

**STATE BOARD OF ELECTRICIANS
BUSINESS MEETING MINUTES**

DATE: May 24, 2022

TIME: 10:00 a.m.

PLACE: Via Google Meet Video and Teleconference + 321-465-5183
PIN: 457 489 090#

MEMBER

PRESENT: Jack Wilson, Chairman
Chet Brown, Vice Chairman
Paul Donaghue, Industry Member
Jose Anderson, Consumer Member
Steven Petri Sr., Industry Member
John Peterson, Industry Member
Greg Kaderabek, Industry Member

MEMBER

ABSENT: Francis Harrison, Consumer Member

STAFF

PRESENT: John Bull, Executive Director, Mechanical Boards
Sloane Fried Kinstler, Assistant Attorney General
Tracey Baylor-Wilson, Administrative Officer

OTHERS

PRESENT: Matt Helminiak, Commissioner, Labor & Industry
Kausar Syed, Deputy Commissioner, Department of Labor

CALL TO ORDER:

Chairman, Jack Wilson, called the Business Meeting of the Maryland State Board of Electricians to Order at 10:01 a.m.

APPROVAL OF MINUTES

The Board members reviewed the minutes of the Business Meeting held on April 26, 2022. Upon Mr. Peterson's Motion and Mr. Brown's second, the Board unanimously voted by roll call vote to approve the minutes without amendment or correction.

COMPLAINT COMMITTEE REPORT

Staff person, Tracey Baylor-Wilson reported that there were five (5) complaints reviewed with one (1) being sent for criminal charges, two (2) closed and two (2) pending further investigation. Upon Mr.

Donaghue's Motion and Mr. Kaderabek's second, the Board unanimously voted to approve the Complaint Committee Report:

- ELEC 22-0018 - Carry over from last meeting - Closed
- ELEC 22-0020 - Pending further Investigation
- ELEC 22-0021- Pending further Investigation
- ELEC 22-0022 - Sent for Criminal charges
- ELEC 22-0023 - Closed

APPLICATION REVIEW COMMITTEE REPORT

Mr. Brown reported that there were seven (7) applications reviewed with three (3) being approved, two (2) denied and two (2) pending additional information. Upon Mr. Anderson's Motion and Mr. Petri's second, the Board unanimously voted by roll call vote to approve the Application Review Committee Report.

CONTINUING EDUCATION PROVIDER REPORT

None to be considered.

EXAM CHALLENGES REPORT

None to be considered.

EXECUTIVE DIRECTOR'S REPORT

Deputy Commissioner Syed introduced Mr. John Bull as the new Director for the Mechanical Boards replacing former Director Robin Bailey. Director Bull introduced himself to the Board and explained that he joined the Department of Labor in January 2022 as Director of the Boards of Cosmetologist and Barbers. Prior to that he was a Deputy Director with the Department of Health for fourteen years.

REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS

PSI exams submitted the following statistical summaries for the month of April 2022:

Electricians	Candidates Tested	Passed	Failed	Pass %
Master Electricians	48	11	37	23%

Journeyman Electrician	Candidates Tested	Passed	Failed	Pass %
Journeyman Electricians	35	5	30	14%

Chairman Wilson expressed concern the 19% journeyman passing rate and asked the Board members' opinion. The Board agreed with the Chair's concern. Mr. Kaderabek expressed concern over license, specifically licensure with only four (4) years of work experience. Chairman Wilson expressed to the

Board that he wonders whether third-year apprentices are taking the test so they can opt out of their 4th year of an apprenticeship program. Chairman Wilson stated that the Board will discuss further after reviewing the exam statistics next month.

OLD BUSINESS

Counsel informed the Board that she reviewed a regulatory concept paper that Director Bull has prepared based on the Board's request during the April meeting to mirror a regulation in place for the HVACR Board that also has a statutory provision that grants an examination waiver to Journey applicants who have completed an approved MATC program. Counsel reminded the Board of the requirement that an individual must apply for a journeyman license within two years of completion of an approved MATC or FOA electrician apprenticeship to be eligible for the examination waiver pursuant to Md. Ann. Code, Bus. Occ. & Prof. § 6-307.1(2). Counsel stated that Director Bull will submit the paper after the meeting, which will go to the Secretary. If approved, the Board can propose action to adopt the regulation.

NEW BUSINESS

Chairman Wilson asked Counsel about the processing of applications with the approaching December 31, 2022 deadline for certain applications. Counsel explained that the deadline, pursuant to § 6-307.1(1)(ii) indicates that applications submitted under this provision must be received by the Department before midnight on December 31, 2022; the Board is not required to process all qualifying license applications by that date. The Department is expected to process applications in a timely manner but is not required to process all applications or issue licenses to all qualified applicants by that date. Counsel stated that this has been the practice historically when there has been a statutory provision that contains a deadline. Counsel added that if the application for example is submitted electronically on December 31, 2022 before midnight even after the close of business, it should be accepted and if delivered by mail even if it is not delivered to the Board but is in the Department's mailroom, the Board should accept the application as having met the submission deadline.

Counsel referred the Board to SB 259, that members had been provided prior to the meeting. Counsel advised the Board that SB 259 deals with changes to the State Finance and Procurement Article, § 17-201 by expanding the definition of construction to include "mechanical systems service contracts" that apply to public works contracts for the provision of plumbing, HVACR, and electrical services. Counsel explained under existing language in the provision, a public works contract is defined as a contract over \$250,000 but the new language provides that it applies to a mechanical systems service contract in excess threshold is under federal law, which, Counsel advised is \$2,500. Counsel reported that the law will go into effect October 1, 2022 and introduced Commissioner of the Division of Labor and Industry ("DLI"), Matt Helminiak.

Commissioner Helminiak explained that the reason he attended the meeting is to talk to the Board about rates of pay for to set the prevailing wage, which will now include to mechanical systems service contracts. Commissioner Helminiak stated that prevailing wage rates are determined by an annual survey of Maryland counties for standard wage rates per county. Commissioner Helminiak added that, at the present, his unit does not survey electrical services. Accordingly, he asked industry members about service contracts, whether the same crews provide installation services, whether new construction requires a different set of crews and, if so, how those crews are referred to, and whether

the service providers have a different title. Mr. Kaderabek stated that his company provides services for prevailing wage contracts and, in most cases, the same crews provide both types of services; Mr. Petri agreed. Commissioner Helminiak asked if it was the same wage rate or do whether the pay rates differ. Mr. Kaderabek, Mr. Pretri, and Mr. Brown stated that it is the same wage rate. Chairman Wilson stated that he was not sure how many Board members were on the Board at the time of a prior conversation but recalled the Board's discussion with DLI in which it was revealed that DLI requires prevailing wages to be paid on applicable jobs, but that there is no requirement that providers hold the appropriate license or classification. The Chairman stated that this loophole must be closed.

Counsel provided background for the understanding of the Board that at a meeting several years ago between representatives of the mechanical boards and DLI, it was identified that the prevailing wage law does not require the consideration of license status, only that fair wages are offered. Counsel added that, at the time, DLI maintained that the law would have to be changed to require the checking of license status and authorize the payment of a wage corresponding to the individual's license classification. Counsel states that DLI had suggested that, if O&P thought this to be significant, the Office of the Secretary could approve a legislative concept to alter the prevailing wage law so that license classification was considered.

CORRESPONDENCE

None to report.

COUNSEL'S REPORT

None offered.

CHAIR'S REPORT

None offered.

CLOSED SESSION

The Board did not convene in closed session.

ADJOURNMENT

Motion was made by Mr. Kaderabek seconded by Mr. Brown, and unanimously voted by roll call and carried to adjourn the meeting at 10: 41 a.m.

Jack Wilson, Chairman

Date

_____ Without Corrections

_____ With Corrections