

**Report From Agency**

**STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
DEPARTMENT OF SAFETY AND : CLEARINGHOUSE RULE 14-049  
PROFESSIONAL SERVICES :**

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**I. THE PROPOSED RULE:**

The proposed rule revisions and the analysis are attached.

**II. REFERENCE TO APPLICABLE FORMS:**

To obtain the electrician's registration that is addressed in these rule revisions, the Department requires submittal of its application form which is specifically for this registration.

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

These rule revisions establish a registration process for electricians who were born on or before January 1, 1956; and who have at least 15 years of experience in installing, repairing, or maintaining electrical wiring. This registration process includes submitting proof of meeting the age and experience requirements – and includes exemption from the following licensing requirements that the Department applies to other electricians: initial examination, continuing education, credential renewal, being supervised, and having someone else be responsible for some of the electrical work. This registration allows these registered electricians to do any electrical work that is otherwise limited to master electricians, including supervision of other electricians or being responsible for the work of other electricians.

These rule revisions are proposed in response to a directive in section 101.862 (5) (b) of the Statutes to promulgate rules establishing criteria and procedures for issuing licenses to electricians who were born on or before January 1, 1956, and who have at least 15 years of experience in installing, repairing, or maintaining electrical wiring.

**V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, AND EXPLANATION OF ANY RESULTING MODIFICATIONS TO THE PROPOSED RULES:**

The Department held a public hearing on September 12, 2014. The following people either testified at the hearing, submitted written comments, or did both.

Pete Wetzler, representing himself.

Mark Lauer, representing the International Brotherhood of Electrical Workers – Local Union 14.

David Nelson, representing Nelson Electric, LLC .

Brian Juarez, representing the Southwest Wisconsin Electrical Inspectors Association.

Scott Wegner, representing himself.

Glen Pulvermacher, representing himself.

Timothy May, representing Westphal and Company.

Michael C. Bade, representing himself.

Ron Volp, representing himself.

Dayle Travis, representing Travis Electric.

Robert Resch, representing Gray Electric.

Representative Tom Larson, Assembly author of 2013 Act 143, and representing Assembly District 67

Charles Johansen, representing himself.

Don Butler, representing himself.

Rob Molling, representing Molling Electric.

Dan Trapp, representing himself.

Robert Radmer, representing the Electrical Inspectors Association of Southeastern Wisconsin, Inc., and the City of Milwaukee.

Joseph A. Hertel, representing himself.

Steve Fick, representing the Wisconsin Electrical Trades Council.

Mark Hady, representing J.H. Lamb, LLC.

Robert Doyle, representing the International Brotherhood of Electrical Workers – Local Union 159.

Bill Neitzel, representing himself.

David Helgeson, representing Helgeson Electric, Inc.

Richard Paur, P.E., representing the Wisconsin Code Officials Alliance.

Joe Jameson, representing the City of Middleton.

Gwenn Soldner, representing the Wisconsin chapter of the International Association of Electrical Inspectors.

Chris Jarosch, representing Carr Creek Electric Service, LLC.

Kyle Krueger, representing the Milwaukee chapter of the National Electrical Contractors Association.

Rachel Jaeb, representing the Wisconsin chapter of the National Electrical Contractors Association.

In addition, the following people registered against the rules:

Beata Kalies, representing the Cooperative Network/Electric Co-ops.

Loyal O’leary, representing the National Electrical Contractors Association.

Kevin Klepper, representing the International Brotherhood of Electrical Workers.

Jeff Crocker, representing the International Brotherhood of Electrical Workers – Local Union 159.

Casey Healy, representing the International Brotherhood of Electrical Workers – Local Union 159.

In addition, Bob DuPont, representing the Alliance for Regulatory Coordination, registered as appearing for information.

### **SUMMARY OF HEARING COMMENTS:**

The Department summarizes the comments received either by Hearing testimony or by written submission as follows:

Pete Wetzler: Notes that the electrical licensing requirement was on the books for over 5 years, and states that those who procrastinated in getting their licenses are, by this rule, being favored over everyone who went through the trouble, expense, and hard work to get their licenses. Questions why the rule puts and favors one class of persons over everyone else. Questions why those who are only 4 years older than him should be favored now and in the future by not having to take continuing-education courses to maintain their licenses, take tests, and earn their licenses.

Notes this rule does not state the criteria used to prove any experience.

Completely disagrees with financial impact not being a factor. This rule favors one group over another and gives economic advantage over those who worked for their licenses. This rule allows general contractors to use anyone's license of record so they can do the electrical work themselves and undercut legitimate electricians from the work.

States this rule won't keep Wisconsin contractors on a level playing field with out-of-state contractors who come here and work without the real license, while the Wisconsin contractors need a full, tested license in the other states – Michigan is a prime example.

Feels this rule is unfair and rewards those who just don't want to go through the trouble of getting licensed, over those who have; gives unfair business advantage over legitimate contractors; and creates a giant loophole that will be severely abused. Registered electricians need to be tested at some level and need to maintain their licenses as everyone else does – for legitimacy and safety.

The International Brotherhood of Electrical Workers – Local Union 14: Expresses strong opposition to the rules, and states that all electricians who obtain a license through the Department should meet a continuing-education requirement. This requirement would ensure that licensed electricians are consistently being trained with provisions which are considered necessary for safety. The purpose of the National Electrical Code (NFPA 70) is the practical safeguarding of persons and property from hazards arising from the use of electricity. Electrical codes are constantly changing due to new technologies. Requiring continuing education ensures that electricians are keeping up with the proper installation techniques and practices to provide an installation which is free from hazard.

States that exempting electricians born on or before January 1, 1956, from credential renewal is not fair and is dangerous. Every other license has a renewal period linked with continuing education.

Notes that apprentices are under the direct supervision of a Journeyman wireman or a Master electrician. They are under this direction to keep them safe and to train them in the proper installation of electrical systems. Having supervision that is not up-to-date on current safety

practices puts all workers who are on the job, and the citizens of Wisconsin, after the project is complete, in danger of an installation that could be unsafe.

States that creating an exemption for some puts all the citizens of Wisconsin at risk. Asks for modifying the rule to hold any Registered Master Electrician born on or before January 1, 1956, to the same requirements for continuing education and credential renewal as any Master electrician.

David Nelson: States that there are a lot of very good and qualified electricians in the work force who do not get the opportunity to be “grandfathered” in with a Journeyman’s license. Why not give all electricians with 15 years of verifiable experience at least a restricted Journeyman’s, with the requirement of continuing education and renewal? To just pick a date to make sure that a small amount of business owners can stay in business is not right.

The Southwest Wisconsin Electrical Inspectors Association: Expresses grave concerns about the emergency and proposed permanent rules regarding creation of a Registered Master Electrician status. Strongly opposes the rules based on opposition to the following parts of the rule:

- No initial examination will be required prior to issuance of a Registered Master Electrician license. A Registered Master Electrician license will be issued to qualifying applicants for a one-time fee of \$185.00. (This creates monetary incentive for those who are unlicensed, to remain so.)
- The Registered Master Electrician license will be permanent.
- A Registered Master Electrician will be exempt from any continuing-education requirements. (This is unprecedented and engenders no faith in these individuals or their ability to remain aware of and competent in new codes and technologies in their fields. This is also grossly unfair to all those Master and Journeyman electricians who are in business around the State who have invested their time and money into continuing education for their and their-employees credentials and training over the years. Furthermore, this is a dangerous precedent and will lead to failures in the field and legal challenges regarding the State’s lack of exercising due diligence in the creation of this rule.)
- Registered Master Electricians will be exempt from supervision or having someone else be responsible for their electrical work. (This is a dangerous precedent and will lead to failures in the field and legal challenges regarding the State’s lack of exercising due diligence in the creation of this rule.)
- Registered Master Electricians will be able to do any electrical work that is otherwise limited to Master Electricians.
- Registered Master Electricians will be able to supervise other electricians or be responsible for the work of other electricians.

States that while it is understandable that some efforts may be necessary to address the licensing of electricians who have been in the contracting business for many years, the rules raise two major concerns in regards to the verifying and assuring of the competency of a Registered Master Electrician along the same lines as other electricians licensed by the State. The first major concern is that there is no examination of any kind required, nor any definitive standards for qualification of a base of experience before granting someone the license. For example, the Registered Master Electrician license may be issued to someone who has 15 years of experience in factory or industrial electrical maintenance and who could then be supervising electricians in a residential or multifamily-dwelling-unit construction setting. These are different segments of the industry and have different applicable code requirements. The converse is also a concern, where someone with 15

years of experience in residential wiring could be supervising a crew on a large commercial or industrial project. Ultimately, past experience alone does not guarantee adequate knowledge of installation requirements or parameters as set forth by the electrical codes adopted by the State. This can only be verified through the ability to pass an examination or test that addresses the skill sets necessary to perform the work of a Registered Master Electrician.

States that the second major concern is that no continuing education will be required. All other licensed electricians are required to maintain their level of skill and knowledge through continual training and updates of code requirements. There is no logic to declaring that a Registered Master Electrician has no need, nor responsibility, to maintain their skill level and knowledge of the electrical codes. In effect, this proposal invalidates all the time and money spent by thousands of individuals with Master or Journeyman electrician licenses all over the State who have for years spent their money and time for training and continuing their education to ensure they are competent and well-versed in new codes and technologies in the industry. While there may be other concerns with the implementing of these rules, these are perhaps the most troubling. All other electricians licensed by the State are required to prove and support their ability to perform their trade as a licensed individual by declaring and maintaining their level of knowledge and expertise through testing and continued education and updated knowledge of current national, state, and local electrical codes. There seems to be no real logic in not requiring the same of those individuals meeting the age and experience requirements to qualify as a Registered Master Electrician.

Believes that an understanding of the situation faced by many long-time electricians and contractors in the state is needed, and some concessions have already been made in the form of years of sunset periods to allow them time to obtain licenses in what is “supposedly” their field of expertise. However, there also needs to be some assurance to their customers and the citizens of Wisconsin that these electricians and contractors are trained and knowledgeable. In order that there be a level and safe playing field for all those who are engaged in the electrical trade, this proposed rule should not move forward, and instead a more equitable answer should be sought which will safeguard the lives and property of the citizens of this State.

Scott Wegner: Does not believe that grandfathering should occur. Notes he is 53 years old, holds 3 credentials, passed and paid for the examinations and fees when he had approximately 8000 hours of experience, and now has 25 years of experience and countless hours of paid continuing education. To allow individuals to just pay for a credential based on attaining an approximate age of 58 and supposed unproven experience of 15 years makes him feel like he has been discriminated against.

Glen Pulvermacher: States that if Registered Master Electricians are going to have the same authority to work as a Master electrician, then they should be held to the same level of requirements to achieve and maintain this license. They should have to meet the continuing-education and renewal requirements that Master electricians have to. They also need to prove their expertise or knowledge of the electrical field somehow. If they don't want to go through the normal process to get a Master electrician license, then a different license should be created that allows them the ability to work but not with the same authority that a Master electrician has. Notes he was born in 1956 and has a Master electrician license as this has been a requirement in the processes for years. Asks for consideration of these comments before this new license is created.

Timothy May: Notes that he is an electrician who was born before January 1, 1956, and has had a Master electrical license and commercial electrical inspector's certification for numerous years. Realized years ago the value of passing the Master exam and obtaining the license.

Questions why others who born before 1956 have either failed to understand or dismissed the importance of obtaining the license. Allowing these individuals to carry a Registered Master Electrician license will aid in identifying them as not finding it important to study for and pass the Master exam. In a few years, these individuals will be retired, and the need for this credential will go by the wayside and no longer be needed.

Believes it is an injustice that these individuals will be exempt from the continuing-education requirements. These are just the type of individuals who really do need all of the continuing-education units, which could reasonably be required annually.

Michael C. Bade: States he is absolutely opposed to the concept of Registered Master Electrician. There has been time to spare to become correctly licensed in Wisconsin. If anyone could not do it then, they can't do it now.

Ron Volp: States he cannot under any circumstances agree with exempting Registered Master Electricians from any continuing-education requirements. Those requirements should be the same as for everyone else.

Recommends having a ten-year limit with no renewals, instead of a one-time fee of \$185.00 – and don't cheat ten years from now and give them out.

Recommends protecting citizens from inactive electricians who sell their name and permits. Giving out a Registered Master Electrician status with no continuing-education requirements and no expiration is a bad idea.

Dayle Travis: Believes there are some problems with the proposal. The qualification of 15 years of experience could mean someone who worked 20 or 30 years ago with no continuing education could become licensed. Could a handyman who has done basic electrical repairs become a Registered Master just because he has 15 years of experience? He could then be supervising multiple apprentices or electricians without having much knowledge of the current electrical code, as there are no requirements for continuing education. This could go on for 10-plus years for someone who delays retirement or works while semiretired.

Questions whether a business or homeowner would want their job completed only to find out it isn't up to current code. At the very least, make it a restricted license to match the applicant's qualifications. Someone who does industrial maintenance may not know or understand the requirements for construction wiring. The same applies to dwelling or commercial or industrial wiring. It could even be a person who has failed the test, and now the State wants to give them a one-time license with no renewal or further training to wire, supervise, and train other people.

Questions how the one-time fee with no requirement for renewal is fair. Master electricians who have passed the test and worked for 15 years or more and want to keep their license through their semiretirement or retirement years will still have to keep getting continuing education and keep paying renewal fees.

Believes Registered Master Electricians need the skill level and responsibility of maintaining their knowledge to do a safe job, as is expected of every other Master electrician.

Robert Resch: States the rule is wrong on so many levels. Notes he is a Master electrician and a commercial electrical inspector with 30 years of experience in the field – and has passed all required tests and attended all required continuing-education classes in order to maintain a required level of qualifications and competence. Questions how this Registered Master Electrician credential would not be moving Wisconsin backwards 2 steps. Notes he has worked his entire adult life as an electrician and still sees new things every day. The codes are always changing, and the State now wants to give someone who probably couldn't pass the test the same unrestricted abilities that he has worked for so hard to get and keep. To not even make them stay current on the codes is kind of insulting to say the least. States he does a lot of industrial work and sees a lot of code violations on a daily basis, and to give a Master credential to someone who has not proven their abilities to anyone is going to be setting the state back 20 years. Asks for reconsideration of making this a reality, and then make changes to this rule. Agrees with waiving the fee, but not the continued education or testing for qualifications or certification. Recommends taking another look at this – everyone in the trade is.

Representative Tom Larson: States that as the Assembly author of 2013 Act 143, he is concerned that CR 14-049 creates what the Department has chosen to call “Registered Master Electricians” (RMEs) despite the fact that section 101.862 (5) (b) of the Statutes specifically states “The department shall promulgate rules ...for issuing *licenses* to electricians” who meet the age and experience requirements. Section 101.862 (5) (b) continues, “Upon promulgation of these rules,” an eligible electrician “may not install, repair or maintain electrical wiring unless he or she is *licensed* in accordance with *these rules* or is otherwise licensed or registered as an electrician under this subchapter.” In conversations with the Department’s legislative liaison and assistant deputy secretary, it was suggested that the Department’s RME is justified under (5) (b)’s reference to “otherwise . . . registered.” However, that language was intended to refer to registrations provided for elsewhere in subchapter IV of chapter 101, particularly the category of “beginning electricians” created under 2007 Act 63 and renamed “registered electricians” under 2013 Act 143. Section 101.862 (5) (b) requires the Department to establish criteria and procedures for issuing licenses to eligible electricians; it does not grant the Department the authority to create a new form of registered (Master) electrician.

States that an alternative explanation for the RME approach which came up in his office’s conversations with the Department is that 101.862 (5) (a) exempts eligible electricians from the general requirements of 101.862 (2), which generally requires that a person be a licensed electrician or be enrolled as a registered electrician. The argument was that the Department therefore did not have statutory authority to issue licenses to these eligible electricians. While it is true that (5) (a) exempts these eligible electricians from (2), that exemption is nevertheless “subject to par. (b),” which, as noted above, requires that the eligible electricians still obtain licenses under (5) if they choose not to pursue a license provided for elsewhere in the subchapter or to become registered electricians.

States that his next concern follows upon the first. By creating RMEs instead of a license, the Department has chosen not to impose continuing-education (CE) requirements on the eligible electricians. States that was not his intention. CE requirements are vital for keeping an electrician

up-to-date on the National Electrical Code and other information relevant to the trade. States the reason he did not include a specific reference to CE in 101.862 (5) is because he was under the impression it was not necessary to do so, given that the Department currently imposes CE requirements on the other categories of licensed electricians as well as on beginning/registered electricians. States he has yet to receive a satisfactory explanation for the distinction that CR 14-049 and EmR 1415 create between licenses under 101.862 (5) (b) and other subchapter IV licenses.

States that the main purpose behind 101.862 (5) was to exempt eligible electricians from the exams required of applicants for other electrician licenses. States he would have preferred there be no exemption at all for eligible electricians (even though he meets the age and experience requirements), and he continues to believe that the five years between the enactment of 2007 Act 63 and its original effective date was more than enough time for electricians to satisfy the requirements to get licensed under that Act if they wanted to continue their trade. However, legislation is not created in a vacuum, and 101.862 (5) was necessary for 2013 Assembly Bill 683 (Act 143) to survive the legislative process. One particular concern among some legislators was that older electricians who had been working for years – even decades – would not be comfortable taking an exam.

States that bowing to the inevitable, he nevertheless wanted to be sure that while eligible electricians could apply for a license under 101.862 (5) without taking an exam, there would not at the same time be a positive incentive for them to do so. Hence his expectation that the Department would treat 101.862 (5) licensees in the same way it treats other licensees, with the sole exception of the exam requirement. However, not only is an RME under CR 14-049 and EmR 1415 free from any CE requirements, but the credential itself is permanent, issuable on payment of a one-time fee. That is a very attractive deal for any eligible electrician, including those who (like him) currently hold other subchapter IV licenses that must be renewed every four years, and who must take (and usually pay for) CE courses in the meantime. The Department's interpretation of 101.862 (5) not only deprives the Department of program revenue, but it also raises what to him is the far more serious risk of a large number of electricians, including many who are currently licensed, deciding to pursue an RME credential and subsequently coasting on their past experience and existing knowledge.

States he does not believe that CR 14-049 and EmR 1415 comply with either the language of 101.862 (5) or the intent. States he was pleased to read the Legislative Council Clearinghouse's comments, which reflect in many ways his own thoughts. Requests that the Department take the Legislative Council's comments – and the comments received from other interested parties – very seriously. States it is imperative that the Department redraft CR 14-049 *before* submitting it to the Legislature, to avoid having the rule brought into compliance with the Statutes in that arena. States his concern that further delay would lead to even greater confusion than already appears to exist in how Act 143 should be enforced.

Charles Johansen: States that as a member of the Department's electrical code advisory council and licensed Master electrician, it is very disturbing that a new classification is being formed to deal with grandfathering. The original Act dealt with the issue of grandfathering, and he felt it to be adequate for anyone pursuing that avenue. To have an open-ended license with no form of accountability as to who qualifies, and the total lack of any continuing education, goes against everything else the Department does. Asks the Department to reevaluate the criteria needed to be

grandfathered, and most importantly, make it renewable with continuing education mandatory, as is required with all other electrical licensing.

Don Butler: States that everyone should have to pass the exam. If not, then don't have a birthdate involved and say everyone with 15 years of experience gets a Master license. Questions why older people get special preference.

Rob Molling: States that he has personally been in the electrical trades since 1989, and is a small business owner who has been working for himself for 16 years. Everyone has had to adapt to new rules regarding licensing of electricians. It hasn't been easy to keep the doors open for business, let alone stay up-to-date on current and changing rules. This is his livelihood and his career, and his family depends on it. States he has had to get proper signatures for the application form and take off full work days for travel to take the Master electrician test, twice. The test is designed to be difficult, and the code book needs to be known and understood front-to-back – which reassures the people that he does business for that they are getting top-notch experience and professionalism. The future of his business depends on his experience, performance, management, and ultimately, the satisfaction of his customers.

States that he recently submitted the payment for his Master electrician license, and he knows how hard it was to prepare for and earn such a license. After everything that he has sacrificed and compromised, where is his hand out? This rule, if left in place, would give someone the same merits, without the sacrifice of the same time, money, and resources – and without ensuring the quality of their performance. This is an injustice.

States that this rule will allow people who are deemed old enough (and in some cases not physically capable) to have the same credential that he has struggled to obtain. Beyond that, it does not require any future education. This is an injustice.

States that after taking the necessary steps to ensure his ability and education, so should everyone else in this situation. Questions why everyone else holding a Master license should be required to renew and continue in the education process, but grandfathered individuals should be exempt. Asks that these comments be taken into consideration, and to not let his sacrifice and hard work go to waste. States that he works hard to preserve his right to practice his passion, his career – and hopes the Department holds all others to the same standard.

Dan Trapp: Notes that he went through the school, did all the work, and passed the test – and now questions why he needs to pay for his license. Questions why he needs to take more classes, when the Department is going to give a license to someone who has less experience than he does. Because they are a certain age and supposedly have been doing it their whole lives? Prove it! States that this has now become a joke, and he will run his business with all laborers. Typical political baloney.

Electrical Inspectors Association of Southeastern Wisconsin, Inc./ City of Milwaukee: States that the members have seen by their experience the value of the continuing-education requirement, and through their own education and the education in the industry, for installing and maintaining electrical facilities. Their industry is constantly evolving, and code requirements are always changing – so it is paramount to the safety of the public that the people who are allowed to install, maintain, and troubleshoot these systems be as uniformly informed as possible. When an electrician does not have the benefit of continuing education, the installation has a higher risk of rejection upon

inspection. This can delay the property or business owner from obtaining their occupancy and starting their business. Requiring Registered Master Electricians to instead operate at the same standard as licensed Master electricians and inspectors would provide for a better-educated industry, reduce re-inspections by inspectors, and avoid using taxpayer money for paying inspectors to provide the training in the field.

States they and others have worked hard the last several years to get only qualified people doing electrical work, and no reason is seen for exempting the grandfathered electricians from obtaining continuing education and renewing their licenses. Three days per year of continuing education should be required, as is required for registered beginning electricians, and the grandfathered electricians should be encouraged to take the Master exam.

States that requiring renewal of licenses provides a uniform standard across the industry. Requiring continuing education and license renewal would remove the incentive for those who are Master electricians from letting their Master license lapse in order to pay the onetime fee and thereby avoid having to continue paying for their license renewals and continuing education.

Joe Hertel: States he has been a certified/licensed Master electrician since 1986, was the chief electrical-program staff for the Department for 20 years, and has paid for the privilege every three or four years. During this period, he attended continuing-education classes to maintain his license as well as the skills and knowledge of the trade.

States that the Department's language in the emergency rule has created a class of Master electrician that he is sure was never envisioned by the law. Although he is eligible for this new registration, it makes a mockery of the past 28 years of progress in fees and continuing education. In July of 2014, the Department had 5320 licensed Master electricians who would attend continuing education and pay a fee of \$200 for a four-year license. Over four years, this amounts to over 1 million dollars of program revenue for the Department. On an annual basis this is \$266,000. This new class will pay a one-time fee and have no requirement to maintain their skills or knowledge through continuing education.

States that the exemption for this class of electricians was intended to exempt them only from the examination, but not to provide a one-time fee and eliminate the need for continuing education. In addition, the law directed the Department to consider and pursue reciprocity with other states. This registration will certainly eliminate any state reciprocity because other states all require examination to prove competence.

Urges the Department to reconsider these rules and follow the requirements set forth in the law. This may be best accomplished by use of an advisory council that would vet these rules before they embarrass anyone.

The Wisconsin Electrical Trades Council: States it is an association of approximately 100 electricians, contractors, inspectors, suppliers, utilities, and others in the electrical trade from throughout the State. States they have supported and welcomed the implementation of 2007 Act 63 and the subsequent legislation regarding licensing of electricians, that went into effect on April 1, 2014. However, they oppose the rules under discussion at this hearing. It is understandable that some efforts may be necessary to address the licensing of those who have been contractors or electricians for many years. However, the proposed rules raise two major concerns with regard to

verifying and assuring the ability of an applicant for the proposed Registered Master Electrician license.

States that the first major concern is that no examination of any kind is required, nor is any qualification of a base of experience established before granting a Registered Master Electrician license. Past experience alone does not guarantee adequate knowledge of installation requirements or parameters as set forth in the electrical codes adopted by the State. This can only be verified through the ability to pass an examination that addresses the skill sets necessary to perform the work of a Master electrician. For example, a person whose experience consists of being a maintenance electrician in a factory or industrial setting for 15 years is not likely to have the necessary understanding of the electrical trade practices and codes that apply to a residential, commercial, or farm installation. Conversely, a person who has 15 years of experience primarily as a residential electrician is unlikely to have the necessary code knowledge to work in a commercial or industrial setting.

States that the second major concern is that no continuing education would be required. All other licensed electricians are required to maintain their level of skill and knowledge through continual training and updates of code requirements. There is no logic to declaring that a Registered Master Electrician has no need, nor responsibility, to maintain their skill level and knowledge of the electrical trade through regular electrical code updates and training.

States that while there may be other concerns with the implementation of the proposed permanent rules, these two are perhaps the most troubling. All other electricians licensed by the State are required to prove and support their ability to perform in the trade as a licensed individual by declaring their level of knowledge and expertise through examination followed by continuing education and updated knowledge of current national, state, and local electrical codes. There is no reason to refrain from applying the same requirements to those individuals having the age and experience to qualify as a Registered Master Electrician. An understanding of the situation faced by many long-time electricians and contractors in the state is needed, and some concessions or modifications may be in order assuring that these individuals can continue to work. However, there is also a need for assurance to the residents of the State that the electricians and contractors whom they trust to provide a safe installation are experienced, trained, and knowledgeable. In addition, those electricians who have worked, studied, passed the exam, and continue to educate themselves deserve the respect of requiring nothing less from anyone who chooses the electrical trade as a career.

Urges the Department to seek input from an advisory panel of peers in the electrical trade and to further research the long-term effect of the proposed rules. A hard look needs to be taken to ensure a level playing field for all who are engaged in electrical installation, repair, and maintenance before the proposed rules become permanent.

Mark Hady: Notes he became an electrical apprentice in 1973, a Journeyman in 1978, and then an inspector for the City of Watertown, and then a contractor. He now also teaches the subject at the Madison Area Technical College and knows the electrical code is sometimes hard to understand. States that although he is eligible for becoming a Registered Master Electrician, he opposes the proposal, partly because the cost of the continuing education is not a deterrent.

Robert Doyle: Notes he represents about 1000 members of IBEW local 159, and questions how competence can be measured without testing. States this proposal is a mistake, opposes it, and questions what would happen if it were applied to other trades and professions, such as doctors and engineers.

Bill Neitzel: Notes he meets the qualifications as a Registered Master Electrician. Notes he started his own electrical business and operated it for 10 years before becoming an electrical and heating inspector with the City of Madison. During his 24 years of electrical work in the Colby area, his work was inspected only twice. While operating his business, even though he was not required to be licensed, he took and passed the Master exam to prove to himself and the people he worked for that he was a competent professional.

States that during his career as an electrician, he witnessed people performing electrical work who did not pursue any continuing education. The areas of electrical wiring that these persons worked in were residential, commercial, farm, and industrial. The items he discovered and was hired to correct ranged from only being minor violations of the code to all the way to being dangerous. Notes that he served for 12 years on the City of Colby volunteer fire department and remembers several fires which were caused by improper and faulty wiring that had been performed by individuals who, though older than him, did not have the knowledge of electrical design or installation that would have provided a safe installation.

States that allowing individuals who are his age or older to only pay a one-time fee for a certification which allows them to stay in business is a disadvantage to the professionals who have a Master or Journeyman's license and have to renew their credential every 4 years. This creates a financial disadvantage to those professionals who have obtained their licenses and are following the basic rules of the licensing law.

Further believes that not requiring these Registered Master Electricians to obtain continuing education is a huge mistake. If these individuals do not currently understand the codes and electrical-installation requirements to the point where they can pass an exam, allowing them to continue in business without requiring them to obtain continuing education would be a disservice to the citizens of the State who use these people to do their electrical work. This also creates a financial disadvantage to the other licensed individuals because continuing education typically costs money to obtain.

Firmly believes that Registered Master Electricians should be required to renew their credential a minimum of every 4 years. Being placed in the "registered" category makes him believe they should renew their credential every year, just like any other "registered" electrician. Also believes they should be required to obtain a minimum of 6 hours of continuing education credits every year just like other "Master" electricians. One could argue they need to have 24 hours of CEUs each year, like the other "registered" electricians.

States that another aspect of this rule which needs to be addressed is the ability of a person his age who has done nothing other than wire farm buildings, or nothing other than single-family dwellings, to now have permission to wire any electrical installation in the State. This person who has no expertise in hazardous locations may now wire gas stations, feed mills, or health-care facilities. This is a dangerous precedent to allow. If a Registered Master Electrician has only performed electrical

work in one category of the electrical field, that person should be restricted to that field. Once again, failure to do so could jeopardize the safety of the citizens of the State.

Also believes that there should be an end date to this rule allowance. These electricians have had a lifetime to obtain a credential. They have known for more than 7 years that the State was planning to implement a licensing law. The Registered Master Electrician category should be deleted no later than January 1, 2020. The persons listed as Registered Master Electricians should by that time acquire a Journeyman or Master license.

David Helgeson: Notes that he owns Helgeson Electric, Inc., in Baldwin and employs 4 electricians. Notes he became a member of the State's electrical code advisory council in 2007, helped update the code in 2008 and 2011, and helped develop the licensing requirements in 2007 Act 63. States all of that was about providing consumers with assurance that those who are billing themselves as electricians and electrical contractors actually have the training, skills, and knowledge necessary to perform this type of work safely and correctly.

States there are good and complete inspections in Madison and other large cities – and in the small towns and townships there is inspection for one- and two-family dwellings, but not much else. Some governmental units have commercial electrical inspectors, but in his area most do not – consumers instead have to hope that their electricians know what they're doing.

Cites a large barn fire that occurred about 5 years ago, during which the fire department called him to cut the power, because the unlicensed person who did the wiring for a recent large addition, for hire, was not available. The overhead, triplex wiring did not include any overcurrent devices and was run directly off the yard pole, with split bolts splicing through the hay mow. The split bolts arced and the sparks ignited the hay, and there were numerous other code violations. Also cites a service call for an outdoor, residential hot tub that was installed with one side tight against a garage wall and the adjacent side tight against the house wall – with the service disconnect mounted on the garage wall, in the corner by the house wall, so the only way to access the disconnect was to get into the hot tub. Both of these jobs were done by a local “electrician” who has the age and experience to qualify for this grandfather registration, but who doesn't own a code book and has never attended training classes, so everything except new-home construction is buyer-beware.

States that his customers routinely assume every electrician is licensed, and are unaware that Wisconsin did not have statewide licensure of electricians until this year. Now this licensure still won't mean anything.

States he studied hard and passed the Master exam in 1991, and 2 of his employees studied hard and passed the exam on their second and third tries. Another employee who has the age and experience to qualify for this grandfather registration – but who is only good at residential work – doesn't, for example, have any idea how to calculate voltage drop or to derate conductors for conduit fill. Saying this employee is equal to his legitimate Master electricians would be pay discrimination. His wife likewise has helped enough with his work to qualify for this grandfather registration. States that one of the main items which was a concern in delaying the effective date of the licensing in 2007 Act 63 by one year, to 2014, was whether reciprocity with other states would be affected. Asks whether Minnesota would recognize his wife as a Master electrician – and hopes they would not.

Wisconsin Code Officials Alliance: Feels strongly that any person who is granted a license, registration, or certification under these rules should be required to meet the same level of continuing-education requirements which is required for those who are currently licensed as Master electricians.

Feels strongly that the license, registration, or certification should expire – and renewal should be required, with a demonstration of meeting the continuing-education requirements, so that inspectors won't have to provide on-the-job training.

Believes that those involved in installing, repairing, and maintaining electrical wiring need to be current in their knowledge of the electrical codes which regulate such systems, and that this is best achieved through demonstration of meeting a continuing-education requirement. The perceived benefit of this requirement is an installation, repair, or maintenance of a system that then complies with the electrical code, is safe, and promotes development without the delays typically associated with an improper installation which must be corrected before construction may proceed.

States that local governmental units agreed to give up their licensing of electricians, but only in exchange for uniform statewide licensing.

Joe Jameson/City of Middleton: Repeats the above comments from the Southwest Wisconsin Electrical Inspectors Association.

States that in the past, this issue would have been discussed with the Department's electrical code advisory council. Notes that the council last met on October 6, 2011, and asks when it will meet again.

States there are several items in 2011 Act 143 that are not addressed with these rules – including the non-profit exemption in section 101.862 (6) of the Statutes, the suspension or revocation process in 101.82 (3r), the reciprocity agreements in 101.874, and the inspection exemptions in 101.875 (2). Asks when these items will be addressed – and questions why electricians do not have a statutorily created electrician's council, as plumbers do under section 15.407 (16) of the Statutes. At a minimum, the rules should be revised to require continuing education.

Gwenn Soldner/Wisconsin Chapter of the International Association of Electrical Inspectors: Notes that the Chapter represents over 1100 inspectors, contractors, electricians, and students of the industry. States that the Association is non-profit and, as the keystone of the industry, it promotes electrical safety throughout the industry by providing premier education, certification of inspectors, advocacy, partnerships, and expert leadership in electrical codes and standards development. States he has been in the electrical trade for 37 years and has experienced the benefits of the requirements for passing an exam and receiving continuing education.

Requests the following changes to the rules:

1. These "Registered" Master Electricians should be held to the same requirements as other "registered" electricians in that they should likewise be required to obtain a minimum of 24 hours of continuing education each year.

2. These Registered "Master" Electricians should satisfy the same requirements as any other "Master" electrician, in that they should likewise be required to renew their "Master" status upon

proof of completing the required continuing education requirements and payment of the same fees as a Master electrician.

3. There needs to be an end date for this category of electricians. The beginning of the licensing law was more than 7 years ago. The information that electrical licensing was going to become law was distributed statewide shortly afterward. A Registered Master Electrician credential should not be honored after a maximum of 5 years. This would require that the Registered Master Electrician credential terminate on January 1, 2020.

Believes these individuals are already being afforded an unfair advantage over all electricians who have spent more than 15 years working and learning their trade to pass a State exam in order to obtain a Journeyman or Master license.

It is imperative to the safety of the citizens of the State that all electricians be trained in the proper installation techniques and practices of electrical systems. Failure to do so would be an injustice to these citizens.

Chris Jarosch: Disagrees with allowing the exemption, because it is based only on age and number of years of working. States that even unlicensed electricians have to have a minimum amount of continuing-education credits to maintain their status. The electrical code and other building codes are changing rapidly, so keeping up with the changes requires more hours than is required for his current Master electrical licenses (WI/MN). Since a Registered Master Electrician has done nothing to prove their level of knowledge, the safe practice is to assume they are not keeping up-to-date with current electrical codes and practices. Otherwise they likely would have taken the exam and passed it in the last 29 years that the exam has been available. Thus it seems logical that Registered Master Electricians should have to obtain a minimum number of continuing-education credits (CECs) similar to the unlicensed electricians. At the very least, Registered Master Electricians should meet the minimum CECs that are required for Master electricians – and 24 CECs per year would be better.

States that under the new rules, Registered Master Electricians would only have to pay a one-time fee and would never be required to renew, whereas he owns his own business and is required to maintain his Master electrical license by first passing the exam and then paying the fees to the Department. The new electrical licensure law did not give the “grandfathered electricians” the right to a free ride. Some of those business owners that qualify for this registration will have an unfair advantage over him, in that they will not have to pay any further fees and costs in the 10-20+ years they will be his competitor – in contrast, for example, to the CEC cost that he incurs which is about \$1000 per year. That means there is an effect on small businesses, unlike what the rule analysis states.

States that under the new rules, Registered Master Electricians will have the same ability to design electrical wiring systems and be responsible for electrical work for many years, despite the fact they have done nothing to qualify for the responsibility, and do not need to pay into the Department to maintain this privilege. As a person who passed the voluntary exam before licensure was required, and has dedicated many hours to making sure that he maintains his training, this is a big kick in the face. This rule needs to be modified to better reflect what a Registered Master Electrician is – an untested electrical worker who happens to have been born on or before January 1, 1956.

Milwaukee Chapter of the National Electrical Contractors Association: States that the Chapter represents about 80 of the Milwaukee area's largest and some of the smallest electrical contractors, and that it opposes the rules. States they recognized the need to allow an exemption for "grandfathering" older electricians, with the greater good in mind, namely, statewide electrical licensing, but never, did anyone expect a Department with Safety in their name to approve a license type like this "Registered Master Electrician." Frankly it is irresponsible! Many individuals worked the better part of a decade preparing to take an exam, to then achieve the rank of Master electrician. And now, just like that, we are going to grant the same license to someone solely based on age and years worked.

States that a true Master electrician licensee bears certain responsibilities, including:

1. Training lesser-classified electrical licensees.
2. Installing electrical wiring in a code-compliant and safe manner.
3. Obtaining at least 24 hours of continuing education every 4 years to keep the skill sets sharp and keep up with ever-evolving state and national electrical-safety codes.

It seems ludicrous that the Department would issue a license of this magnitude with no continuing-education requirement attached. It almost seems ironic that we are granting the power to these individuals to supervise and train "registered electricians," but the registered or beginner electrician will be required to meet 24 hours of continuing education every year, and the individual potentially training them will not be required to take *any* continuing education courses. It could be argued that the individuals for whom this license is meant are the very individuals needing the greatest level of continuing education. These individuals have worked for a huge part of, if not their entire career, in the electrical industry, with no license, which, in turn means they have had no requirement to keep up their education to this point, so why would we now grant them the highest level of electrical license?

States that this logic is flawed. Believes that one of the several unintended consequences will be that current Master electricians who meet the age and work-history requirements will let their true Master license lapse and then apply for the Registered Master Electrician credential only to avoid additional fees and continuing-education requirements, thus further dumbing down the industry. Also, long-time Journeyman electrician license holders who have passed the JW test but have been unable to pass the Master exam will realize they meet the requirements for this Registered Master Electrician credential, and will then fill out the appropriate forms and essentially get a free pass to the higher level credential, even though they have proven that they do not possess the knowledge required to obtain that credential.

States that the Chapter would at the very least like to see:

1. A continuing-education requirement at least equal to, if not greater than, that of the current Master electrician license.
2. A work-history verification process that includes not just filling out an affidavit or form, but actual proof like W-2's or other substantiation, from electrical contractors for whom they have worked.

Rachel Jaeb/Wisconsin chapter of the National Electrical Contractors Association: States that grandfathered electricians should have to get continuing-education units like everyone else.

## **RESPONSE TO PUBLIC COMMENTS:**

The Department explains the modifications to its rulemaking proposal that were prompted by the public comments as follows:

No modifications were made to the proposed rules in response to the public comments. The reasons why are as follows:

- (1) Although these rules would exempt certain, qualified electricians from complying with several requirements that apply to other electricians, and although several of the commenters opposed these exemptions or qualifications, or both, the exemptions and qualifications in the proposed rules are the same as the exemptions and qualifications which are in section 101.862 (5) of the Statutes, as created by SECTION 15 of 2013 Wisconsin Act 143. Further, the Department does not have authority to modify the proposed rules so that they would reduce these exemptions. Likewise, the Department does not have authority to expand the proposed rules to include additional qualifications for this new group of electricians, or to place further restrictions or limits on this group. Regardless of why these exemptions and qualifications were created in section 101.862 (5), the Department is required by section 101.862 (5) (b) to promulgate rules that include them, and these rules therefore should not be considered as creating discriminatory, unjust, or unfair circumstances.
- (2) Although several commenters recommended doing so, the Department does not have authority to expand the rules in order to extend the exemptions to additional individuals.
- (3) The Department continues to believe that the financial impact of these rules will not be significantly different than the impacts resulting from section 101.862 (5) (a) of the Statutes, which became effective prior to the effective date of the identical, emergency rules that are preceding these proposed rules. These financial impacts will be small, at most, because as of October 24, 2014, only 86 individuals have applied for this credential, in comparison to over 19,000 electrical-related credentials which are currently in effect.
- (4) Some of the individuals who will apply for this credential may have performed master-electrician-level work – including supervision of other electricians, or work that was not supervised by other electricians – in the past, and the Department does not have authority to now either reduce them to a lower-level credential, such as a journeyman electrician, or to restrict them from supervising other electricians, or to require them to be supervised by other electricians. Also, it is highly unlikely that the applicants who receive this credential will perform a type and level of work outside of that which they have done in the past. Applicants who only have experience in factory or industrial electrical maintenance are not likely to, for example, use the credential to supervise electricians in other, substantially different settings – such as a residential, or large multifamily-dwelling-unit construction setting. This credential will not exempt anyone from complying with any of the electrical requirements in chapter SPS 316, or from any of the disciplinary elements of chapter SPS 305. And, the rules would not restrict any electrical inspector from inspecting any of the electrical work performed by the holders of this credential. Consequently, the Department does not believe that this credential will be used to undercut other electricians, and does not believe that this credential will result in a lower level of safety.
- (5) Although several commenters strongly recommended expanding the proposed rules to include either continuing-education or examination requirements, no continuing-education or examination requirements were specifically authorized for this credential by 2013 Wisconsin Act 143, and therefore, there is no authority to include such requirements in the proposed rules.

- (6) The Department believes that the effect these rules will have either on out-of-state contractors who perform electrical work in Wisconsin, or on Wisconsin electricians who perform electrical work in other states, will be no different than the corresponding effects resulting from section 101.862 (5) (a) of the Statutes, which became effective prior to the effective date of the identical, emergency rules that are preceding these proposed rules.
- (7) The proposed rules enable the Department to require an applicant to attest to the length of their work experience when applying for this credential, which the Department can then audit – so further detail relating to this experience is not needed in the rules.
- (8) No statutory definition of “license” or “registration” is included in subchapter IV of chapter 101 of the Statutes, so use of either term in place of the other, such as now substituting “license” for “registration” in the proposed rules, would not change the authority that is conveyed with the credential. Some of the Hearing testimony uses these two terms interchangeably, which the Department accepts – but some of the testimony, such as from the Assembly author of 2013 Wisconsin Act 143, recommends using “license” instead of “registration,” which is not necessary within the current statutory construction.
- (9) The proposed rules are intentionally identical to the corresponding emergency rules that are currently in effect. The Department plans to promulgate any other rules that are needed because of other aspects of 2013 Wisconsin Act 143 in the near future.
- (10) Although several commenters strongly recommended expanding the proposed rules to include either renewal or sunset requirements, neither a renewal nor a sunset of this credential was authorized by 2013 Wisconsin Act 143, and therefore there is no authority to include either or both of these requirements in the proposed rules. Consequently, whatever monetary incentives result, such as for current credential holders to switch to this credential, will be due to Act 143 rather than these rules.

## **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

The proposed criteria for obtaining this credential include, under section SPS 305.437 (1) (a) and (c), submittal of the Department’s application form that is specifically for this credential. In completing this form, the applicants will document and attest to their age and to the length of time they have installed, repaired, or maintained electrical wiring. The Department will then compare that age and length of time to the minimum standards in section SPS 305.437 (2), to determine whether to issue the credential. In developing this criteria, the Department followed the specific directive in section 101.862 (5) (b) of the Statutes, rather than any unstated intent behind that directive.

No statutory definition of “license” or “registration” is included in subchapter IV of chapter 101 of the Statutes, so use of either term in place of the other does not change the authority that is conveyed with the credential issued under section 101.862 (5) (b) of the Statutes.

The referenced interpretation of section 101.862 (5) (a) of the Statutes has been deleted from the analysis.

## **VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules were not submitted to the Small Business Regulatory Review Board.

These rules are not expected to have an adverse economic impact on small businesses.

*File reference: SPS 316/Legislative report 4*