>Graduate and Professional Student Senate</td>
<td>1-year term, 2024</td>
<td>Dan Folescu</td>
<td>Mathematics</td>
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<tr>
<td>Parking and Transportation</td>
<td>Ex officio</td>
<td>Carrie Cox</td>
<td>Interim Senior Director of Transportation Services</td>
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<tr>
<td>Staff Senate</td>
<td>3-year term, 2026</td>
<td>Alene Harris, Assistant Director</td>
<td>Risk Management</td>
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<td>Undergraduate Student Senate</td>
<td>1-year term, 2024</td>
<td>Nick Brians</td>
<td>Entrepreneurship, Innovation &amp; Technology Management</td>
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<tr>
<td>Vice President for Student Affairs</td>
<td>3-year term, 2024</td>
<td>Ted Faulkner, Assistant Vice President</td>
<td>Housing, Dining, and Student Centers</td>
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COMMITTEE BUSINESS
1. Approval of November 2023 minutes

2. January 2, 2024 meeting
REPORT OF THE CHAIR
AY 2023 – 2024 TOPICS

OCTOBER 3
- Campus Development Process Overview
- Capital Projects Summary

NOVEMBER 7
- Capital Project Spotlight – Randolph Hall Demolition, Hancock Hall Partial Demolition, Green Links, and Mitchell Hall

DECEMBER 5
- Panel discussion on construction and wages
- Capital Project Spotlight – LHSACC Priority 2 Green Link

FEBRUARY 6
- Open

MARCH 5
- Open

APRIL 2
- Committee Tour

JANUARY 2
- Open
CONTRACTOR WAGES/OVERTIME OVERVIEW
WAGE THEFT IN CONSTRUCTION INDUSTRY

Mary Helmick, Assistant Vice President of Finance and Director of Procurement
Adam C. Smith, Associate Director of Procurement – Construction
What is wage theft?
Wage theft is: Unlawful withholding of rightful wages or benefits from workers by their employers.
Forms of Wage Theft:

- Paying less than the minimum wage
- Failure to pay overtime wage
- Asking/requiring off-the-clock work
- Denying employees legally required meal breaks
- Illegal deductions from pay
- Tipping wage violations such as confiscating tips or not paying tips
- Employee misclassification violations

  This includes actions like misclassifying an employee as an independent contractor (to avoid paying overtime or fringe benefits)
Consequences of Wage Theft

- Undermines the integrity of the labor market.
- Financial hardship.
- Impact on health and well-being of employees
- Undermining of workers’ rights.
- Reduced morale, productivity and quality of workmanship.
- Negative impact on families.
Virginia Laws Regarding Wage Theft

If the court finds that the employer knowingly failed to pay wages to an employee in accordance with Va. Code Ann. § 40.1-29, the court shall award the employee an amount equal to triple the amount of wages due and reasonable attorney fees and costs.
A general contractor shall be deemed to be the employer of a subcontractor's employees at any tier for purposes of § 40.1-29. If the wages due to the subcontractor's employees under the terms of the employment agreement between a subcontractor and its employees are not paid, the general contractor shall be subject to all penalties, criminal and civil, to which an employer that fails or refuses to pay wages is subject under § 40.1-29.
Owner’s responsibilities ..... Virginia Tech

- Due diligence in general contractor selection
- Require certification and prequalification of subcontractors
- Monitor compliance throughout the project by required reporting by general contractor
- Monitor local market for prior non-compliance or legal findings against GC’s and Subcontracting Firms
Case Study: VT Innovation Campus (ICAB)

- Interviews with prospective GC’s
- Commitment in writing of a plan by the awarded GC.
- Third Party Auditing of Subcontractor’s Payroll Records
- Monthly Report back to VT
- Requirement to follow up with solutions on any potential problems.
Questions/Discussion
5

CAPITAL PROJECT SPOTLIGHT
LHSACC Priority 2 - Green Link
SCOPE
LHSACC - PRIORITY 2 (GREENLINK)

DELIVERY METHOD
DESIGN BID BUILD

TOTAL PROJECT BUDGET
$3,900,000* FOR PRIORITY 2

DESIGN PHASE
WORKING DRAWINGS

ESTIMATED CONSTRUCTION START
LATE FALL 2023

ESTIMATED CONSTRUCTION COMPLETION
LATE FALL 2024

* Total project budget of $10.4M includes priority 1, 2, and 3 accessibility projects
IMAGES - VIEW B

PROPOSED

EXISTING

/ LHSACC - PRIORITY 2