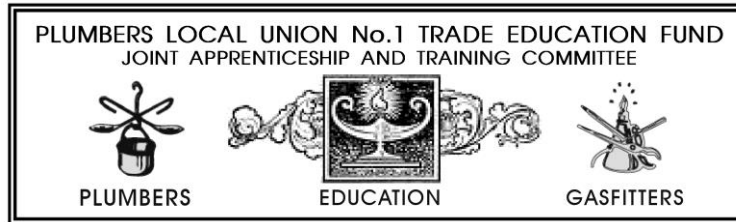


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**PLUMBERS & GAS-FITTERS TRAINING CENTER**  
**UA LOCAL UNION No. 1 of NEW YORK CITY**  
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ARTHUR O. KLOCK JR.  
Director of Trade Education

New York City Department of Buildings  
Office of the General Counsel  
280 Broadway (7<sup>th</sup> Floor)  
New York, NY 10007

Re: Comment on proposed amendment of Licensing Rules

Since the enactment of Local Law 150 of 2016, which requires a Department of Buildings "Gas Work Qualification" for an individual to perform work on natural gas systems, there has been a misclassification by the Department of Buildings of this qualification and the requirements to obtain it.

In the Plumbing field, the Department rightfully creates its own proprietary complex written and practical examination for a person to obtain a Master Plumber License. This is because the license grants the holder the right to operate and conduct business, open permits, and supervise employees in the potentially hazardous work of Plumbing & Gas-Fitting.

In regard to Journeyman plumbers, these are workers who DO NOT possess a license, and can only perform Plumbing and Gas-Fitting work while in the direct employment (and under the direct and continuing supervision) of a Licensed Master Plumber. The code has always been clear that a Registered Journeyman Plumber is NOT a licensee. It specifically says so on the cards issued by the Department. Because registration is not a License, journeyman registration is granted exemptions and accommodations in the licensing rules. This difference is evidenced in the current proposal itself where it says:

*"Sections 28-409.4 and 28-411.4 of the Administrative Code specifically state that journeyman registrations are not licenses and are, therefore, exempt from the place of business requirements."*

A gas work qualification is also NOT a license. In fact the cards issued for either a Limited gas qualification or a Full gas work qualification both say in bold lettering “THIS IS NOT A LICENSE”. Inexplicably though, the Department has judged what is simply a work qualification for the employees of license holders to be the equivalent of a license for purposes of testing and fees. This misclassification of the Full gas work qualification has led the department down a path of creating its own proprietary written examination and charging an exorbitant amount of money for a worker to simply qualify. The logic used by the Department to justify the creation of an in-house exam and its exorbitant fee has been that all license tests must be similar and carry the same fee. Here then lies the misclassification. Journeyman Registration and Gas Work Qualifications are NOT licenses. The equivalency cited by the Department does not exist or even make sense.

Workers are different from licensed business owners. The workers who need the Gas Work Qualification for employment purposes do not have the same resources as someone seeking a License to operate a business; furthermore, the type of questions formulated to insure that a working pipe installer knows how to perform the work safely are very different than questions for a plumbing business owner who is a licensee.

The reason for the existence of the Limited gas work qualification, is to impose a mandatory 16 classroom hours of gas specific safety training for “new to the industry” helpers or apprentices. The 5 year expiration of a Limited card allows the worker to gain necessary field experience under supervised conditions before they apply for the more independent Full gas work qualification. Additionally, the 5 year expiration acts to prevent an employer from intentionally discouraging a worker’s professional development, in order to retain them in the role of a permanent low-paid worker.

The Department’s process to achieve the Full gas work qualification should not be an impediment, as it currently is. Limited gas work qualifications are valid for 5 years from the date of issuance and cannot be renewed. Workers who fail to obtain a Full gas work qualification once their Limited expires can no longer work on gas piping systems and may face reduced work hours, or be furloughed. The first Limited gas work qualifications begin to expire in April of 2024. The present misclassified exam fees and exam content are posing an impediment to employees seeking to obtain this important worker qualification. This problem requires immediate attention to avoid a shortage of qualified persons needed to perform this work in New York City.

Our NYC Fuel Gas Code and NYC Plumbing Code are International Code Council codes with NYC specific modifications. We propose that the Department utilize the International Code Council’s Contractor/Trades examination program to administer this exam. This program is an independent testing program designed to provide governmental licensing agencies with information regarding qualified trade professionals. ICC’s Journeyman Gas-Fitter exam is comprehensive and focused on safety and installer practices. It provides an independent appraisal of a person’s competency and the test results can be used to satisfy the NYC testing requirements for a Full gas work qualification.

## Benefits of using ICC to administer the Full gas work exam:

- Regularly updated bank of questions to reflect changes and updates to the ICC code.
- Questions based on essential information a gas installer needs to be safe and effective.
- Significantly lower cost to the worker. (Exam price is published at +/- \$115.00)
- Administered by a nationally recognized third party.
- Computer based exam, available at approved locations and requires DOB pre-authorization to register.
- Standardized test with NYC modifications be approved by the Department at no charge.
- Open book exam (testing code knowledge vs memorization).
- Department will be provided a secure portal to confirm the applicant passed the exam.

The process to achieve the Full gas work qualification should not be an impediment. Adoption of this proposal would minimize compliance costs for the regulated workers in our community. It would make this qualification more accessible to NYC residents. It would be much more consistent with achieving the stated purpose of Local Law 150 of 2016.

Plumbers and Gas-Fitters local 1 represents the largest recognizable organization of workers in this industry; however, this is not a Union issue. It is a Safety and Equity issue. The Plumbing and Gas-fitting industry in New York City (Union and Non-Union) provides thousands of good paying jobs that lift many New Yorkers out of poverty. The 5 year expiration of a Limited gas work qualification acts to prevent employers from intentionally holding back on workers' professional development, in order to create a permanent sub-class of low paid workers. The rules governing the achievement of Full gas work qualification should not be overly burdensome and must be reasonably-priced for this population of low paid helpers and apprentices to access. Failure to fix these problems will impede job creation and slow economic growth. This in turn undermines the prosperity and the economic wellbeing of all NYC residents.

Please review our proposed changes to the Department rules regarding the Gas qualification process for workers in the Gas-Fitting and Plumbing industry. We believe it will accomplish the intent of Local Law 150 of 2016, the purpose of the Code, the mission of the Department, and is not in conflict with other rules or Department licensing policies.

Sincerely,

Arthur O. Klock Jr.  
Director of Trade Education

CC: Paul O'Connor - Co-Chairman, Labor  
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