

55 N.J.R. 391(b)

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RULE ADOPTIONS

Reporter

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Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:31-1.7 and 5.5

Text

Continuing Education Requirements

Proposed: January 3, 2022, at 54 N.J.R. 33(a).

Adopted: May 11, 2022, by the Board of Examiners of Electrical Contractors, Joseph P. Schooley, Chairman.

Filed: January 3, 2023, as R.2023 d.035, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:5A-6.

Effective Date: March 6, 2023.

Expiration Date: January 6, 2029.

Summary of Public Comments and Agency Responses:

The official comment period ended March 4, 2022. The Board of Examiners of Electrical Contractors (Board) received two comments from the following individuals:

1. Mitchell Malec

2. Edward J. Osoliniec, P.E.

1. COMMENT: A commenter raised an objection related to proposed new N.J.A.C. 13:31-1.7(d)5, regarding credit for successful completion of a United States Department of Labor, Occupational Safety and Health Administration (OSHA) online safety course. The commenter objected to the Board's use of the term "OSHA-approved online safety course" because OSHA authorizes trainers to teach online safety courses in specific OSHA standards subject areas rather than approving courses.

RESPONSE: The Board agrees that the use of the word "approved" may be misleading and that it should be deleted to reflect that OSHA authorizes trainers to provide the online safety courses. It does not approve the content of an online safety course. The Board, therefore, will change N.J.A.C. 13:31-1.7(d)5 upon adoption to replace "approved" with "authorized." To reflect this change, the Board will also change upon adoption N.J.A.C. 13:31-1.7(f)1, to "OSHA-authorized online safety courses."

2. COMMENT: A commenter suggested that the Board should: 1) limit the content of OSHA-authorized online safety courses for which a licensee can obtain credit to those directly related to the practice of electrical contracting; and 2) allow a maximum of 10 credits for such courses rather than the eight proposed by the Board.

RESPONSE: In response to the commenter's first point, the Board does not agree that it should limit the type of OSHA-authorized safety courses for which it will accept credit to those directly related to electrical safety issues. Receiving training in a range of workplace safety issues will contribute to the safety, not only of licensees and their employees, but also of other workers on a job site. Regarding the commenter's second point, it is true that a licensee may have to take a minimum of 10 hours of training to receive a certificate for an OSHA-authorized online training course. However, new N.J.A.C. 13:31-1.7(e)1(i) establishes that the maximum number of credit hours a licensee can obtain through alternative means, including electronic media distance learning is eight credits. Since this is a general rule, the Board does not believe that it should modify it based on the number of credit hours for a specific type of course.

3. COMMENT: A commenter objected to proposed new N.J.A.C. 13.31-1.7(d)6, which would allow a licensee to obtain up to 24 credits per triennial period for successful completion of an education program approved by the State Board of Professional Engineers and Land Surveyors pursuant to N.J.A.C. 13:40-13. The commenter noted that licensing requirements for professional engineers and for electrical contractors differ, as does the approval process for continuing education programs for

professionals licensed in these areas. The commenter further objected to this proposed subsection on the basis that there are many topics included in continuing education for professional engineers that are beyond the scope of the practice of electrical contractors.

RESPONSE: The Board notes that N.J.A.C. 13:31-1.7(c)1, 2, 3, and 4 lists a number of broad subject areas beyond the 10 mandatory credits that it considers relevant for the practice of electrical contracting. Beyond these subject areas, N.J.A.C. 13:31-1.7(c)5 allows that courses can be in any area "relevant to electrical contracting or electrical construction." This limitation applies to credits earned pursuant to proposed new N.J.A.C. 13:31-1.7(d)6. However, the Board agrees that this should be made more explicit in reference to courses approved by the State Board of Professional Engineers and Land Surveyors for which a licensed electrical contractor can receive credit, and that these should be limited to courses in electrical engineering. Accordingly, the Board is specifying that the courses approved by the State Board of Professional Engineers and Land Surveyors for which it will accept credit are courses in electrical engineering, and is, therefore, changing N.J.A.C. 13:31-1.7(d)6 upon adoption to add "electrical engineering." The new rule as changed will, therefore, read "Successful completion of an education program in electrical engineering approved pursuant to N.J.A.C. 13:40-13 by the State Board of Professional Engineers and Land Surveyors."

4. COMMENT: A commenter suggested that the Board delay implementation of N.J.A.C. 13:31-1.7(d)7, which allows a licensee to earn a maximum of two credits per triennial period for completion of a Board-approved program in the installation of natural or manufactured gas piping relevant to installing or repairing electrical generators pending adoption of a Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors (HVACR Board) rule amendment. The amendment specifies what credits an electrical contractor would have to complete to be eligible for an exemption to the HVACR Board's licensing requirements that would allow an electrical contractor to install gas piping relevant to installing or repairing electrical generators.

RESPONSE: The Board proposed new N.J.A.C. 13:31-1.7(d)7 in response to an amendment to N.J.S.A. 45:16A-41 that allows electrical contractors to engage in the installation, maintenance, and repair of natural or manufactured gas piping while installing or repairing electric [page=392] generators, as long as they have completed continuing education in the installation of gas piping relevant to installing or repairing electric generators. When the proposal to amend the rules that are the subject of this adoption notice was published and the

comment period began, the HVACR Board's new rules implementing the amendments at N.J.S.A. 45:16A-41 had not yet been adopted. However, they have since taken effect. Therefore, the commenter's concern that adoption of new N.J.A.C. 13:31-1.7(d) would be premature while the HVACR Board's proposed new rules are still pending is no longer an issue. The HVACR Board's rule, at N.J.A.C. 13:32A-1.1(a)9, exempts an electrical contractor from being licensed by the HVACR Board if the electrical contractor "is engaged in the installation, maintenance, and repair of natural or manufactured gas piping while installing or repairing electric generators, provided he or she has completed two hours of continuing education in the installation of gas piping relevant to installing or repairing electric generators, of which one hour is in natural gas piping and one hour is in manufactured gas piping." Proposed new N.J.A.C. 13:31-1.7(d)7 will allow an electrical contractor who engages in such work to apply the required two hours of continuing education to the continuing education requirement for license renewal.

Summary of Agency Initiated Changes:

N.J.S.A. 45:5A-11.4 sets forth the continuing education requirement for qualified journeyman electricians. P.L. 2021, c. 479 amended N.J.S.A. 45:5A-11.4 to change the required number of continuing education hours related to the most recent edition of the National Electrical Code for each triennial period from 10 to 15. Accordingly, the Division of Consumer Affairs is revising amended N.J.A.C. 13:31-5.5 upon adoption to reflect this statutory change.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are governed by N.J.S.A. 45:5A-1 et seq., and are not subject to any Federal laws or standards.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from the proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. GENERAL RULES AND REGULATIONS

13:31-1.7 Continuing education requirements

(a) (No change.)

(b) Each applicant for triennial license renewal shall be required to complete, during the preceding triennial period, except as provided at (b)1 below, a minimum of 34 credit hours of continuing education.

1. (No change.)

2. A licensee who completes more than the minimum continuing education credits set forth above in any triennial registration period may carry no more than eight of the additional credits into a succeeding triennial period.

3. (No change.)

(c) A licensee, who is not exempt pursuant to (b)1 above, shall complete a minimum of a 10 hour in-person course of study relating to the most recent edition of the National Electrical Code, nine hours of which shall pertain to the code and one hour of which shall pertain to applicable State statutes and rules; webinars and electronic media distance learning courses shall not satisfy this requirement. A licensee shall obtain the balance of continuing education credits in the following areas:

1.-5. (No change.)

(d) A licensee may obtain continuing education credits from the following:

1.-2. (No change.)

3. Authorship of a textbook or manual or a chapter of a textbook or manual directly related to the practice of electrical contracting in the State of New Jersey, provided the textbook or manual, as published, is at least 7,500 words in length;

4. Authorship of a published article related to the practice of electrical contracting in the State of New Jersey, provided the article, as published, is at least 250 words in length;

5. Successful completion of a United States Department of Labor, Occupational Safety Health Administration *[(OSHA)-approved]* ***(OSHA)-authorized*** online safety course, up to a maximum of eight credits per triennial period pursuant to (e)5 below, and notwithstanding the credit amount limitations at (e)li and (e)li(1) below;

6. Successful completion of an education program ***in electrical engineering*** approved pursuant to N.J.A.C. 13:40-13 by the State Board of Professional Engineers and Land Surveyors, provided the licensee obtains a certificate of completion from the course sponsor and the program subject matter is consistent with (c)1 through 5 above, and provided that a licensee may earn a maximum of 24 credits per triennial registration period pursuant to (e)6 below; and

7. Successful completion of a program in the installation of natural or manufactured gas piping relevant to installing or repairing electric generators approved by the Board pursuant to

(h) below, provided that a licensee may earn a maximum of two credits per triennial registration period pursuant to (e) below.

(e) Credit for continuing education shall be granted as follows for each triennial registration period:

1. Attendance at continuing education programs and courses approved by the Board: one credit for each hour of attendance at an approved program or course. Credit shall not be granted for programs or courses that are less than one instructional hour long. Credit shall not be granted for more than eight instructional hours obtained in one day. Completion of an entire program or course or segment of program or course instruction shall be required in order to receive any continuing education credit.

i. A licensee may earn a maximum of eight credits per triennial registration period in correspondence, self-study, televised, videotaped, teleconferences, webinars, and electronic media distance learning courses that have been approved by the Board pursuant to (h) below, consistent with the following:

(1) No more than two credits may be obtained per approved course; and

(2) The eight credits may be earned only in approved courses in the subject areas set forth at (c)1 through 5 above.

ii. Webinars and electronic distance learning courses that are live and synchronous, permitting the instructor and licensee to interact with each other in real time, shall not be subject to the credit amount limitations set forth at (e)1i and 1i(1) above;

2. (No change.)

3. Authorship of a textbook or manual or a chapter of a textbook or manual: five continuing education credits per textbook or manual or chapter of a textbook or manual, to a maximum of 10 credits per triennial registration period;

4. Authorship of a published article: two continuing education credits per published article, to a maximum of eight credits per triennial registration period;

5. A licensee may earn a maximum of eight credits per triennial registration period for successful completion of a program consistent with (d)5 above;

6. A licensee may earn a maximum of 24 credits per triennial registration period for successful completion of a program consistent with (d)6 above; and

7. A licensee may earn a maximum of two credits per triennial registration period for successful completion of a program that has been approved by the Board in subject matter consistent with (d)7 above.

(f) The Board may perform audits on randomly selected licensees or upon any licensee who is the subject of a complaint received by the Board or who is the subject of any Board investigation to determine compliance with continuing education requirements. A licensee shall maintain the following documentation for a period of six years after completion of the credits and shall submit such documentation to the Board upon request:

1. For attendance at programs or courses approved by the Board* [, OSHA,]* or the State Board of Professional Engineers and Land Surveyors*[:]* ***and OSHA-authorized online safety courses,*** a certificate of completion from the sponsor;

2.-3. (No change.)

(g)-(k) (No change.)

[page=393] SUBCHAPTER 5. QUALIFIED JOURNEYMAN ELECTRICIANS

13:31-5.5 Continuing education requirements

(a) Upon triennial registration renewal, a qualified journeyman electrician shall attest that he or she has completed *[10]* ***15*** credit hours of continuing education on the most recent edition of the National Electrical Code. Falsification of any information submitted on the registration renewal application may require an appearance before the Board and may subject the registrant to disciplinary action as set forth at N.J.S.A. 45:1-21 et seq. Falsification of any information submitted on the registration renewal application by a qualified journeyman electrician who is also a licensed electrical contractor may also result in the suspension or revocation of his or her electrical contracting license. A licensed electrical contractor who satisfies the requirements at N.J.A.C. 13:31-1.7 shall be deemed to have satisfied the requirements of this section.

1. The *[10]* ***15*** credit hours shall be conducted in-person. Webinars and electronic media distance learning courses shall not satisfy this requirement.

(b)-(g) (No change.)

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