

Campus Development Committee

2023-2024

Meeting Date: December 5, 2023

Location: Zoom

Time: 1:30

Membership and Attendance			
	Present	Absent w/ notice	Absent w/o notice
Liza Morris, Chair	x		
Laura Belmonte		x	
Nick Brians	x		
Van Coble	x		
Carrie Cox	x		
Ted Faulkner	x		
Dan Folescu	x		
Wendy Halsey			x
Alene Harris		x	
Brett Jones	x		
Tsai Lu Liu	x		
Harold McKenzie	x		
Ed Olsen	x		
Vicki Soghomonian	x		
Pam Vickers	x		
Guest(s):			
Jeff Orzolek	x		
Mary Helmick	x		
Adam Smith	x		
Riley DeHority	x		

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 injunction 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

The background of the slide features a photograph of a stone building, possibly a university hall, with a wooden door and windows. The scene is partially obscured by vibrant autumn leaves in shades of yellow, orange, and red, which are in sharp focus in the foreground. A white rectangular box is centered over the image, containing the title and a small orange icon.

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AGENDA

A G E N D A

1. Committee Membership
2. Committee Business
3. Report of the Chair
4. Construction Wages/Overtime Overview
5. Capital Project Spotlight
6. Open Discussion



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MEMBERSHIP

MEMBERSHIP

Campus Planning, Infrastructure, and Facilities	Chairperson	Liza Morris, AVP for Planning and University Architect Campus Planning, Infrastructure, and Facilities
Campus Planning, Infrastructure, and Facilities	Ex officio	Wendy Halsey, AVP for Facilities Operations Campus Planning, Infrastructure, and Facilities
College of Architecture, Arts, and Design	Ex officio	Lu Liu, Dean College of Architecture, Arts, and Design
Commission on Equal Opportunity and Diversity	1-year term, 2023	Vacant
Council of College Deans	2-year term, 2024	Laura Belmonte, Dean College of Liberal Arts and Human Sciences
Director of ADA and Accessibility Services	Ex officio	Pam Vickers, Director of ADA and Accessibility Services Office for Equity and Accessibility
Executive Vice President and Provost	3-year term, 2025	Van Coble, Assistant Provost Academic Resource Management
Faculty Senate (Administrative and Professional)	3-year term, 2025	Ed Olsen, Extension Agent Henrico Cooperative Extension

MEMBERSHIP

Faculty Senate	3-year term, 2024	Brett Jones, Professor School of Education
Faculty Senate	3-year term, 2026	Harold McKenzie, Associate Professor Large Animal Clinical Sciences
Faculty Senate	3-year term, 2024	Vicki Soghomonian, Associate Professor Physics
Graduate and Professional Student Senate	1-year term, 2024	Dan Folescu Mathematics
Parking and Transportation	Ex officio	Carrie Cox Interim Senior Director of Transportation Services
Staff Senate	3-year term, 2026	Alene Harris, Assistant Director Risk Management
Undergraduate Student Senate	1-year term, 2024	Nick Brians Entrepreneurship, Innovation & Technology Management
Vice President for Student Affairs	3-year term, 2024	Ted Faulkner, Assistant Vice President Housing, Dining, and Student Centers



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COMMITTEE BUSINESS

COMMITTEE BUSINESS

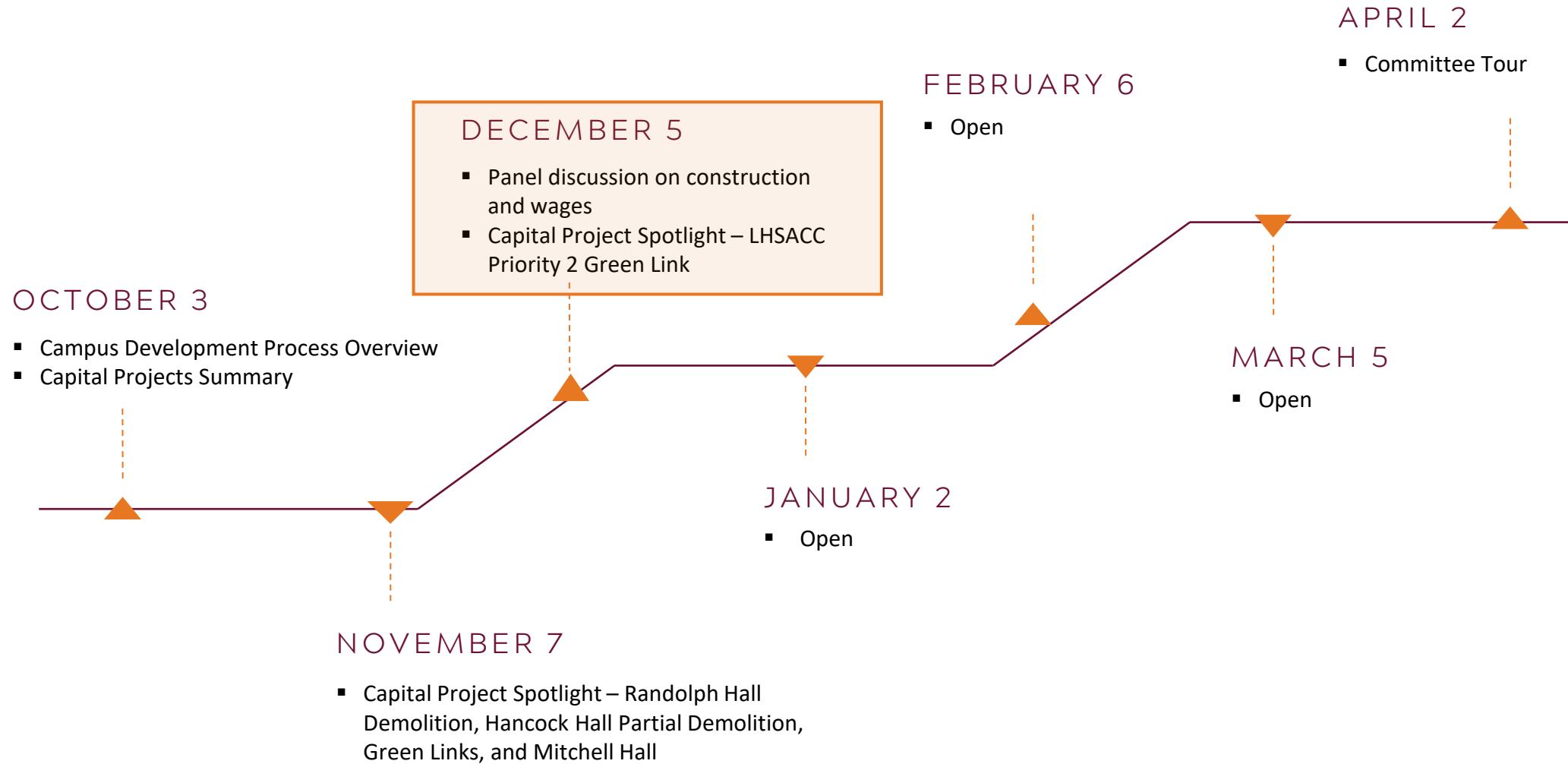
1. Approval of November 2023 minutes
2. January 2, 2024 meeting

3

REPORT OF THE CHAIR



AY 2023 – 2024 TOPICS



The background is a close-up photograph of a stone wall. The stones are dark grey and blue-grey, with some lighter, yellowish-brown patches. The mortar is a light tan color. A white rectangular box is overlaid on the center of the image, containing the number '4' and the title 'CONTRACTOR WAGES/OVERTIME OVERVIEW'.

4

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.

Virginia Laws Regarding Wage Theft

- 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

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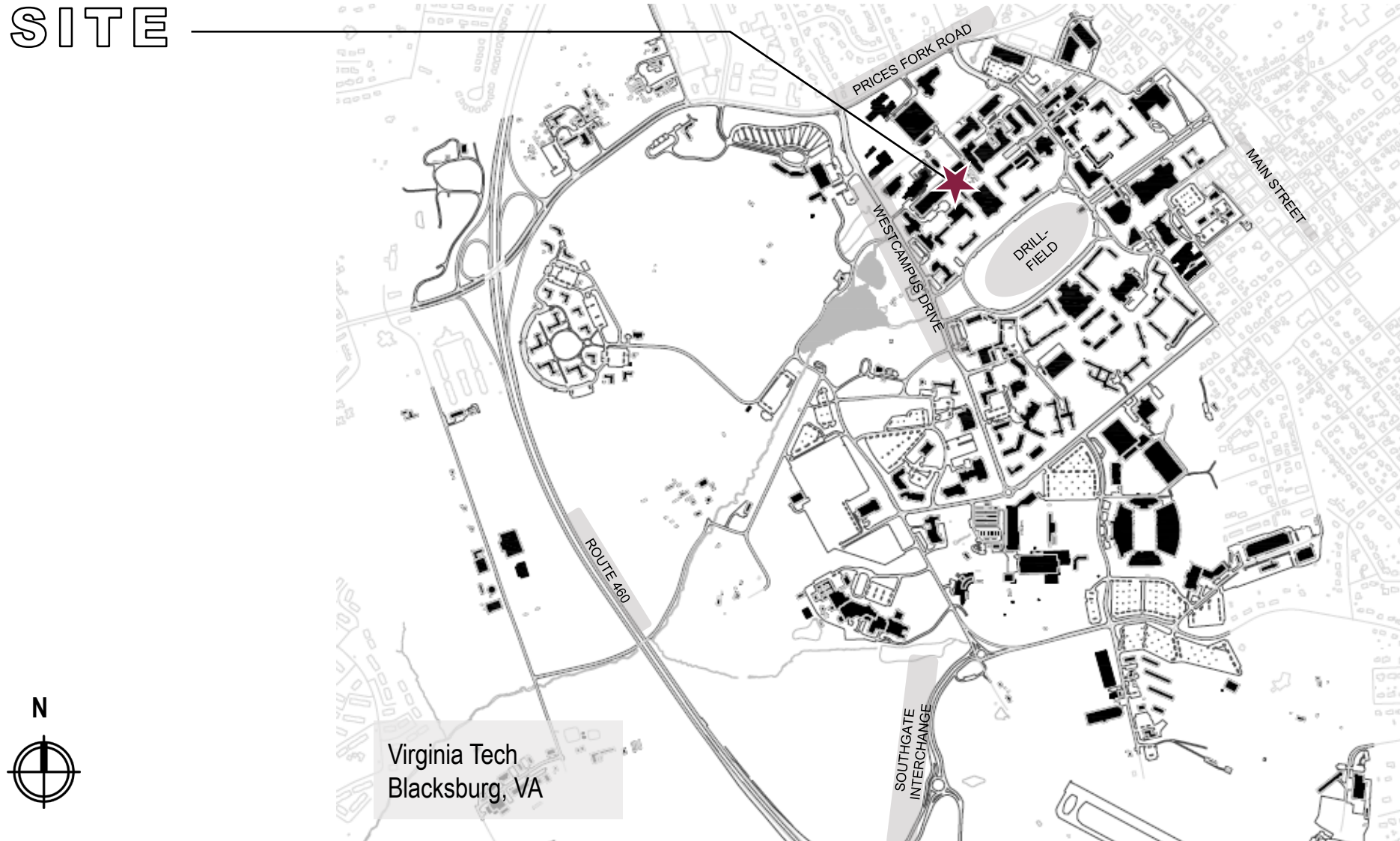
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CAPITAL PROJECT SPOTLIGHT

LHSACC Priority 2 - Green Link

PROJECT LOCATION

SITE



PROJECT INFORMATION

SCOPE **LHSACC - PRIORITY 2 (GREENLINK)**

DELIVERY METHOD **DESIGN BID BUILD**

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

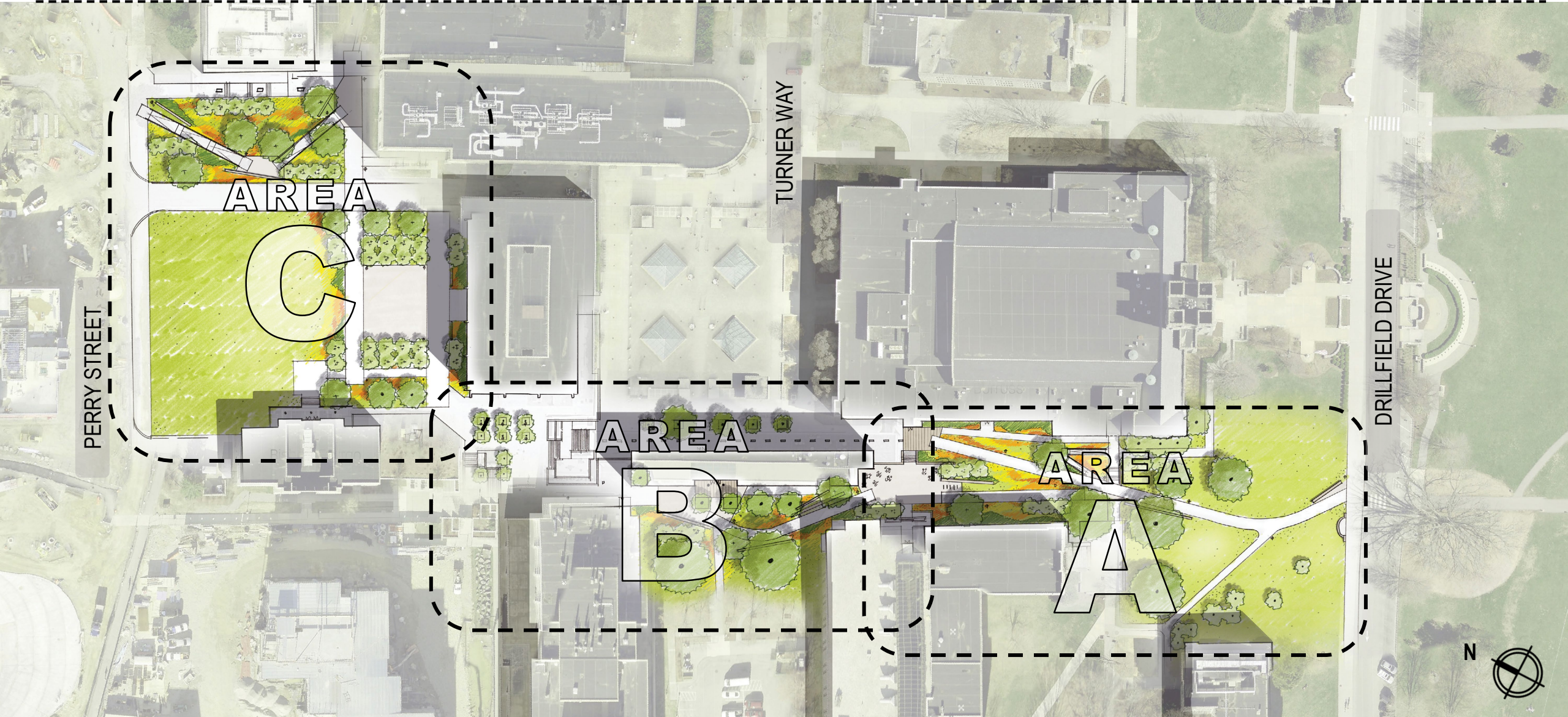
DESIGN PHASE **WORKING DRAWINGS**

ESTIMATED CONSTRUCTION START **LATE FALL 2023**

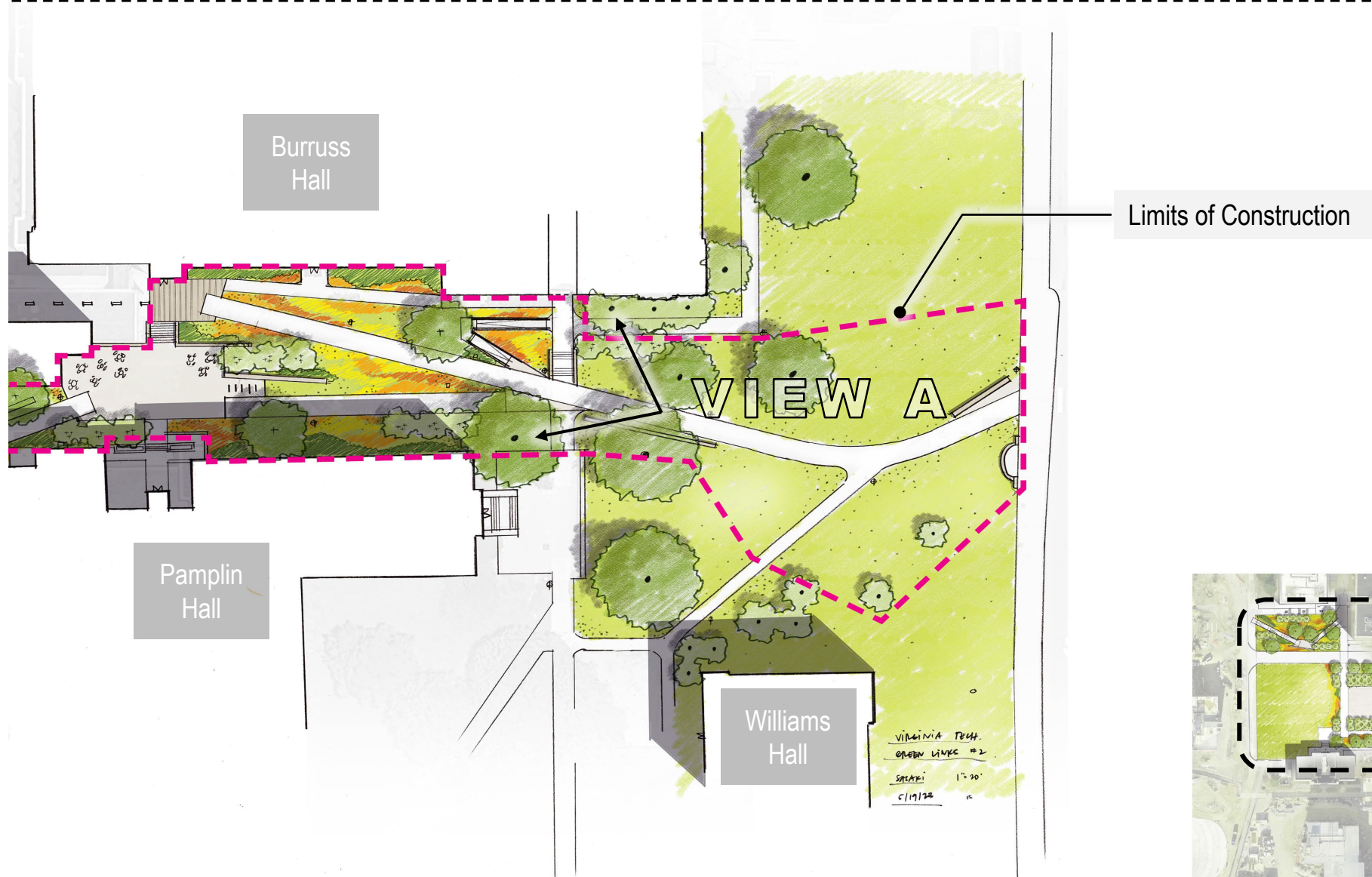
ESTIMATED CONSTRUCTION COMPLETION **LATE FALL 2024**

* Total project budget of \$10.4M includes priority 1, 2, and 3 accessibility projects

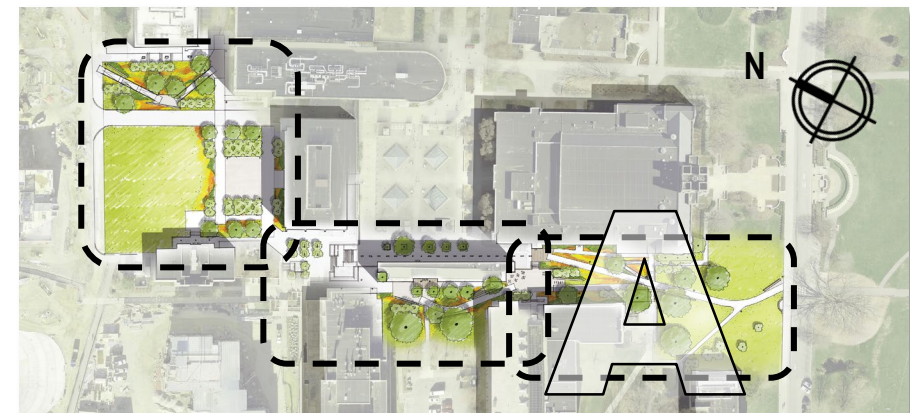
SITE PLAN - OVERALL



SITE PLAN - AREA A



KEY PLAN



IMAGES – VIEW A

PROPOSED

Pamplin Hall

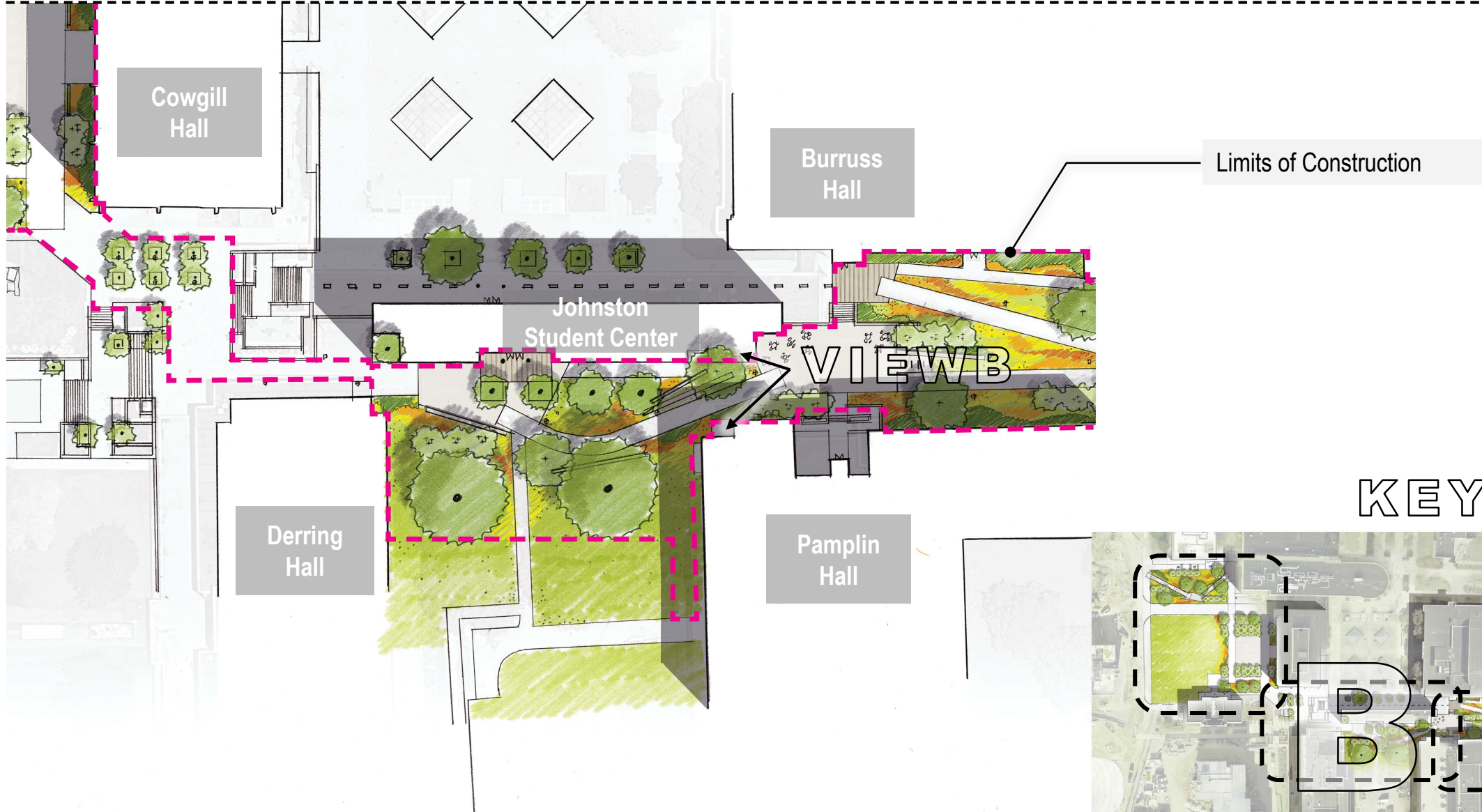
Johnston
Student
Center

Burruss Hall

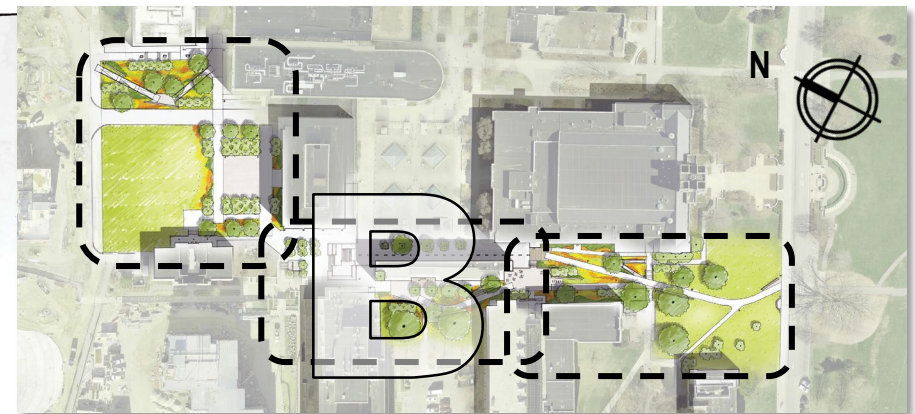
EXISTING



SITE PLAN - AREA B

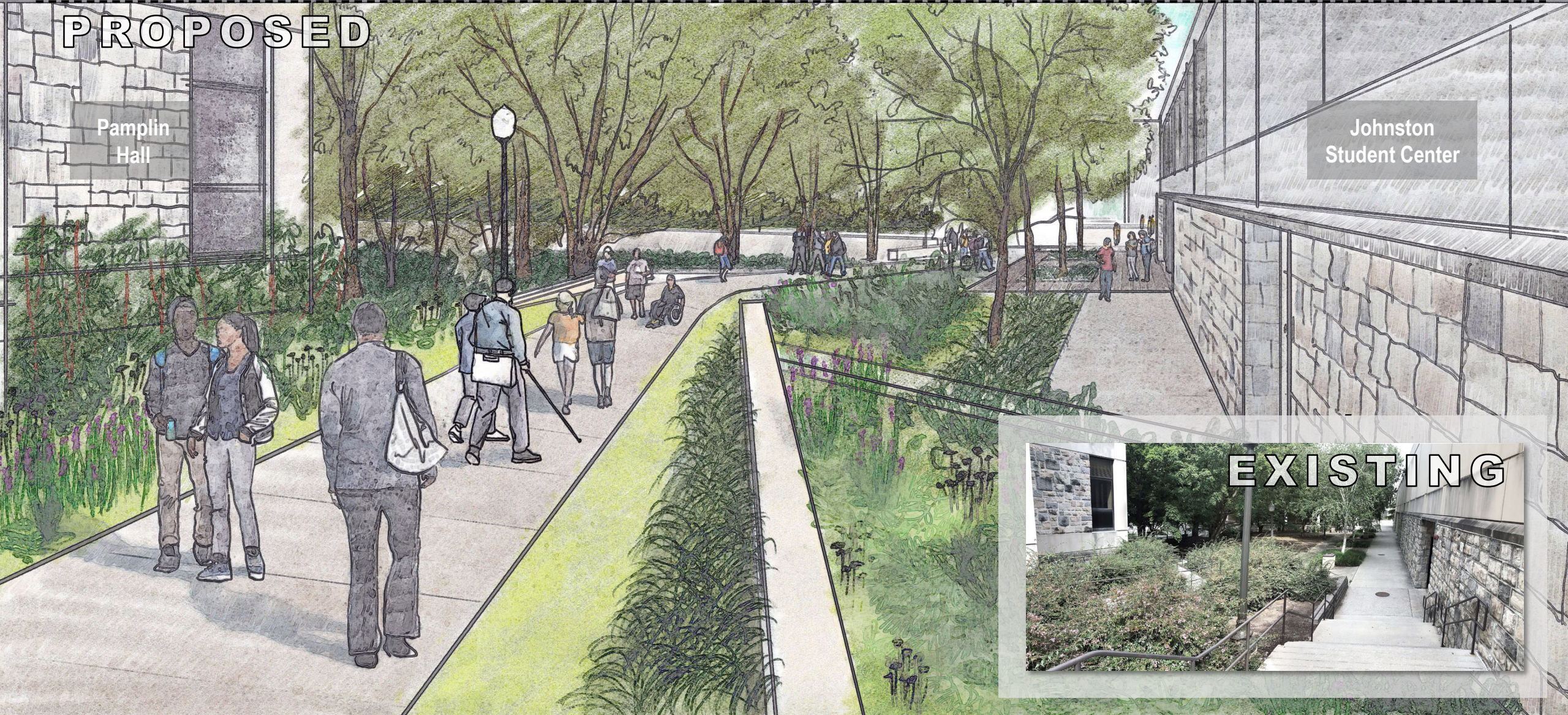


KEY PLAN



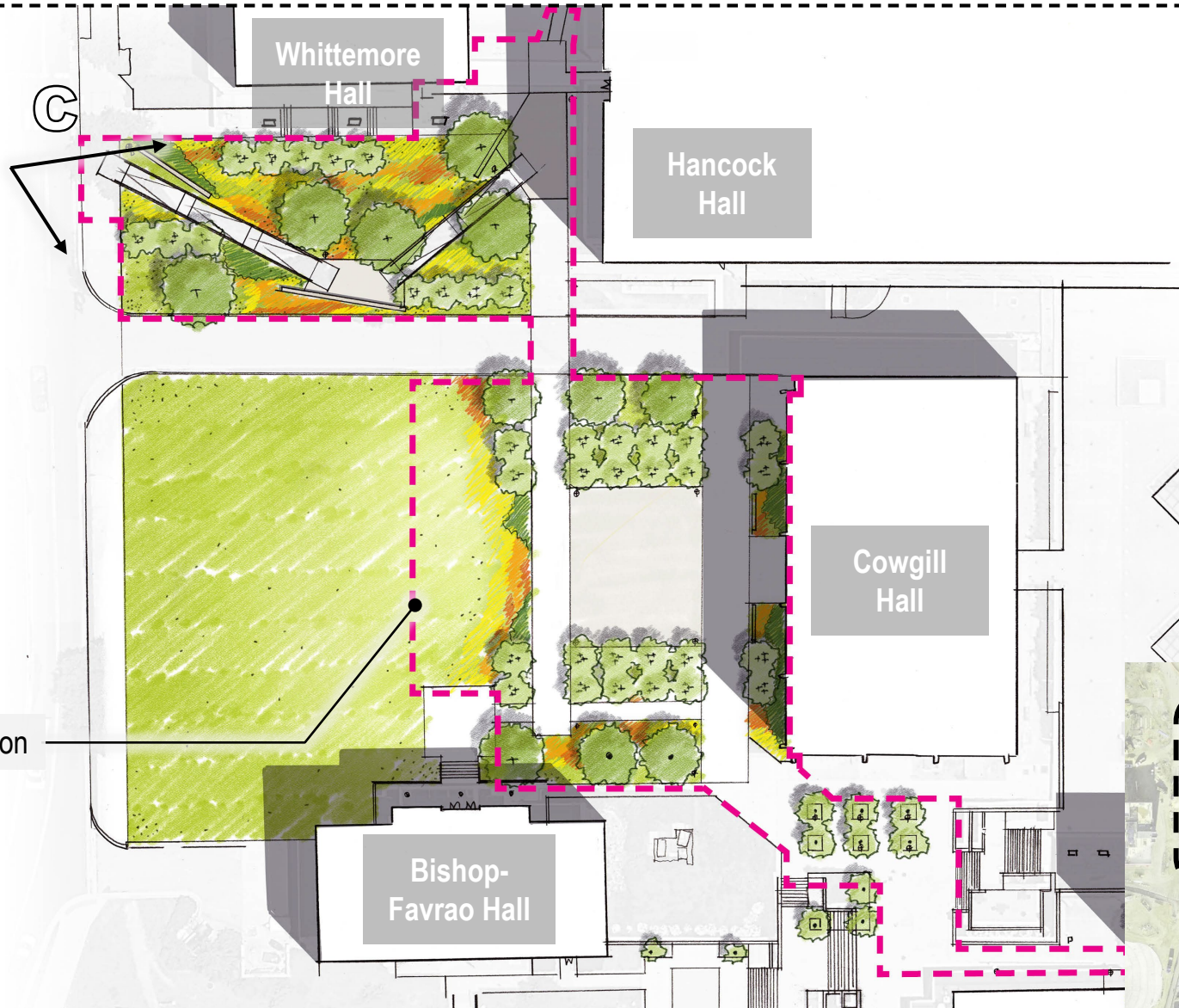
IMAGES - VIEW B

PROPOSED



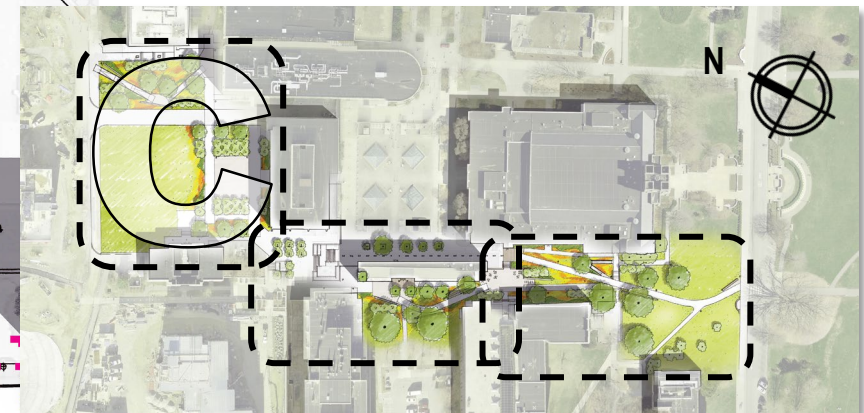
SITE PLAN - ZONE C

VIEW C



Limits of Construction

KEY PLAN



IMAGES - VIEW C

PROPOSED

Whittemore
Hall

Hancock
Hall

Cowgill
Hall

Bishop-
Favrao Hall

EXISTING

