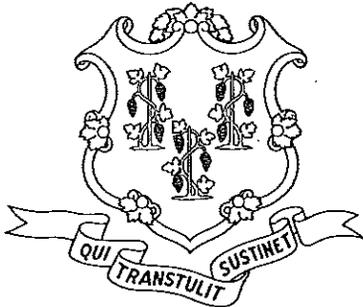


# Occupational Licensing Boards

Connecticut  
General Assembly



LEGISLATIVE  
PROGRAM REVIEW  
AND  
INVESTIGATIONS  
COMMITTEE

**SUNSET 1982**

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

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## OCCUPATIONAL LICENSING BOARDS

### SUMMARY

In 1965, the General Assembly passed P.A. 493, creating a statewide licensing system for workers engaged in plumbing; heating, piping and cooling; and elevator installation, repair and maintenance. Although a statewide licensing system already existed for electricians, they were also brought under the new statute. Public Act 493 also established a licensing board empowered to oversee the administration and enforcement of the licensing law for each of the four occupations.

The greatest change in the occupational licensing law occurred with the passage of the Executive Reorganization Act in 1977. Under this act, the boards were placed within the Department of Consumer Protection. Control of staff, authority to initiate and conduct investigations, and regulation making power were all transferred from the boards to the commissioner of consumer protection. Each board's role under reorganization was limited to evaluating an applicant's qualifications to take licensing examinations, advising the commissioner on regulations, and adjudicating complaints.

The Department of Consumer Protection which is responsible for providing support services, has assigned four staff members to the boards. In addition, the department's assistant director of registration, who supervises the staff, spends most of his time on business related to the four boards. Each of the boards consists of seven members:

- two unlimited contractors;
- two unlimited journeymen (elevator craftsmen in the case of the elevator board); and
- three public members.

All board members are appointed by the governor and serve co-terminously.

The purpose of each occupational licensing board is to evaluate whether an individual meets all the requirements to qualify for a license, has the requisite skill to perform the trade for which a license is sought, and to hear complaints and suspend or revoke licenses of individuals found in violation of the statutes or regulations.

The budgets for the occupational licensing boards are formulated by the Department of Consumer Protection, which estimated their expenditure during the 1981-82 fiscal year will be \$137,500. This includes \$18,000 for the boards, \$46,500 for staff, \$53,000 for administration and \$20,000 for other.

The occupational licensing boards generate revenue through application and licensed fees. This amounts to approximately \$51,000 annually in application fees and either \$50,000 or \$984,500 in license fees depending on whether it is a license renewal or nonrenewal year. The activities of the four occupational licensing boards are very similar and cover the following general areas: developing licensing examinations; evaluating the qualifications of licensing applicants; reviewing complaints against licensed tradesmen; discussing issues affecting each trade; and advising the commissioner of consumer protection on regulations.

During the course of the committee's sunset review, the plumbing, heating and elevator boards were in the process of revising their licensing examinations. Questions to be used in new tests were usually written by three or four board members during sessions taking place before or after regular meetings or during special meetings. The questions were multiple choice and generally taken from the national code covering the specific industry. The electrical board spent very little time on this activity because it had an existing bank of 1,000 questions which were used to regularly change the composition of its examinations.

The boards have the responsibility to determine if an applicant meets all of the statutory and regulatory criteria to take an examination for the license being sought. However, because of the volume of applications and the objective nature of the criteria, the boards have delegated most of their authority in this area to staff of the Department of Consumer Protection. Board members only review those applications judged by the staff to be beyond their decision making power.

A total of 2,201 applicants qualified to take licensing examinations during the 1979-80 fiscal year. The number of those passing and being issued licenses totalled 994.

Under the state's occupational licensing law, the boards are responsible for conducting hearings on complaints against license holders and suspending or revoking those found in violation of the law. The Department of Consumer Protection is responsible for actually conducting investigations into complaints and determining if there is sufficient cause to request a hearing.

A significant feature of the complaint procedure is that a board is not officially involved until the Department of Consumer Protection has already begun an investigation. As a result of this policy, only 28 of the 136 complaints logged by the department during the 1980 fiscal year appear in the minutes of board meetings.

Twelve of the 28 complaints concerned unlicensed persons practicing a trade while the remainder of the cases involved complaints dealing with economic or competency issues. The boards did not hold any formal hearings on these complaints nor did they suspend or revoke any licenses.

The boards have a statutory mandate to advise the commissioner of consumer protection on the need for new regulations, and the interpretation and enforcement of existing regulations. Fulfilling this role occupies a very small portion of each board's time. During the period the boards were being reviewed, the only significant feature in this area was the involvement of the electrical board in establishing four new, limited license categories.

#### ANALYSIS AND RECOMMENDATIONS

The Legislative Program Review and Investigations Committee's sunset review of the state's occupational licensing system focused on the level of regulation, continuation of each board, and the administration and scope of the licensing laws.

##### Level of Regulation

The committee found the elevator industry to be unique. In the case of this industry, unlike the others governed by occupational licensing laws, the state directly inspects and enforces compliance with all codes and regulations. This is done through the elevator inspection unit located in the Department of Public Safety.

The industry is small with 36 licensed contractors and 286 licensed journeymen. In the past two years, only 2 new contractors and 21 new journeymen have been licensed. The industry's small size enables it to tightly police itself. The committee learned the national labor contract which governs the industry makes it mandatory for a newly hired person to complete educational modules on basic elevator knowledge and safety provided by the National Elevator Industry Educational Program. Each individual is tested on the components of the program, and a failing test score results in termination.

Testimony at the committee's public hearing indicated the industry nationwide has an outstanding safety record. This record has been achieved with less than half the states (21) licensing contractors and only 9 licensing journeymen. Based on the foregoing information: *the Legislative Program Review and Investigations Committee recommends that licensing of elevator installation, repair and maintenance workers be eliminated and the board be terminated.*

With respect to electricians, plumbers and pipefitters, the committee believed that because these tradesmen were frequently employed by small consumers who were not equipped to judge their credentials that some form of government regulation was needed. Based on this belief the committee chose to continue state licensing of contractors and journeymen engaged in electrical, plumbing and piping work.

#### Continuation of the Boards

The Legislative Program Review and Investigations Committee's recommendation to terminate licensing of elevator contractors and journeymen automatically eliminated the elevator board from further review. The two key issues considered by the committee in determining whether to continue each of the other three remaining boards were their workload and the need for the expertise they provided.

The committee concluded based on observations by its staff of meetings during the first half of 1981 and analysis of the minutes of the past two years that the workloads of the electrical, plumbing and heating boards did not warrant their continuance as discrete entities and they could easily be combined.

The committee decided requiring representation on a combined board of one contractor and one journeyman from each regulated trade would satisfy those occasions when expertise in a specific occupation was needed. In addition, the commissioner could be empowered to obtain the services of persons experienced in a trade to provide assistance in special circumstances, such as highly complex complaint investigations.

*Therefore, the Legislative Program Review and Investigations Committee recommends the electrical, plumbing and heating boards be combined into a single nine person board composed of one contractor and one journeyman from each occupation and three public members.*

The committee estimates adoption of this recommendation will save the state \$7,000 in per diem reimbursements.

## Administration

During the course of the committee's review it became aware of alleged improprieties in the administration of occupational licensing examinations. Investigators from the chief state's attorney's office found variations in passing rates that could not be explained by mere chance. This was consistent with a study by the Department of Consumer Protection and the committee's own review of exam passing rates for various administrations of occupational licensing examinations. However, the most convincing evidence of irregularities was the fact that investigators from the chief state's attorney's office obtained a copy of a licensing exam currently being used.

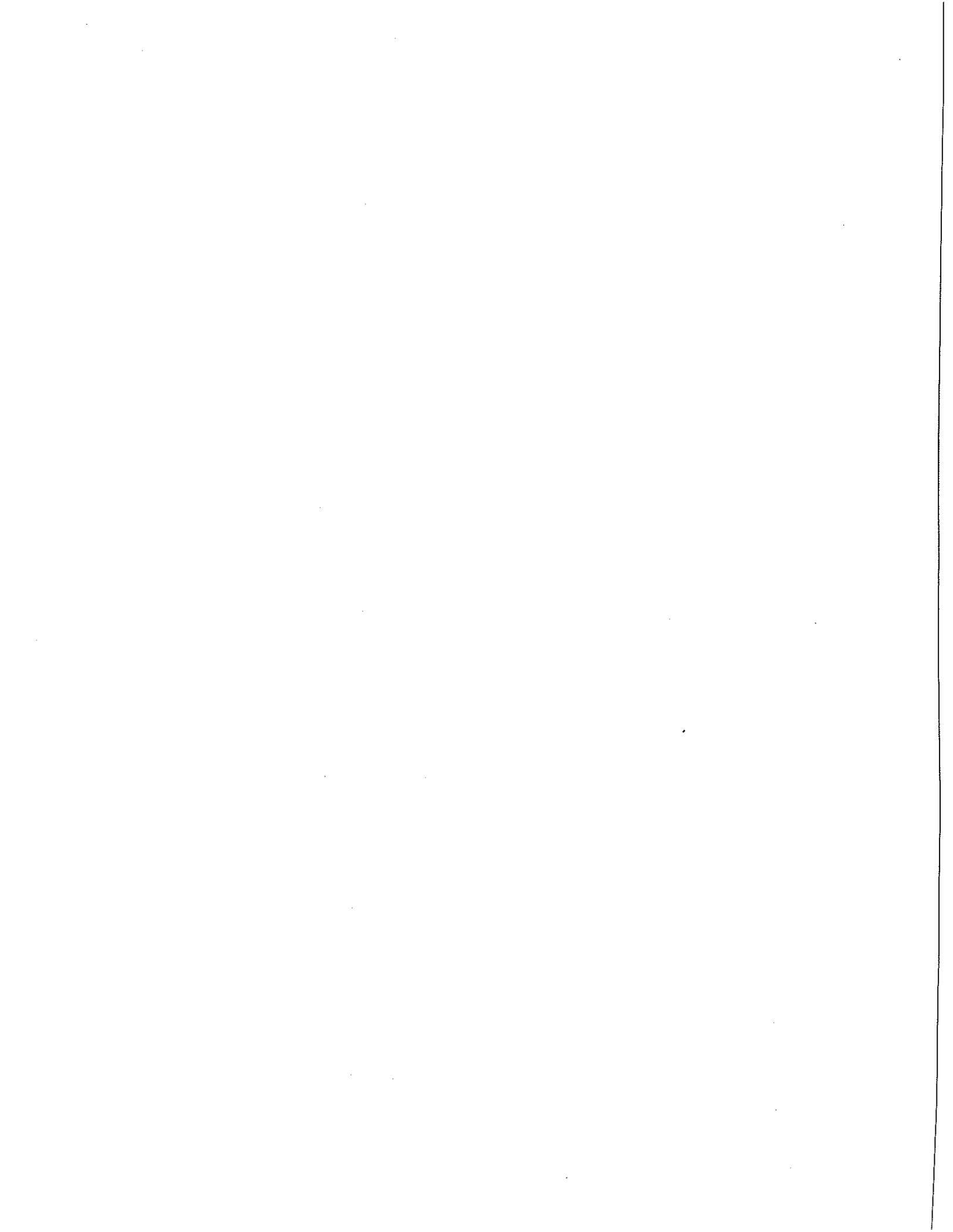
*The Legislative Program Review and Investigations Committee recommends the Department of Consumer Protection be required, where feasible, to use a professional testing service to develop, revise and administer all occupational licensing exams.*

## Scope of Regulation

The committee was informed at its public hearing on the occupational licensing boards of a problem concerning a requirement that certain activities be performed by licensed workers. Until P.A. 75-464 changed the exemption section of the state's licensing law, laborers could install electrical or water conduit when employed by a contractor who was performing work for or subject to inspection by any federal, state or municipal agency or corporation. Since passage of this law, there have been many disputes between unions representing laborers and those representing plumbers and electrical workers regarding use of licensed persons in laying electrical and water conduit.

The committee's research found this type of work has historically been done by laborers and is frequently defined in collective bargaining agreements. It concluded an exemption could be applied to the heavy, manual and semi-skilled work associated with installing electrical and water conduits. The work would be subject to inspection by government inspectors and the actual tie-ins to power sources or the public water supply would remain limited to licensed persons.

*The Legislative Program Review and Investigations Committee recommends changing section 20-340 of the Connecticut General Statutes to exempt from licensing requirements persons laying or installing pipe or conduit of any nature outside of the foundation line of a building, provided such work is subject to inspection by a government agency and all connections to a power source or a public water supply are installed by persons licensed to make such connections.*



## INTRODUCTION

### Purpose and Authority for the Sunset Review

Chapter 28 of the Connecticut General Statutes provides for the periodic review of certain governmental entities and programs and for the termination or modification of those which do not significantly benefit the public health, safety, or welfare. This law was enacted in response to a legislative finding that there had been a proliferation of governmental entities and programs without sufficient legislative oversight.

The authority for undertaking the initial review in this oversight process is vested in the Legislative Program Review and Investigations Committee. This committee is charged, under the provisions of section 2c-3 of chapter 28, with conducting a performance audit of each entity or program scheduled for termination. This audit must take into consideration, but is not limited to, the four criteria set forth in section 2c-7. These criteria include: (1) whether termination of the entity or program would significantly endanger the public health, safety, or welfare; (2) whether the public could be adequately protected by another statute, entity, or program or by a less restrictive method of regulation; (3) whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services and, if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and (4) whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations, or policies, including budgetary and personnel policies.

In addition to the criteria contained in section 2c-7, the Legislative Program Review and Investigations Committee is required, when reviewing regulatory entities or programs, to consider, among other things: (1) the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program; (2) the extent to which the governmental entity involved has complied with federal and state affirmative action requirements; (3) the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated; (4) the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and (5) the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to review.

In accordance with its legislative mandate, the Legislative Program Review and Investigations Committee reviewed sixteen entities and programs scheduled to terminate July 1, 1982. Contained in this report to the General Assembly is the result of the committee's review of the state's occupational licensing boards.

### Methodology

The Legislative Program Review and Investigations Committee's sunset review was divided into three phases. The initial step focused on collecting quantitative and qualitative data related to each entity's background, purpose, powers, duties, costs, and accomplishments. Several methods were used by committee members and staff to obtain this information. These include: (1) a review of statutes, transcripts of legislative hearings, entity records (including minutes, complaint files, test results and reports), and data and statutes of other states; (2) staff observations of numerous meetings held by each entity between January and August of 1981; (3) surveys of persons connected with each entity; (4) formal and informal interviews of selected individuals serving on, staffing, affected by, or knowledgeable about each entity; and (5) testimony received at public hearings.

During the second phase, the staff organized the information into descriptive packages and presented them to the committee. The presentations took place in public sessions designed to prepare committee members for the hearings, identify options for exploration, and alert entity officials to the issues the committee would pursue at the hearings. Seven public hearings concluded this phase.

The final step of the review involved committee members and staff following up on and clarifying issues raised at briefings and public hearings. During this period, the staff prepared decision papers and presented recommendations to the committee. The committee, in public sessions, then debated and voted upon recommendations for the continuation, termination or modification of each entity.

## BACKGROUND

### Legislative History

In 1965, the General Assembly passed P.A. 493, creating a statewide licensing system for workers engaged in plumbing; heating, piping and cooling; and elevator installation, repair and maintenance. Although a statewide licensing system already existed for electricians, they were also brought under the new statute.

Prior to 1965, occupational licensing was a municipal function. This meant a worker conceivably could be required to have a different license and meet different standards in every town. Even electricians, who had to meet state standards, could be required to meet local standards if they worked in a municipality which had its own licensing system.

Public Act 493 also established a licensing board for each of the four occupations. Each board consisted of five members and was empowered to oversee the administration and enforcement of the law and to develop regulations defining limited licensure categories. The legislature made provisions for limited licenses to avoid requiring workers who intended to engage in specific aspects of a trade, such as cable splicing or the installation of sprinkler systems for fire protection, from having to meet experience and knowledge standards for practice in the trade as a whole.

In 1967, the boards were given the authority to hire staff to assist in investigating complaints and administering the state's occupational licensing laws. That same year the General Assembly made the first in a series of changes to the statute exempting certain work categories from licensing. Public Act 67-789 added the following exemptions: employees of municipal corporations; repairmen and servicemen of appliances for domestic use; persons engaged in the manufacture or repair of apparatus, appliances and fixtures for sale or lease; and employees of theatrical companies. Public Act 75-464 changed the exemption section in such a way as to limit the laying of electrical and water conduits to licensed plumbers and electricians, in effect prohibiting laborers from performing this work. Other acts added circus workers and homeowners to the list of exemptions.

The greatest change in the occupational licensing law occurred with the passage of the Executive Reorganization Act in 1977. Under this act, the boards were placed within the

Department of Consumer Protection. Control of staff, authority to initiate and conduct investigations, and regulation making power were all transferred from the boards to the commissioner of consumer protection. Each board's role under reorganization was limited to evaluating an applicant's qualifications to take licensing examinations, advising the commissioner on regulations, and adjudicating complaints.

Public Act 80-420 was the last major change in the licensing law. The act shifted enforcement of the prohibition against tradesmen working without a license from the state to municipalities. This was done by giving local officials the authority to demand verification that all tradesmen on a job are licensed and to seek civil penalties against those working without a license. The act provided financial support to municipalities for enforcement of the law by placing \$15 from the license fee of every journeyman into a pool to be distributed to towns based on a ratio of the total value of building permits issued by the municipality to the total value of all building permits issued in the state.

#### Scope of Regulation by Occupational Licensing Boards

The type of work which is covered by the state's occupational licensing law is defined in section 20-330 of the Connecticut General Statutes. The definitions, which are also used to set the jurisdictional limits for the electrical, plumbing, heating, and elevator boards, are:

*"Electrical Work"*-- installation, erection, maintenance, alteration or repair of any wire, cable, conduit, busway, raceway, support, insulator, conductor, appliance, apparatus, fixture or equipment which generates, transforms, transmits or uses electrical energy for light, heat, power, or other purposes;

*"Plumbing and Piping Work"*-- installation, repair, replacement, alteration or maintenance of gas, water and associated fixtures, laboratory equipment, sanitary equipment, other than subsurface sewage disposal systems, fire prevention apparatus, all water systems for human usage, sewage treatment facilities and all associated fittings within a building and shall include lateral storm and sanitary lines from buildings to the mains, swimming pools and pumping equipment;

*"Heating, Piping and Cooling Work"*-- installation, repair, replacement, maintenance or alteration of any apparatus for piping, appliances, devices or accessories for heating systems, excluding sheet metal

work, air conditioning and refrigeration systems, boilers, including apparatus and piping for the generation or conveyance of steam and associated pumping equipment; and

*"Elevator Installation, Repair and Maintenance Work"*-- installation, erection, maintenance and repair of all types of elevators, dumb waiters, escalators, and moving walks and all mechanical equipment, fittings, associated piping and wiring from a source of supply brought to the equipment room by an unlimited electrical contractor for all types of machines used to hoist or convey persons or materials but does not include temporary hoisting machines used for hoisting materials in connection with any construction job or project.

All licenses issued by the boards fall under one of four broad categories. The categories and the major criteria which must be met to be eligible for a license are outlined below.

Unlimited Contractor: The holder is allowed to take out work permits and perform all the work of an occupation as defined by Sec. 20-330 of the Connecticut General Statutes. Eligibility Criteria:

- two years service as a journeyman
- intent to offer services to the general public
- evidence of intent to comply with state requirements pertaining to workers compensation and unemployment insurance

Limited Contractor: The holder is allowed to perform work only in specific areas of the trade. Eligibility Criteria:

- same requirements as an unlimited contractor except they are applied to a specific area of the trade

Unlimited Journeyman: The holder is permitted to perform all the services included in the trade while in the employ of a contractor licensed to perform the work. Eligibility Criteria:

- at least 20 years of age
- good moral character

- eighth grade diploma or equivalent
- completion of a bona fide apprentice program of not less than four years (Total program must include a combination of 8,000 hours of experience and classroom work.)

Limited Journeyman: The holder is allowed to perform specific work in a specific area while in the employ of a contractor licensed to perform the work. Eligibility Criteria:

- same requirements as an unlimited journeyman except applied to a specific area of the trade

A total of 53 licenses are issued in accordance with the state's occupational licensing law. Table I-1 gives a breakdown of the number of licenses each board issues and the categories under which they are issued. As the table illustrates, the vast majority of all licenses are limited ones issued by the plumbing and heating boards.

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Table I-1. Number of Licenses by Major Category and Board.

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<u>Board</u>	<u>Unlimited Contractor</u>	<u>Limited Contractor</u>	<u>Unlimited Journeyman</u>	<u>Limited Journeyman</u>	<u>Total</u>
Electrical	1	3	1	3	8
Plumbing	1	8	1	8	18
Heating	1	10	1	10	22
Elevator	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>5</u>
TOTAL	4	22	4	23	53

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Structure

The electrical, plumbing, heating, and elevator boards are all located within the Department of Consumer Protection. The department, which is responsible for providing support services,

has assigned four staff members to the boards. In addition the department's assistant director of registration, who supervises the staff, spends most of his time on business related to the four boards. Each of the boards consists of seven members:

- two unlimited contractors;
- two unlimited journeymen (elevator craftsmen in the case of the elevator board); and
- three public members.

All board members are appointed by the governor and serve coterminously.

#### Purpose, Powers and Duties

The purpose of each occupational licensing board is to evaluate whether an individual meets all the requirements to qualify for a license, has the requisite skill to perform the trade for which a license is sought, and to hear complaints and suspend or revoke licenses of individuals found in violation of the statutes or regulations. To accomplish its purpose each board is empowered to:

- develop licensing tests with the consent of the commissioner;
- evaluate the qualifications of individuals seeking to be licensed and to issue licenses to those found qualified;
- recommend regulations for adoption by the commissioner of consumer protection and review and comment upon proposed regulations prior to their adoption by the commissioner;
- request that the commissioner of consumer protection conduct an investigation of any matter covered by Chapter 393 or the regulations established pursuant to it and make findings and recommendations;
- conduct hearings on any matter covered by Chapter 393 or the regulations established pursuant to it;

- suspend or revoke the license of any practitioner found to be in violation of Chapter 393 or the regulations established pursuant to it; and
- keep a roster of all individuals licensed by the board and furnish such roster to each town clerk.

Fiscal Information

The budgets of the occupational licensing boards are formulated by the Department of Consumer Protection, which supplied the expenditure figures contained in Table I-2.

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Table I-2. Occupational Licensing Board Expenditures.

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	<u>FY 1979-80</u>	<u>FY 1980-81</u>	<u>FY 1981-82 (Estimate)</u>
Board	\$10,523	\$16,289	\$18,000
Staff	62,408	42,325	46,500
Administration	26,197	48,000	53,000
Other	<u>24,340</u>	<u>18,095</u>	<u>20,000</u>
TOTAL	\$123,468	\$124,709	\$137,500

Source: Department of Consumer Protection.

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It should be noted that the figures represent approximations of actual costs since separate budgets for specific boards are not maintained by the department. Also, the year to year differences in costs attributed to the staff and administrative expense categories are a result of a change in accounting procedures, not actual shifts in costs.

The occupational licensing boards generate revenue through application and license fees. Table I-3 shows the revenues attributable to each board and the source of the funds.

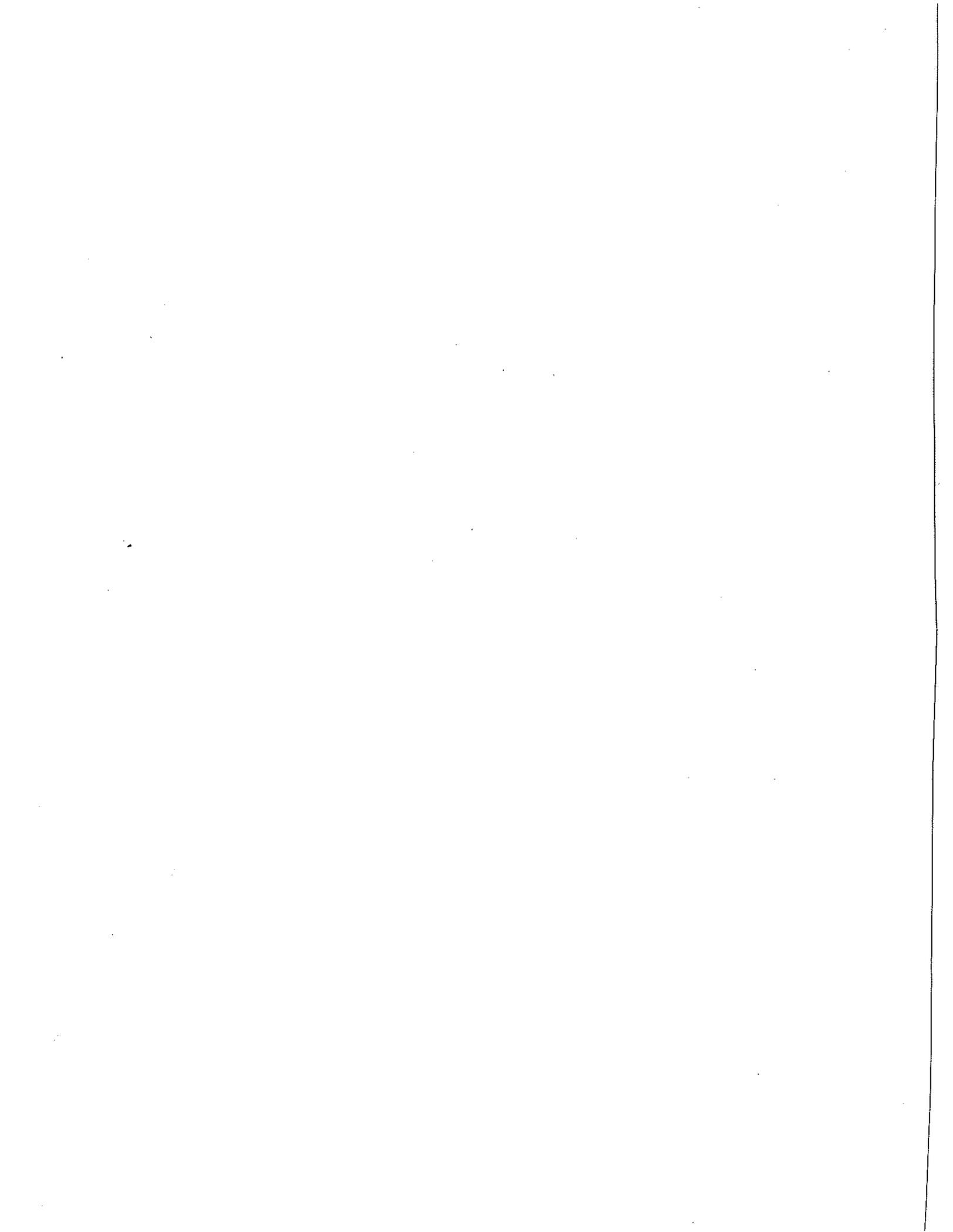
Table I-3. Projected Revenues from Occupational Licensing.\*

<u>Board</u>	<u>Applications (Annual)</u>	<u>New Licenses (Annual)</u>	<u>License Renewals (Biennial)</u>	<u>TOTAL</u>	
				<u>Nonrenewal Years</u>	<u>Renewal Years</u>
Electrical	\$25,140	\$22,200	\$349,975	\$47,340	\$397,315
Plumbing	10,950	13,825	355,825	24,775	380,600
Heating	14,880	13,650	269,775	28,530	298,305
Elevator	<u>295</u>	<u>325</u>	<u>8,950</u>	<u>620</u>	<u>9,570</u>
TOTAL	\$51,265	\$50,000	\$984,525	\$101,265	\$1,085,790

\* Adjusted to reflect the decrease resulting from distributing \$15 per journeyman license to municipalities.

Caution must be used in interpreting Table I-3. Projected revenues in the new license and renewal categories have been adjusted to account for the \$15 per journeyman license which is distributed to municipalities to aid them in enforcing occupational licensing laws. It should also be noted that licenses are only renewed in odd numbered years; therefore, the last column should be used when estimating annual revenues.

A comparison of the figures in Table I-2 and Table I-3 reveals that Connecticut's occupational licensing law results in a surplus during renewal years and a net loss in nonrenewal years.



## ACTIVITIES

The activities of the four occupational licensing boards are very similar and cover the following general areas: developing licensing examinations; evaluating the qualifications of license applicants; reviewing complaints against licensed tradesmen; discussing issues affecting each trade; and advising the commissioner of consumer protection on regulations.

Table II-1 contains a rough approximation of the number of times during the 1979-80 fiscal year that a specific board was involved in discussions pertaining to the areas identified above. The table was constructed from a review of the minutes of board meetings. The data reflects only the number of times a topic in a particular area was discussed, not the length or importance of the discussion. Table II-2 shows the number of times each board met, the average attendance as a percentage of the total board membership.

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Table II-1. Topics Discussed at Board Meetings.

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<u>Board</u>	<u>Developing Exams</u>	<u>Applicant Qualifications</u>	<u>Complaints</u>	<u>Industry Issues</u>	<u>Advising on Regulations</u>	<u>Other</u>
Electrical	6	9	6	19	14	8
Plumbing	2	8	8	13	3	5
Heating	3	7	11	10	9	4
Elevator	<u>8</u>	<u>8</u>	<u>3</u>	<u>9</u>	<u>7</u>	<u>3</u>
TOTAL	19	32	28	41	33	20

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### Developing Examinations

During the course of the committee's sunset review, the plumbing, heating and elevator boards were in the process of developing questions for new licensing examinations. Questions were usually written by three or four members during sessions taking place before or after regular board meetings or during special meetings. The questions were multiple choice and were

generally taken from the national code covering the specific industry. The electrical board spend very little time on this activity because it had an existing bank of 1,000 questions which could be used to regularly change the composition of its examinations.

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Table II-2. Board Meeting and Attendance.

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<u>Board</u>	<u>Number of Meetings</u>	<u>Average Attendance</u>	<u>Average Attendance as a Percentage of Appointees</u>
Electrical	14	4.6	77%
Plumbing	11	5.9	84%
Heating	8	4.6	77%
Elevator	14	4.9	82%

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Licensing

The boards have the responsibility to determine if an applicant meets all of the statutory and regulatory criteria to take an examination for the license being sought. However, because of the volume of applications and the objective nature of the criteria, the boards have delegated most of their authority in this area to staff of the Department of Consumer Protection. Board members only review those applications judged by the staff to be beyond its decision making power. These generally involve applicants seeking an oral exam, a waiver of the experience requirement or a waiver of the one year waiting period after failing three examinations. The number of applicants per board meeting falling into this category generally ranges from three to five.

Table II-3 shows the number of applicants deemed eligible to take various licensing exams during the 1979-80 fiscal year. The data is classified by board and major licensing category.

Examinations for all licensing categories covered by a particular board are given simultaneously. They are administered

Table II-3. Number of Applicants Eligible for Examinations.

<u>Board</u>	<u>Contractor</u>	<u>Limited Contractor</u>	<u>Journeyman</u>	<u>Limited Journeyman</u>
Electrical	602	37	481	23
Plumbing	125	107	203	56
Heating	64	180	44	265
Elevator	<u>1</u>	<u>-</u>	<u>13</u>	<u>-</u>
TOTAL	792	324	741	344

by department staff, but are monitored by a member of the appropriate board. Table II-4 displays the number of times exams were scheduled by each board in the past two fiscal years.

Table II-4. Number of Examination Dates.

<u>Board</u>	<u>FY 1979-80</u>	<u>FY 1980-81*</u>
Electrical	14	22
Plumbing	6	9
Heating	15	6
Elevator	3	2

\* Includes only first nine months.

The number of applicants actually passing exams and being licensed is shown in Table II-5. The increase in the number of persons licensed during the first nine months of FY 1980-81 versus FY 1979-80 was due to an overall increase in the number of workers seeking licenses. This fact is confirmed by the stability of the pass rate between the two periods.

Table II-5. Number of Licenses Issued/Exam Pass Rate.

<u>Board</u>	FY 1979-80		FY 1980-81	
	<u>Contractor</u>	<u>Journeyman</u>	<u>Contractor</u>	<u>Journeyman</u>
Electrical	205 (43%)	178 (45%)	233 (47%)	721 (54%)
Plumbing	146 (68%)	165 (70%)	149 (71%)	349 (68%)
Heating	143 (63%)	148 (52%)	219 (65%)	220 (29%)
Elevator	<u>1</u> (100%)	<u>8</u> (62%)	<u>1</u> (100%)	<u>13</u> (57%)
TOTAL	495 (54%)	499 (54%)	602 (58%)	1,303 (49%)

### Complaints

Under the state's occupational licensing law, the boards are responsible for conducting hearings on complaints against license holders and suspending or revoking those found in violation of the law. The Department of Consumer Protection is responsible for actually conducting investigations into complaints and determining if there is sufficient cause to request a hearing.

The following is an outline of the basic complaint procedure followed by the boards.

<u>STEP</u>	<u>ACTIVITY</u>	<u>PROCEDURAL OUTCOME</u>
STEP 1	- Written complaint received and logged by DCP	
STEP 2	- DCP sends letter of acknowledgement to complainant - DCP sends letter to license holder	Terminated a) Resolved by parties
STEP 3	- If not resolved by parties, DCP determines if it has jurisdiction	Terminated a) No Jurisdiction
STEP 4	- If DCP has jurisdiction, it conducts investigation	Terminated a) Resolved during Investigation b) No Grounds



Table II-7 illustrates the nature of complaints logged by the Department of Consumer Protection during FY 1979-80. The data in the table are based on 98 cases drawn at random from the 136 complaints officially filed with the department.

Table II-7. Nature of Complaints.

<u>Board</u>	<u>Economic</u>	<u>Competence</u>	<u>Nonlicensed</u>	<u>Other</u>
Electrical	5	9	6	1
Plumbing	10	16	1	1
Heating	8	30	7	1
Elevator	—	—	3	—
TOTAL	23	55	17	3

#### Advising the Commissioner

The boards have a statutory mandate to advise the commissioner of consumer protection on the need for new regulations, and the interpretation and enforcement of existing regulations. Fulfilling this role occupies a very small portion of each board's time. During the period the boards were being reviewed, the only significant feature in this area was the involvement of the electrical board in establishing four new, limited license categories.

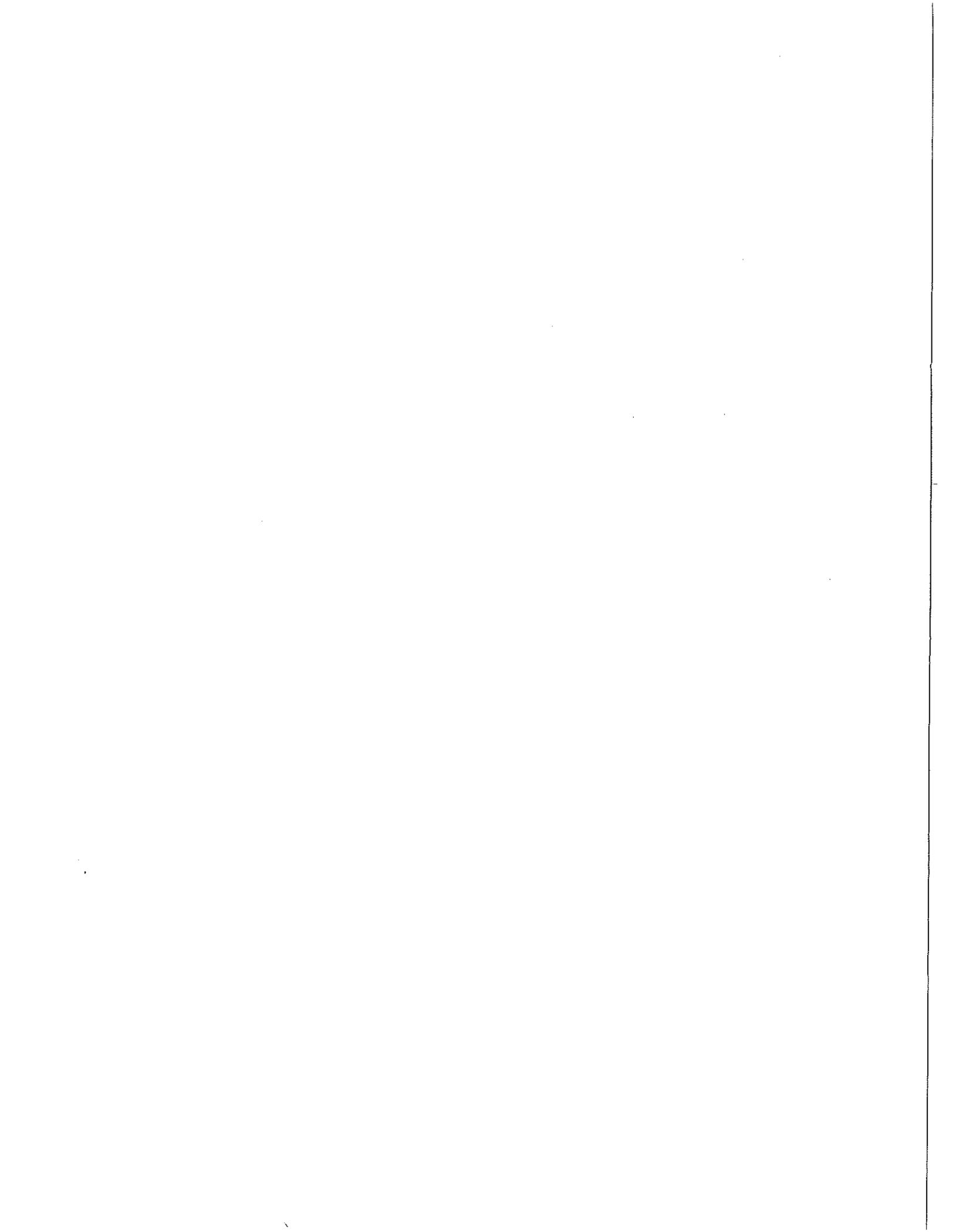
#### Typical Board Meeting

The agenda of each board meeting is set by the assistant director of registration who attends all meetings and introduces each issue a board discusses.

After approval of the minutes from the previous meeting, the board members usually review the qualifications of three to five candidates who have applied to take an exam. These are applications which are judged by the staff to be beyond its decision making authority and require a decision by the board. The facts surrounding each applicant's background are discussed and a separate decision is made in each case. For example, in determining whether or not to waive the one year waiting period, the board members frequently consult the applicant's prior scores and experience, and use this as a guide in making a decision (generally, the higher the score, the higher the probability of granting a waiver).

The greatest portion of time at all meetings is taken up with discussion by board members of firms employing nonlicensed workers. Frequently, this discussion is initiated by a complaint from a union or even a board member.

One or two consumer complaints are also discussed. The procedure here is for the assistant director of registration to read letters from the complainant, respondent and the department outlining the circumstances of the case. In most instances, the board determines that there is insufficient information and directs the department to investigate further. Occasionally, the board will find that the respondent was probably in error and will exert pressure to help the complainant by writing a letter to the respondent or requiring the respondent to appear before the board.



## ANALYSIS AND RECOMMENDATIONS

The Legislative Program Review and Investigations Committee's sunset review of the state's occupational licensing system focused on the level of regulation, continuation of each board, and the administration and scope of the licensing laws.

### Level of Regulation

In determining whether to recommend the state continue licensing tradesmen, or propose changing to registration, certification or no regulation, the committee studied the present system for protecting the public health and safety. It found a number of other safeguards in addition to state licensure requirements. In particular, building codes specify the materials and methods that must be used in construction, government officials inspect completed work to assure compliance with building codes, and private incentives (such as business liability, insurance premiums and the costs incurred in redoing substandard work) exist.

In comparing how this system interacts with the four occupations under review, the committee found the elevator industry to be unique. In the case of this industry, unlike the others governed by occupational licensing laws, the state directly inspects and enforces compliance with all codes and regulations. This is done through the elevator inspection unit located in the Department of Public Safety. Inspectors from this unit must approve the installation of all new elevators before they can be used by the general public and must annually inspect all existing elevators.

The industry is small with 36 licensed contractors and 286 licensed journeymen. In the past two years, only 2 new contractors and 21 new journeymen have been licensed. The industry's small size enables it to tightly police itself. The committee learned the national labor contract which governs the industry makes it mandatory for a newly hired person to complete educational modules on basic elevator knowledge and safety provided by the National Elevator Industry Educational Program. Each individual is tested on the components of the program, and a failing test score results in termination.

Testimony at the committee's public hearing indicated the industry nationwide has an outstanding safety record. This record has been achieved with less than half the states (21) licensing contractors and only 9 licensing journeymen. Based on the foregoing information: *the Legislative Program Review and Investigations Committee recommends that licensing of elevator installation, repair and maintenance workers be eliminated and the board be terminated.*

With respect to electricians, plumbers and pipefitters, the committee believed that because these tradesmen were frequently employed by small consumers who were not equipped to judge their credentials that some form of government regulation was needed. The committee rejected the idea of giving local governments the sole regulatory responsibility because this would result in a return to pre-1965 conditions when a license was valid only in the town that issued it.

The committee considered retaining licensure of contractor(s) but replacing licensing of journeymen with registration. However, it concluded that in many instances, particularly small jobs without permits and, therefore, not subject to local inspection, the supervision of journeymen was so lax that a more stringent method of insuring competence was needed. Based on these beliefs the committee chose to continue state licensing of journeymen engaged in electrical, plumbing and piping work.

#### Continuation of the Boards

The Legislative Program Review and Investigations Committee's recommendation to terminate licensing of elevator contractors and journeymen automatically eliminated the elevator board from further review. The two key issues considered by the committee in determining whether to continue each of the other three remaining boards were their workload and the need for the expertise they provided.

The committee concluded based on observations by its staff of meetings during the first half of 1981 and analysis of the minutes of the past two years that the workloads of the electrical, plumbing and heating boards did not warrant their continuance as discrete entities and they could easily be combined. The committee projected the following monthly workload of a consolidated plumbing, heating, and electrical board:

- the combined board would have to review the eligibility of 6 to 15 applicants for examination per month. These would be requests that were beyond the staff's decision-making authority;
- the combined board might be required to make one or, at most, two rulings or interpretations of the statutes or regulations governing one of the regulated occupations at each meeting. A total of 12 different requests of this nature were recorded in the minutes of all 1980 board meetings;

- once or twice a year the combined board might discuss and make a recommendation to the commissioner that a new regulation or a new limited licensing category be promulgated. During 1980, a total of 10 such discussions took place, 8 of which involved the electrical board, all dealing with the same issue; and
- finally, the board would probably have to discuss two to four complaints per meeting. This estimate is based on an analysis of data for the 1980 fiscal year which revealed that only 28 of the 136 complaints logged by the department were ever discussed by the boards. The majority were either resolved at the staff level or died because of a lack of followup by the complainant.

The committee believes requiring representation on the board of one contractor and one journeyman from each regulated trade should satisfy those occasions when expertise in a specific occupation is needed. In addition, the commissioner could be empowered to obtain the services of persons experienced in a trade to provide assistance in special circumstances, such as highly complex complaint investigations.

*Therefore, the Legislative Program Review and Investigations Committee recommends the electrical, plumbing and heating boards be combined into a single nine person board composed of one contractor and one journeyman from each occupation and three public members.*

The committee estimates adoption of this recommendation will save the state \$7,000 in per diem reimbursements.

#### Administration

During the course of the committee's review it became aware of an investigation by the Office of the Chief State's Attorney into alleged improprieties in the administration of occupational licensing examinations. A full copy of the report given to the committee is contained in Appendix C.

The investigators from the chief state's attorney's office found variations in passing rates that could not be explained by mere chance. This finding was consistent with a study done by the Department of Consumer Protection of electrical licensing examinations administered between 1976 and 1978, which discovered passing rates ranging from 98 to 23 percent. The committee's own review of the electrical journeyman test given during the

1981 fiscal year found passing rates varied from a high of 67.5 percent to a low of 31.5 percent. However, the most convincing evidence of irregularities was the fact that investigators from the chief state's attorney's office obtained a copy of a licensing exam currently being used.

The impact of these findings was compounded by the boards difficulty in finding time to develop new exams. Despite the fact that during the sunset review each board held special meetings and set aside portions of their regular meetings to develop new exams, each was continuing to use tests which had not been revised in several years.

*The Legislative Program Review and Investigations Committee recommends the Department of Consumer Protection be required, where feasible, to use a professional testing service to develop, revise and administer all occupational licensing exams.*

The committee's recommendation would enable the department to implement a proposal it explored in which a professional testing service would be contracted to develop and administer all exams. The cost of implementation would be absorbed by applicants through direct payments to testing service. This method would be similar to the system already used by applicants for real estate licenses. The committee concluded this system would reduce the real and potential problems associated with board constructed examinations.

#### Scope of Regulation

The committee was informed at its public hearing on the occupational licensing boards of a problem concerning a requirement that certain activities be performed by licensed workers. Until P.A. 75-464 changed the exemption section of the state's licensing law, laborers could install electrical or water conduit when employed by a contractor who was performing work for or subject to inspection by any federal, state or municipal agency or corporation. Since passage of this law, there have been many disputes between unions representing laborers and those representing plumbers and electrical workers regarding use of licensed persons in laying electrical and water conduit.

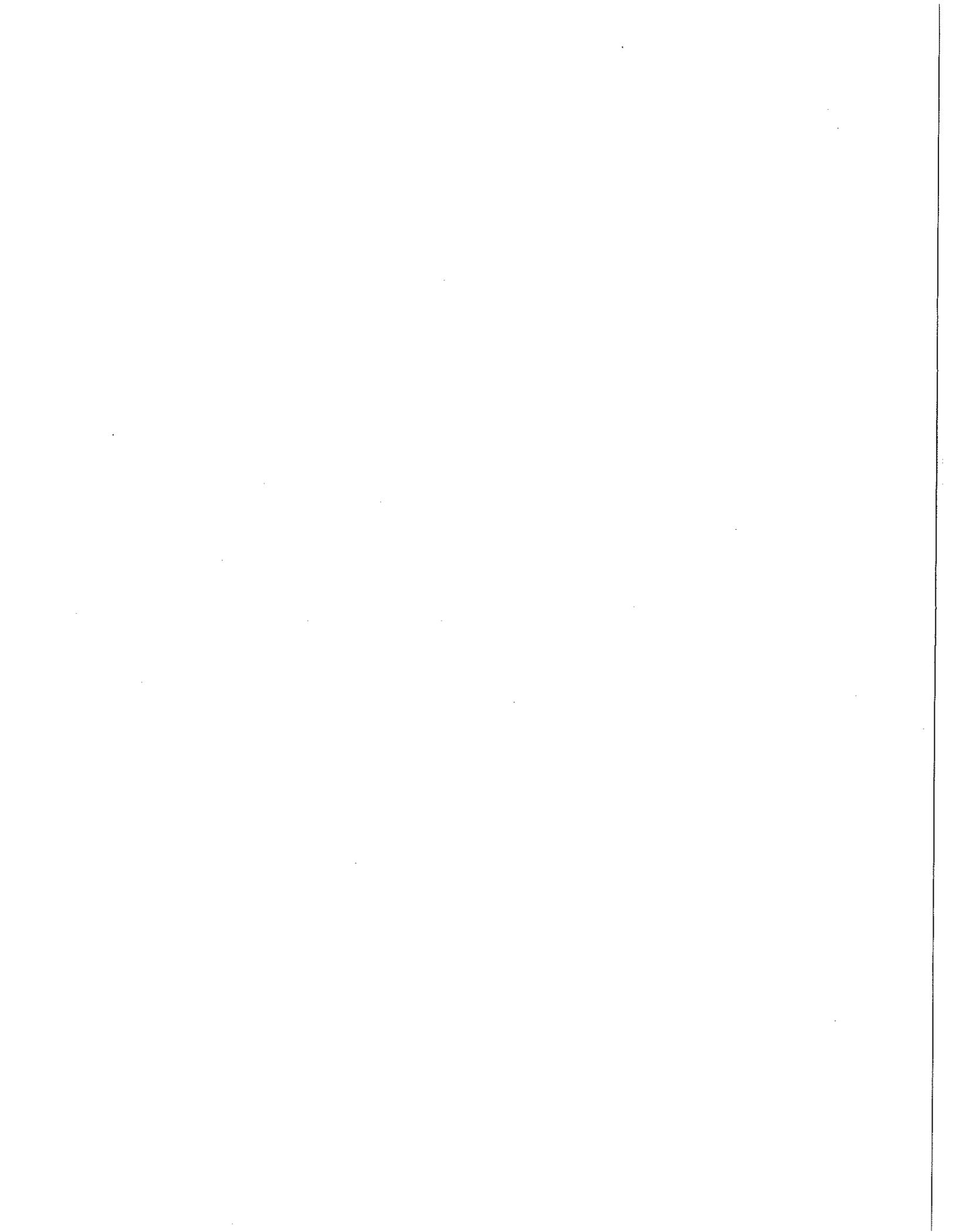
The committee's research found this type of work has historically been done by laborers and is frequently defined in collective bargaining agreements. In addition, the committee learned of a federal district court case involving similar restrictions on the qualifications of persons who perform this type of work in New Jersey. In that instance, a settlement judgement amended local ordinances in such a way as to eliminate the

requirement for a license to lay or install pipe or conduit outside of buildings.

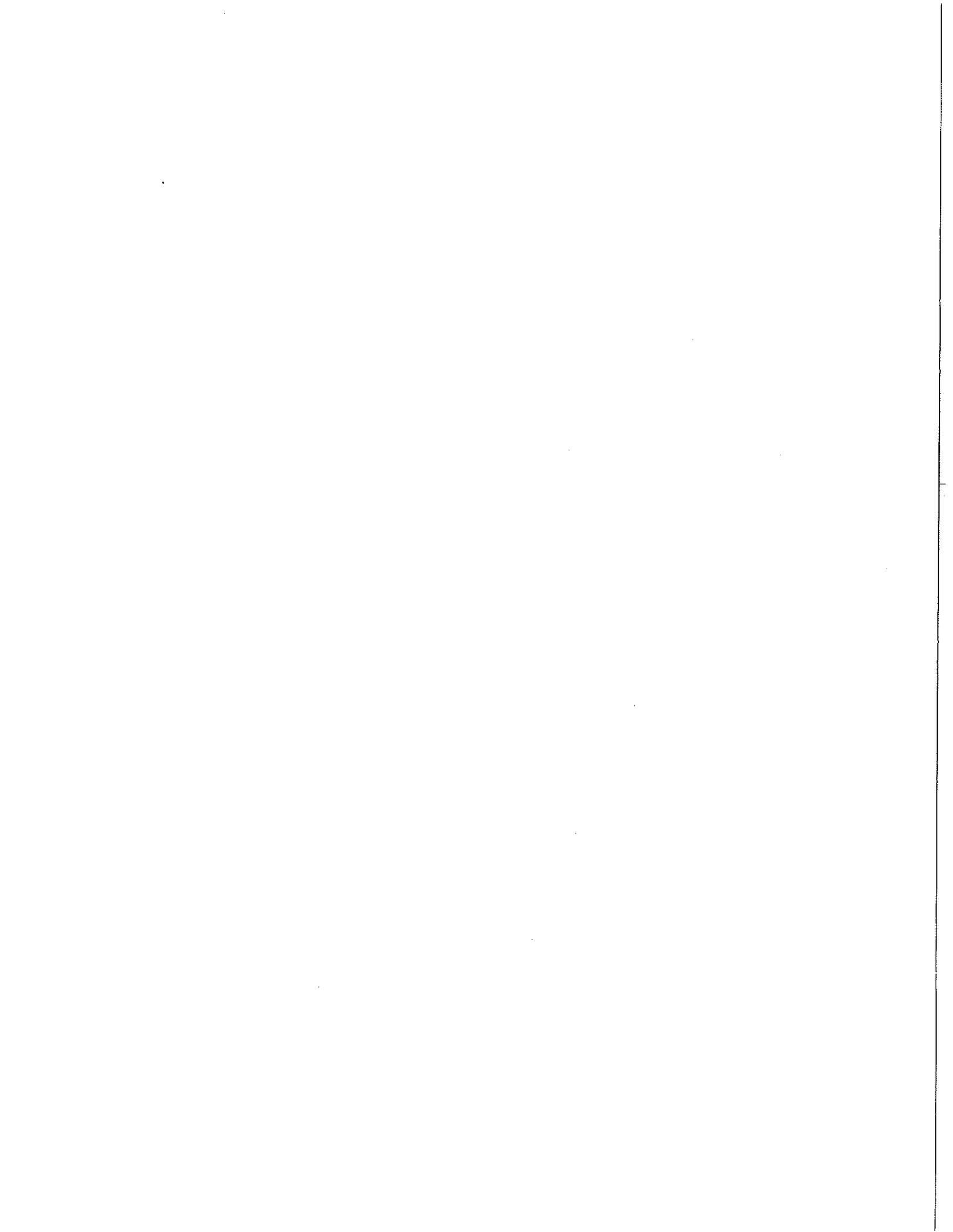
The committee concluded an exemption could be applied to the heavy, manual and semi-skilled work associated with installing electrical and water conduits. The work would be subject to inspection by government inspectors and the actual tie-ins to power sources or the public water supply would remain limited to licensed persons.

*The Legislative Program Review and Investigations Committee recommends changing section 20-340 of the Connecticut General Statutes to exempt from licensing requirements persons laying or installing pipe or conduit of any nature outside of the foundation line of a building, provided such work is subject to inspection by a government agency and all connections to a power source or a public water supply are installed by persons licensed to make such connections.*

The Legislative Program Review and Investigations Committee has also made a series of recommendations applicable to all boards and commissions within the Department of Consumer Protection (see Appendix A). These recommendations are designed to establish uniform policies and procedures and thereby enhance the ability of boards and commissions to function effectively within the department.



## APPENDICES



## APPENDIX A

### General Provisions for Boards and Commissions within the Department of Consumer Protection

While reviewing the entities within the Department of Consumer Protection, the Legislative Program Review and Investigations Committee discovered a number of procedural problems common to all boards and commissions. Rather than address them individually, the committee chose to develop a single set of standards and recommend they be applied uniformly to all boards and commissions in the Department of Consumer Protection.

#### I. Meetings and Quorum

EACH BOARD AND COMMISSION SHALL MEET AT LEAST ONCE IN EACH QUARTER OF A CALENDAR YEAR AND AT SUCH OTHER TIMES AS THE CHAIRPERSON DEEMS NECESSARY OR AT THE REQUEST OF A MAJORITY OF THE BOARD OR COMMISSION MEMBERS. A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A QUORUM. ANY MEMBER WHO FAILS TO ATTEND THREE CONSECUTIVE MEETINGS OR WHO FAILS TO ATTEND FIFTY PERCENT OF ALL MEETINGS DURING ANY CALENDAR YEAR SHALL BE DEEMED RESIGNED FROM OFFICE.

Commentary: The intent of this provision is the automatic elimination from boards and commissions of those members who habitually fail to attend meetings. It is consistent with what the committee recommended and the General Assembly adopted (P.A. 80-484) with respect to licensing boards in the Department of Health Services.

#### II. Terms of Office

MEMBERS OF THE BOARDS AND COMMISSIONS UNDER THE DEPARTMENT OF CONSUMER PROTECTION SHALL BE PROHIBITED FROM SERVING MORE THAN TWO CONSECUTIVE FULL TERMS.

Commentary: In some cases members of the boards and commissions have served since the entity's inception. The committee's recommendation would prevent this practice from continuing, thereby insuring the introduction of a fresh perspective to the boards and commissions.

#### III. Compensation

MEMBERS SHALL NOT BE COMPENSATED FOR THEIR SERVICES BUT SHALL BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

Commentary: Currently there is no consistent policy for compensation of board and commission members. For example, pharmacy commissioners receive a flat rate (\$1,500 chairman, \$500 regular members), members of the occupational licensing boards are entitled to \$48.00 per day plus expenses, and real estate commissioners receive only expenses. This provision would establish a uniform compensation system for members of boards and commissions within the department and would save the state approximately \$25,000.

#### IV. Grounds for Disciplinary Action

1. KNOWINGLY ENGAGING IN FRAUD OR MATERIAL DECEPTION IN ORDER TO OBTAIN A LICENSE UNDER THIS CHAPTER OR DOING SO IN ORDER TO AID SOMEONE ELSE IN OBTAINING A LICENSE.
2. PERFORMING WORK BEYOND THE SCOPE OF THE LICENSE ISSUED BY THE BOARD OR COMMISSION.
3. ILLEGAL USE OR TRANSFER OF LICENSE ISSUED BY THE BOARD OR COMMISSION.
4. PERFORMING GROSSLY INCOMPETENT OR NEGLIGENT WORK.
5. KNOWINGLY MAKING FALSE, MISLEADING, OR DECEPTIVE REPRESENTATIONS TO THE PUBLIC REGARDING THE WORK TO BE PERFORMED OR COVERED BY THE GOVERNING CHAPTER.
6. VIOLATING ANY PROVISION OF THE GOVERNING CHAPTER OR ANY RULES AND REGULATIONS ESTABLISHED THEREUNDER.

Commentary: The grounds identified above are limited to actions which are intended to deceive a governmental authority or practices which directly endanger the public's health, safety or welfare. In general, they either restate, clarify, or unify provisions outlined in the existing statutes and make them applicable to all boards and commissions in the Department of Consumer Protection. The list eliminates vague and difficult-to-enforce grounds such as immoral or unethical conduct. It also eliminates grounds for disciplinary action which are not directly related to a practitioner's competence, including conviction of a felony and drug addiction.

The committee did not intend adoption of the above to preclude grounds unique to a particular profession or occupation from being retained or added to the appropriate chapter.

V. Receiving and Processing Complaints

THE DEPARTMENT OF CONSUMER PROTECTION SHALL RECEIVE COMPLAINTS CONCERNING THE WORK AND PRACTICES OF PERSONS WHOM IT LICENSES. THE DEPARTMENT SHALL DISTRIBUTE MONTHLY A LIST OF ALL COMPLAINTS RECEIVED WITHIN THE PREVIOUS MONTH TO THE CHAIRPERSON OF THE APPROPRIATE BOARD.

THE DEPARTMENT OF CONSUMER PROTECTION SHALL SCREEN ALL COMPLAINTS AND DISMISS ANY IN WHICH THE ALLEGATION, IF SUBSTANTIATED, WOULD NOT CONSTITUTE A VIOLATION OF ANY STATUTE OR REGULATION. NOTICE OF ALL SUCH DISMISSALS SHALL BE DISTRIBUTED MONTHLY TO THE CHAIRPERSON OF THE APPROPRIATE BOARD.

THE DEPARTMENT OF CONSUMER PROTECTION SHALL INVESTIGATE ANY COMPLAINT IN WHICH THE ALLEGATION, IF SUBSTANTIATED, WOULD CONSTITUTE A VIOLATION OF A STATUTE OR REGULATION UNDER ITS JURISDICTION. IN CONDUCTING THE INVESTIGATION, THE COMMISSIONER MAY SEEK THE ASSISTANCE OF A MEMBER OF THE APPROPRIATE BOARD, AN EMPLOYEE OF ANY STATE AGENCY WITH EXPERTISE IN THE AREA, OR, AS A LAST RESORT, A PERSON FROM OUTSIDE STATE SERVICE LICENSED TO PERFORM THE WORK INVOLVED IN THE COMPLAINT. ANY BOARD MEMBER INVOLVED IN AN INVESTIGATION SHALL NOT PARTICIPATE IN ANY FURTHER DISCIPLINARY PROCEEDINGS.

THE COMMISSIONER OF THE DEPARTMENT OF CONSUMER PROTECTION MAY DISMISS A COMPLAINT FOLLOWING AN INVESTIGATION IF IT HAS BEEN DETERMINED THAT THERE IS NO PROBABLE CAUSE. NOTICE OF ANY DISMISSAL SHALL BE GIVEN ONLY AFTER APPROVAL BY THE CHAIRPERSON OF THE APPROPRIATE BOARD OR COMMISSION. THE COMMISSIONER MAY AUTHORIZE A SETTLEMENT PROVIDED THE SETTLEMENT IS APPROVED BY THE COMPLAINANT, THE LICENSE HOLDER, AND THE BOARD OR COMMISSION. THE COMMISSIONER MAY BRING A COMPLAINT BEFORE THE APPROPRIATE BOARD FOR A FORMAL HEARING IF IT HAS BEEN DETERMINED THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE OFFENSE ALLEGED IN THE COMPLAINT HAS BEEN COMMITTED AND THAT THE LICENSE HOLDER NAMED IN THE COMPLAINT WAS RESPONSIBLE. ALL DISPOSITIONS AND FINAL DECISIONS RENDERED BY THE DEPARTMENT OF CONSUMER PROTECTION AFTER AN INVESTIGATION INTO A COMPLAINT HAS BEGUN SHALL BE FORWARDED TO THE CHAIRPERSON OF THE APPROPRIATE BOARD ON A MONTHLY BASIS.

Commentary: The procedure described above would provide a uniform and impartial system for handling complaints. The reporting requirements would reduce the number of complaints which languish within the department without the knowledge of the boards. This procedure would enable the boards to monitor complaints and pressure the department to pursue each one to a final decision.

In turn, the system would limit the practice by some boards of directly conducting investigations by holding informal hearings or asking a license holder to appear for questioning at a regular board meeting.

#### VI. Disciplinary Sanctions

1. REVOKE A LICENSE.
2. SUSPEND A LICENSE.
3. IMPOSE A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH VIOLATION.
4. ISSUE A LETTER OF REPRIMAND TO THE PRACTITIONER AND SEND A COPY TO THE COMPLAINANT AND ALL STATE AND LOCAL OFFICIALS DEEMED APPROPRIATE BY THE COMMISSIONER.
5. PLACE A LICENSE HOLDER ON PROBATIONARY STATUS, AND IMPOSE ANY OR ALL OF THE FOLLOWING SANCTIONS:
  - A. REPORT REGULARLY TO THE BOARD UPON THE MATTERS WHICH ARE THE BASIS OF THE PROBATION.
  - B. LIMIT PRACTICE TO THOSE AREAS PRESCRIBED BY THE BOARD.
  - C. CONTINUE OR RENEW EDUCATION UNTIL A SATISFACTORY DEGREE OF SKILL HAS BEEN ATTAINED IN THOSE AREAS WHICH ARE THE BASIS OF THE PROBATION.
6. SUSPEND SENTENCES AND FINES IN WHOLE OR IN PART.

Commentary: The sanctions outlined above would expand the alternatives available to the boards. Currently, their only options are either to suspend or revoke a license or to seek court imposed penalties. While the existing statute is vague with respect to the boards' authority to impose fines, this specifically gives them that power. The committee concluded that this authority, along with the addition of the official reprimand and probation options and the ability to impose a suspended sentence, would encourage boards and commissions to take action in those cases where license suspension or revocation seems too severe.

#### VII. Definitions

THE FOLLOWING DEFINITIONS APPLY TO THOSE BOARDS AND COMMISSIONS WITHIN THE DEPARTMENT OF CONSUMER PROTECTION WHICH ARE

LISTED UNDER SECTION 2c-2(c).

"CERTIFICATE" INCLUDES THE WHOLE OR PART OF ANY DEPARTMENT OF CONSUMER PROTECTION PERMIT WHICH THE DEPARTMENT IS AUTHORIZED BY THE GENERAL STATUTES TO ISSUE AND WHICH FURTHER: (A) AUTHORIZES PRACTICE OF THE PROFESSION BY CERTIFIED PERSONS BUT DOES NOT PROHIBIT THE PRACTICE OF THE PROFESSION BY OTHERS, NOT CERTIFIED; (B) PROHIBITS A PERSON FROM FALSELY REPRESENTING THAT HE IS CERTIFIED TO PRACTICE THE PROFESSION UNLESS THE PERSON HOLDS A CERTIFICATE ISSUED BY THE DEPARTMENT; (C) REQUIRES AS A CONDITION OF CERTIFICATION THAT A PERSON SUBMIT SPECIFIED CREDENTIALS TO THE DEPARTMENT WHICH ATTEST TO QUALIFICATIONS TO PRACTICE THE PROFESSION.

"LICENSE" INCLUDES THE WHOLE OR PART OF ANY DEPARTMENT OF CONSUMER PROTECTION PERMIT, APPROVAL, OR SIMILAR FORM OF PERMISSION REQUIRED BY THE GENERAL STATUTES AND WHICH FURTHER REQUIRES: (A) PRACTICE OF THE PROFESSION BY LICENSED PERSONS ONLY; (B) DEMONSTRATION OF COMPETENCE TO PRACTICE THROUGH AN EXAMINATION OR OTHER MEANS AND MEETING CERTAIN MINIMUM STANDARDS; (C) ENFORCEMENT OF STANDARDS BY THE DEPARTMENT OR REGULATORY BOARD OR COMMISSION.

"REGISTRATION" INCLUDES THE WHOLE OR PART OF ANY PERMIT WHICH THE DEPARTMENT IS AUTHORIZED BY GENERAL STATUTES TO ISSUE AND WHICH: (A) REQUIRES PERSONS TO PLACE THEIR NAME ON A LIST MAINTAINED BY THE DEPARTMENT BEFORE THEY CAN ENGAGE IN THE PRACTICE OF A SPECIFIED PROFESSION OR OCCUPATION; (B) DOES NOT REQUIRE A PERSON TO DEMONSTRATE COMPETENCE THROUGH AN EXAM OR OTHER MEANS; (C) ALLOWS THE COMMISSIONER TO SUSPEND OR REVOKE FOR CAUSE ANY REGISTRATION.

Commentary: Except for registration, the above definitions are consistent with those recommended by the committee and adopted by the General Assembly during the first sunset review. The definition of registration is slightly different in that it contains a provision whereby the department can take disciplinary action against a registered individual.

#### VIII. Renewals

THE DEPARTMENT OF CONSUMER PROTECTION SHALL PROPOSE TO THE GENERAL ASSEMBLY BY JANUARY 1, 1983 A LICENSE RENEWAL SYSTEM FOR ALL BOARDS AND COMMISSIONS WITHIN THE DEPARTMENT THAT DISTRIBUTES THE ADMINISTRATIVE WORKLOAD AND REVENUE EVENLY THROUGHOUT THE YEAR.

Commentary: At present an independent renewal schedule exists for each board and commission within the Department of Consumer

Protection. As a result, neither the workload nor the revenue generated is evenly distributed. For example, the department staff working with the occupational licensing boards is so busy with renewals during the month of October in odd numbered years that it nearly ceases to perform all other activities. Correspondingly, the revenue generated ranges from approximately 1.4 million dollars in odd numbered years to about \$100,000 in even years.

On the basis of this situation, the committee saw a clear need to develop a standardized license renewal system covering all boards and commissions. However, the committee believes the department, rather than the legislature, may be best suited to develop such a plan and should be given the opportunity to do so.

APPENDIX B

SUNSET 1982

ENTITY: Occupational Licensing Boards (Includes separate examining boards for (a) electrical work; (b) plumbing and piping work; (c) heating, piping and cooling work; and (e) elevator installation, repair and maintenance work) Chapter 393 C.G.S.

ESTABLISHED: 1965 (P.A. 65-493)

PURPOSE: To evaluate whether an individual meets all statutory and regulatory requirements to qualify for a license and has the requisite skill to perform the trade for which a license is sought, and to hear complaints and suspend or revoke licenses of individuals found in violation of the statutes or regulations.

POWERS AND DUTIES:

- each board shall evaluate the qualifications of individuals seeking to be licensed and to issue licenses to those found qualified
- each board may recommend regulations for adoption by the commissioner of consumer protection and may review and comment upon proposed regulations prior to their adoption by the commissioner
- each board may request the commissioner of consumer protection to conduct an investigation of any matter covered by Chapter 393 or of the regulations established pursuant to it and to make findings and recommendations
- each board may conduct hearings on any matter covered by Chapter 393 or the regulations established pursuant to it
- each board may, after a hearing, suspend or revoke the license of any practitioner found to be in violation of Chapter 393 or of the regulations established pursuant to it
- each board shall keep a roster of all individuals licensed by it and furnish such roster to each town clerk

COMPOSITION: Each board shall consist of seven members

- two unlimited contractors
- two unlimited journeyman (elevator craftsmen in the case of the elevator board)
- three public members

STAFF: 4

<u>BUDGET:</u>	<u>FY 80</u>	<u>FY 81</u>	<u>FY 82 (Est.)</u>
Boards	\$ 10,523	\$ 16,289	\$ 18,000
Staff	62,408	42,325	46,500
O&E	24,340	18,095	20,000
Adm. Exp.	26,197	48,000	53,000
	<u>\$123,468</u>	<u>\$124,709</u>	<u>\$137,500</u>

STATISTICS

	<u>No. of Meetings 1980</u>	<u>Average Attendance</u>
Electrical	14	4.6
Plumbing	11	5.9
Heating	8	4.6
Elevator	14	4.9

APPLICATION AND LICENSE FEE

	<u>Application</u>	<u>License*</u>	<u>Estimate Revenue from License Renewal (2 yr. period)</u>
Contractor	\$25	\$50	\$558,000
Journeyman	15	40	568,000

Estimated Number of Licenses

	<u>Contractor</u>	<u>Journeyman</u>	<u>Total</u>
Electrical	3,356	7,287	10,643
Plumbing	4,168	3,017	7,185
Heating	3,583	3,625	7,208
Elevator	36	286	322
Total	11,143	14,215	25,358

\* Covers two years.

Number of Licensing Categories

	<u>Contractor</u>	<u>Limited Contractor</u>	<u>Journeyman</u>	<u>Limited Journeyman</u>	<u>Total</u>
Electrical	1	3	1	3	8
Plumbing	1	8	1	8	18
Heating	1	10	1	10	22
Elevator	1	1	1	2	5
Total	<u>4</u>	<u>22</u>	<u>4</u>	<u>23</u>	<u>53</u>

Type of Exam: Each board creates its own exams and all exams are multiple choice.

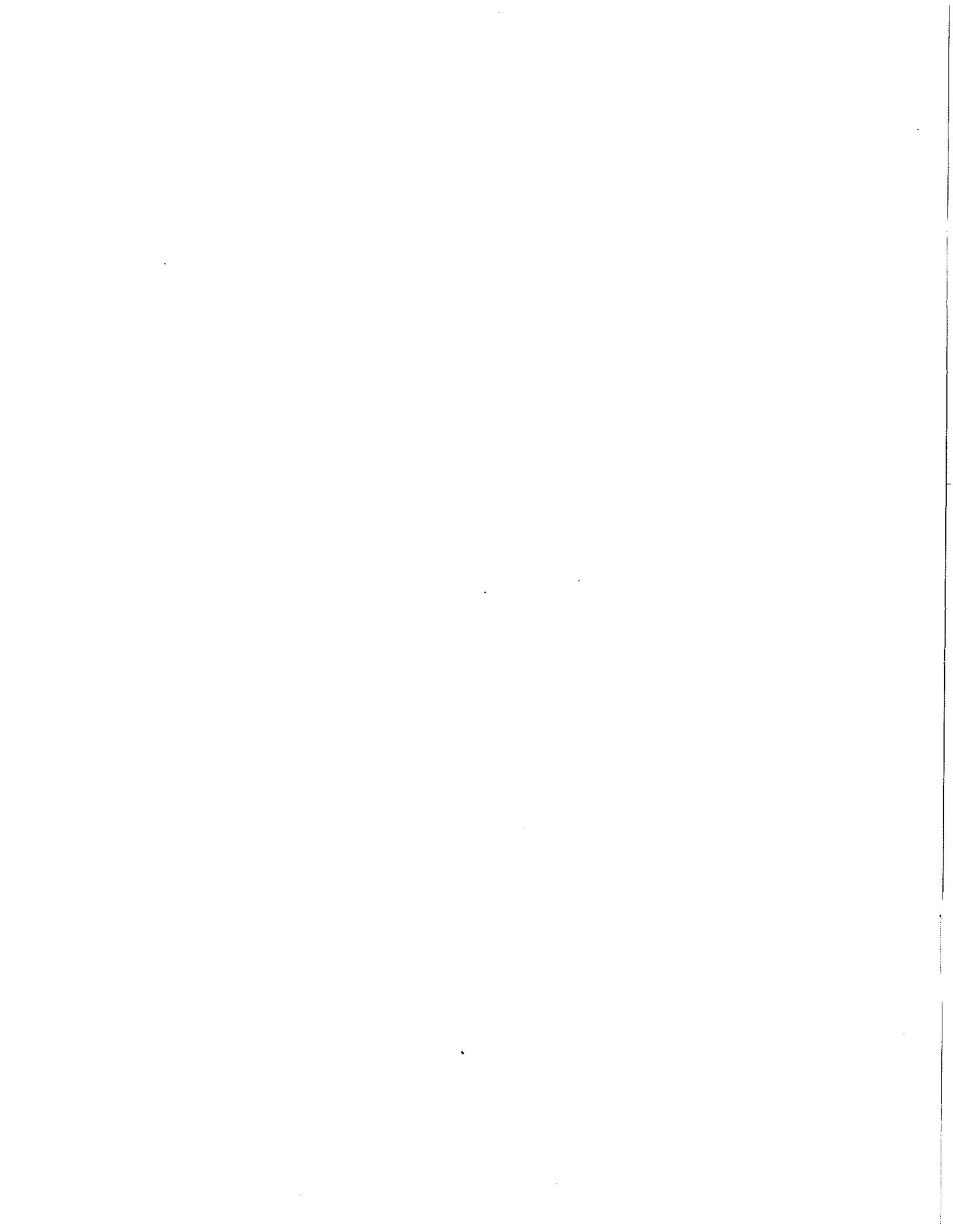
Examination Passing Rates

	FY 80		FY 81*	
	<u>Contractor</u>	<u>Journeyman</u>	<u>Contractor</u>	<u>Journeyman</u>
Electrical	43% (205)	45% (178)	47% (233)	54% (721)
Plumbing	68% (146)	70% (165)	71% (149)	68% (349)
Heating	63% (143)	52% (148)	65% (219)	29% (220)
Elevator	<u>100% (1)</u>	<u>62% (8)</u>	<u>100% (1)</u>	<u>57% (13)</u>
Total	54% (495)	54% (499)	58% (602)	49% (1303)

\* Through April 1, 1981

Complaints Received by DCP During Calendar 1980

	<u>Number</u>	<u>Economic</u>	<u>Distribution by Type of a 95 case sample</u>		
			<u>Competence</u>	<u>Quality</u>	<u>Nonlicensed</u>
Electrical	31	5	9	6	1
Plumbing	37	10	16	1	1
Heating	65	8	30	7	1
Elevator	<u>3</u>	—	—	—	—
Total	136	23	55	14	3



APPENDIX C

INVESTIGATIVE REPORT

RE: FILE NO. I-81-11 -- ELECTRICAL LICENSING PROBE

BY: CHIEF INSPECTOR STEPHEN J. GRASSO

DATE: JUNE 1, 1981

On March 9, 1981, the Chief State's Attorney's Office received a call from Commissioner Mary Heslin, Department of Consumer Protection, indicating an investigator from Consumer Protection had uncovered an irregularity in the Electrical Licensing exam procedure. Commissioner Heslin requested that this office conduct an investigation into this situation.

On March 10, 1981, the undersigned met with Roland Bonosconi, Assistant Director of the Registration Division of the Department of Consumer Protection and John Hjrlnak, an investigator with the Department of Consumer Protection. The meeting was held at the Motor Vehicle Department in Wethersfield in order to protect that confidentiality of the request. Mr. Bonosconi handed me a copy of what he thought to be a draft of the electrical examination regularly taken by prospective journeymen electricians in the State of Connecticut, a copy of which is attached hereto. He also showed me a copy of the exam administered as late as December, 1980 by the Electrical Examining Board to prospective journeymen electricians. He indicated that after December, 1980 the exam was drastically changed. In examining both documents, it appeared that the draft was practically a verbatim copy of the exam given to the journeymen electricians. Mr. Bonosconi indicated that the draft that I had in my hand had been obtained by Investigator Hjrlnak upon complaint of Mr. John F. Weigold, owner of Weigold Electric, 30 Old Point Road, Greenwich. According to Mr. Bonosconi, Weigold had received the draft from a union electrician. Mr. Bonosconi indicated that Mr. Lee Tager, Chairman of the Board made up the exam on occasion with the assistance of another Board Member, and that they would then present it to the remaining Board Members at their monthly meeting to allow the Board to discuss the contents of the draft exam and comment as to how it should be improved. Mr. Bonosconi stated that other than the six Board Members and possibly two clerical assistants from the Electrical Examining Board Office

and himself, no one was in the position to have access to the document in this form, which was presented to this investigator.

On March 24, 1981, the undersigned met with John Weigold and questioned him in regard to the draft. He indicated that he had received it from a former employee of his, who had since left and was now working as a union electrician somewhere in the Town of Darien. Mr. Weigold indicated that his firm consisted of non-union electricians. He also intimated that someone had chosen to assist prospective electrical journeymen, this caused great concern on his part as he had trained several young men who were about to take the exam later this month and they had no benefit or previous knowledge of the questions to be asked. Mr. Weigold could contribute nothing in regard to the method with which the draft examination had been obtained.

On May 20, 1981, I notified all Board Members of the impending interviews. The Board consisted of the following members: David Nettleton, William Hartigan, James Albano, Henry Haley and Richard Panagrossi.

On May 21, 1981, I interviewed Richard Panagrossi concerning his knowledge of the exam that was turned over by John Weigold. I showed Mr. Panagrossi the document that I refer to as the draft and summarized the method by which it was obtained.

The interview lasted for approximately one hour during which time Mr. Panagrossi reviewed the document. He was convinced that it was not a document prepared by the Board but that it was a collection of questions put together by various individuals that took the exam on various dates. Throughout the entire interview, Panagrossi was opposed to my interpretation of the document recovered from John Weigold. He did not feel that it was a verbatim copy of an exam prepared by the Electrical Board but insisted it was compiled by various exam takers on various occasions.

This investigator was initially led to believe that the procedure for preparing an examination was that after the questions were formulated they were typed and presented at a monthly board meeting to the Board Members for their review. According to Mr. Panagrossi, this was true except he indicated that only one copy was usually made and this was passed around to the various Board Members for their review and then collected by either Chairman Lee Tager or Roland Bonosconi.

Mr. Panagrossi was insistent that it was improbable that any Board Member could have access to the exam in the form I showed him.

On June 4, 1981, I met with James Albano, at the State's Attorney's Office in Hartford and together with Chief Inspector Richard Brown interviewed Mr. Albano concerning the exam. He looked at the document referred to as the draft and agreed that it appeared to be a very accurate copy of the exam administered to prospective "journeymen electricians", but was at a complete loss to explain how a copy could have gotten out of the Board's possession. Mr. Albano indicated that Mr. Lee Tager usually prepared the exam and that on several occasions, he (Albano) had assisted Tager in preparing several of the questions but never was totally in charge of the job.

Mr. Albano was not certain but thought that Tager would make up the questions and then give them to his secretary to be typed. According to Mr. Albano, Tager worked for a firm known as Baldwin & Steward in West Hartford and he (Tager) probably maintained a file at his office with all exam material. (It should be noted that Lee Tager, Chairman of the Electrical Examining Board is now deceased. He passed away in April of 1981.)

Mr. Albano also stated that after the exam was typed in its draft form, it was presented to the Electrical Board for their review and comments, but there was only one (1) copy at the meeting and it was collected after all in attendance had an opportunity to look at it. Mr. Albano stated that Mr. Tager was the only Board Member that could have had the document in the form shown to him by this investigator but went on at great length to emphasize the honesty of Lee Tager. That concluded the interview.

On June 30, 1981, Inspector Brown and this investigator met with William Hartigan of West Hartford. As with prior interviews, we showed Mr. Hartigan the copy of the exam in question. He merely compared the two documents (the draft copy and the original exam given to the applicants) and agreed that they were almost identical. He indicated that he did not recall ever seeing what I referred to as the draft. He could offer very little in the way of explanation or suggestions as to how it could have gotten into John Weigold's possession. He was certain that no Board Member other than Tager or Albano could have access to the exam. He did suggest that possibly Tager may have left the draft on his desk and someone came along and made a copy of it.

He also went to great length to defend Lee Tager's integrity. This concluded the interview.

On July 24, 1981, this investigator proceeded to Norwalk, Connecticut and met with David Nettleton. He was shown the draft

copy of the electrical exam and asked if he had any knowledge of how it got into the contractor's possession. He went on for some time about how electrical exams were administered at the various trade schools, but could not tell me about the draft document in question.

After interviewing the Board members, it became obvious that they would not offer any concrete information concerning the exam, but I suggested that if responsibility had to be placed, they were suggesting that Lee Tager (now deceased) was the person best suited for blame.

At this point, I directed my investigation toward the staff at Baldwin & Steward.

Inspector Brown and this investigator questioned one of Tager's most recent secretaries prior to his death, Linda T. Seaburg of 79 Pleasant Street, New Britain. She was located at Pratt & Whitney Aircraft in East Hartford. We showed her the exam in question and she stated that she had typed exams resembling that shown to her but that she did not recall this one. When questioned further, it was learned that Miss Seaburg had left the employ of Baldwin & Steward prior to the inception of the draft document.

On August 13, 1981, Inspector Brown and I went to Baldwin & Steward and questioned the Office Manager Tom Lund. He showed us the physical layout of Mr. Tager's office and was quite certain no one was in the position to merely walk by his desk and pick up a copy. He did indicate that Baldwin & Steward had numerous employees that would have access to the exam over the past several years, that is if Tager inadvertently had left it on his desk.

On August 13, 1981, Inspector Brown and I interviewed Faye Hooper another of Mr. Tager's clerical assistants. She indicated that she did not type the exam in question but anyone of several women could have done same. She suggested that Jan De Forge of 1520 Williams Avenue, Newington was the last secretary for Mr. Tager.

On August 14, 1981, Inspector Brown interviewed Mrs. De Forge at which time she stated the exam did not look familiar to her and

that she did not do much of Tager's work. At this point, it began to appear as though further efforts to tract down the method Tager used were futile;



In conclusion, the investigation was terminated because we were unable to determine who had provided a draft copy of the examination. There is no question, however, that a very accurate draft copy of the examination was available to some prospective examinees and that this exam could have only come from someone on the Board or someone connected with it. The system employed here is not only unfair but also could lead to unqualified persons being State certified.

There have been accusations of favoritism relating to union employees; however, these accusations were not substantiated during the investigation.

The fact remains, however, that draft examinations were in the possession of examinees and that it is absolutely necessary that there be tightened security for the preparation and dissemination of exams. It would appear that the employment of a professional examination firm might be initiated in order to eliminate any possible collusion and remove the present cloud hanging over the examination process.



## APPENDIX D

### Legislative Changes

Amend Sections 20-330, 20-331 and 20-334a(3)(A) of the Connecticut General Statutes to reflect the committee's recommendation to eliminate the licensing of elevator installation repair, and maintenance workers and to terminate the elevator board.

Amend Section 20-331 of the Connecticut General Statute to reflect the committee's recommendation to combine the electrical, plumbing and heating boards.

Amend Sections 20-332 and 20-333 of the Connecticut General Statutes to reflect the committee's recommendation to require the Department of Consumer Protection to use a professional testing service to develop, revise and administer all occupational licensing examinations.

Amend Section 20-340 to reflect the committee's recommendation to eliminate the license requirement for laying electrical and water conduit.