



# **CERTIFICATE OF FITNESS**

**Statutes and Regulations**

**September 2008**

**Labor Standards and Safety Division  
Mechanical Inspection**



**ALASKA DEPARTMENT OF LABOR  
& WORKFORCE DEVELOPMENT**

*Jobs are Alaska 's Future*

**Alaska Statutes**

**Title 18  
Health and Safety**

**Chapter 62  
CERTIFICATES OF FITNESS**

**Sec. 18.62.010. Certificate of fitness required.**

In connection with work performed subject to the standards established in AS 18.60.580 and AS 18.60.705 , a person may not be employed without a certificate of fitness to perform the work, except that a certificate of fitness may not be required of employees of an electric utility that does not have within its service area any portion of a city or unified municipality having more than 2,500 population.

**Sec. 18.62.020. Application for and issuance of certificate.**

The department shall issue certificates of fitness and renewal certificates of fitness valid for two years. The certificate may be issued only to an individual. An applicant for a certificate shall apply in writing, under oath, on a form prescribed by the department containing

- (1) the name and address of the applicant;
- (2) the applicant's age;
- (3) the applicant's citizenship; and
- (4) other information relevant to licensing that the department requires.

**Sec. 18.62.030. Fees.**

(a) An applicant shall pay a nonrefundable application and examination fee of \$50 when applying for a trainee or journeyman level certificate of fitness. The department shall charge a biennial fee of \$200 for the issuance of a trainee or journeyman level certificate or a renewal certificate, to be prorated if issued for less than two years, and a fee of \$25 for the issuance of a duplicate certificate.

(b) Fees collected under (a) of this section shall be deposited into the building safety account created under AS 44.31.025.

**Sec. 18.62.040. Duration of certificate.**

The department may cancel a certificate for cause. A certificate, if not cancelled for cause, is valid for the term it was issued for. A certificate holder whose certificate is about to expire may apply for a new certificate.

**Sec. 18.62.050. Issuance and contents of certificate.**

(a) If, upon investigation and examination by the department, the applicant is found competent by reason of training and experience, the department shall issue a certificate of fitness. The certificate shall set out the competency of the applicant and provide for positive identification of the applicant, and shall be carried on the person engaged in work subject to the requirement of a certificate of fitness under this chapter.

(b) *[Repealed, Sec. 23 ch 81 SLA 1984].*

(c) Verification by an Alaska-based labor union of a member's qualification to meet the requirements for a certificate of fitness may be accepted in lieu of examination or other requirement for issuing a certification under this chapter.

**Sec. 18.62.060. Power of the department.**

The department shall issue orders and adopt regulations necessary to carry out the purposes of this chapter.

**Sec. 18.62.070. Persons required to obtain certificate.**

A person engaged in one of the following trades shall first obtain from the department the appropriate certificate of fitness in that trade:

- (1) electrical wiring subject to the standards established in AS 18.60.580; and
- (2) plumbing subject to the uniform plumbing code; in this paragraph, "uniform plumbing code" means the minimum plumbing code adopted for the state under AS 18.60.705.

**Sec. 18.62.080. Penalty.**

A person, either an employer or employee, who violates a provision of this chapter or of a regulation adopted under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$500.

**ALASKA ADMINISTRATIVE CODE**

**TITLE 8**

**ARTICLE 02**

**Part 7 Certificates of Fitness**

Chapter 90. Plumbers and Electricians. (8 AAC 90.105 - 8 AAC 90.900)

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**Article**

- 1 Holder in Possession and Application for Certificate of Fitness (8 AAC 90.105 - 8 AAC 90.115)
- 2 Plumber Certificate of Fitness (8 AAC 90.130 - 8 AAC 90.150)
- 3 Electrician Certificate of Fitness (8 AAC 90.160 - 8 AAC 90.170)
- 4 Renewal and Cancellation of Electrical and Plumbing Certificate of Fitness (8 AAC 90.180 - 8 AAC 90.190)
- 5 Continuing Education (8 AAC 90.192 - 8 AAC 90.200)
- 6 (Repealed)
- 7 Right of Inspection (8 AAC 90.205)
- 8 General Provisions (8 AAC 90.900)

**Editor's note:** Former 8 AAC 90.010 - 8 AAC 90.100 were repealed on 9/13/80 and the substance of those sections was reorganized and renumbered as 8 AAC 90.105 - 8 AAC 90.900. The new numbering and organization of the material in those new sections bears no resemblance to the numbering and organization of the material before that date. Therefore, the history notes for those new sections do not reflect the history of the sections before 9/13/80.

**Article 1**  
**Holder in Possession and Application for Certificate of Fitness**

Section

- 105 Holder in possession
- 110 Application for certificate of fitness
- 115 Plumber and electrician examinations

**8 AAC 90.105. Holder in possession**

(a) An individual engaged in the performance of work subject to the standards established in AS 18.60.580 and AS 18.60.705 shall have an appropriate certificate of fitness or a trainee certificate of fitness. The certificate must be in the individual's possession when performing work in the trade.

(b) For purposes of AS 08.62.010, 08.62.070(1), and this section, work subject to the standards established in AS 18.60.580 does not include electrical maintenance within the limitations set out in 8 AAC 70.035. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 9/27/2008, Register 187)

**Authority:** AS 18.62.010 AS 18.62.060 AS 18.62.070 AS 23.05.060

**8 AAC 90.110. Application for certificate of fitness**

An individual may obtain an application for a certificate of fitness at any office of the division or by writing to the director at the division's office in Juneau. In addition to the requirements listed in this chapter, each applicant shall provide the applicant's social security number to the department. Upon request, the department will provide the social security number to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support enforcement purposes authorized under law. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 11/17/99, Register 152)

**Authority:** AS 18.62.020 AS 18.62.050 AS 18.62.060 AS 25.27.244

**Editor's note:** The application described in 8 AAC 90.110 may be obtained by writing to Director, Division of Labor Standards and Safety, Department of Labor and Workforce Development, P.O. Box 111149, Juneau, Alaska 99811-1149.

As of Register 171 (October 2004), and acting under AS 44.62.125 (b)(6) and sec. 12, ch. 107, SLA 2004, the regulations attorney made technical changes to reflect the name change of the child support enforcement agency to the child support services agency made by sec. 1, ch. 107, SLA 2004.

**8 AAC 90.115. Plumber and electrician examinations**

(a) Examinations for electrician journeymen, power lineman journeyman, residential wireman, plumber journeyman, plumber restricted PG, and plumber restricted PU are available by appointment at the offices of the division of Juneau, Anchorage, and Fairbanks.

(b) An applicant may request that an examination be given in a location that is not specified in (a) of this section by submitting a written request to the Anchorage office of the division. The department will conduct an examination in the requested location, if the department determines it can reasonably provide the resources to give the examination in that location.

(c) The minimum passing score for an examination given by the department under this section is 70 percent.

(d) A person who fails to pass the examination given by the department may not be reexamined until at least 30 days following the date of the failed examination. (Eff. 12/25/98, Register 148)

**Authority:** AS 18.62.050                      AS 18.62.060                      AS 18.62.070                      AS 23.05.060

**Editor's note:** For the purposes of 8 AAC 90.115, the Anchorage office can be contacted at Mechanical Inspection, Department of Labor, 3301 Eagle Street, Suite 301, Anchorage, Alaska 99503, telephone: (907) 269-4925.

**Article 2**  
**Plumber Certificate of Fitness**

Section

- 130 Plumber journeyman certificate of fitness
- 135 Plumber restricted PG certificate of fitness
- 137 Plumber restricted PU certificate of fitness
- 140 Plumber trainee certificate of fitness
- 150 (Repealed)

**8 AAC 90.130. Plumber journeyman certificate of fitness**

- (a) A plumber journeyman certificate of fitness authorizes the holder of the certificate to perform work that is subject to the standards established in AS 18.60.705 and 8 AAC 63.010.
- (b) plumber journeyman certificate of fitness will be issued by the department upon payment of the applicable fees required by AS 18.62.030, if the applicant
  - (1) submits documented proof on a notarized form provided by the department, or by notarized statements on letterhead stationery from employers, that the applicant has a minimum of 8,000 hours of legally obtained work experience in work subject to standards established in AS 18.60.705 and 8 AAC 63.010, and passes an examination given by the department; an accredited apprenticeship classroom program or educational training in the plumbing field may be substituted for up to 1,000 hours of work experience in work subject to standards established in AS 18.60.705 and 8 AAC 63.010; or
  - (2) presents to the department, on a form provided by the department, a sworn affidavit from an official of an Alaska-based union that demonstrates that the applicant meets the experience requirements set out in (1) of this subsection and passes an examination given by the department; the affidavit must specify
    - (A) the number of qualifying hours' experience the applicant claims for classification for which the applicant seeks certification; apprenticeship hours must be noted if apprenticeship hours are being used for qualification;
    - (B) the inclusive dates during which the hours claimed in (A) of this paragraph were worked; and
    - (C) repealed 12/25/98;
    - (D) the type of work performed and the name of each contractor for whom the work was performed.

- (c) The department will count no more than
  - (1) 500 hours of plumber restricted PU work toward the work experience required in (b)(1) of this section; or
  - (2) 2,000 hours of plumber restricted PG work toward the work experience required in (b)(1) of this section. (Eff. 9/13/80, Register 75; am 12/25/98, Register 148; am 11/1/2000, Register 156; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030                      AS 18.62.060                      AS 23.05.060  
                  AS 18.62.050                      AS 18.62.070

**8 AAC 90.135. Plumber restricted PG certificate of fitness**

- (a) A plumber restricted PG certificate of fitness authorizes the holder of the certificate to install fuel and gas piping within property lines of the premises.
- (b) A plumber restricted PG certificate of fitness will be issued by the department upon payment of the applicable fees required by AS 18.62.030 , if the applicant
  - (1) submits documented proof of legally obtained experience on a notarized form provided by the department, or by notarized statements on letterhead stationery from employers, that the applicant
    - (A) has worked for at least 2,000 hours installing fuel and gas piping within property lines of the premises; and
    - (B) has a minimum of 4,000 hours' work experience in plumbing work subject to the standards established in AS 18.60.705 and 8 AAC 63.010; or
  - (2) presents to the department, on a form provided by the department, a sworn affidavit from an official of an Alaska-based union that demonstrates that the applicant meets the work experience requirements set out in (1) of this subsection, and passes an examination given by the department; the affidavit must specify
    - (A) the number of qualifying hours' experience the applicant claims for the classification for which the applicant seeks certification; apprenticeship hours must be noted if apprenticeship hours are being used for qualification;
    - (B) the inclusive dates during which the hours claimed in (A) of this paragraph were worked; and
    - (C) the type of work performed and the name of each contractor for whom the work has performed.

(c) An accredited apprenticeship classroom program or educational training in the plumbing field may be substituted for up to 500 hours' work experience in work that is subject to the standards established in AS 18.60.705 and 8 AAC 63.010. (Eff. 9/13/80, Register 75; am 12/25/98, Register 148; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030                      AS 18.62.060                      AS 23.05.060  
                  AS 18.62.050                      AS 18.62.070

**8 AAC 90.137. Plumber restricted PU certificate of fitness**

(a) A plumber restricted PU certificate of fitness authorizes the holder of the certificate to install

- (1) water service piping from the street, right-of-way main, water well, or storage tank to the first stop valve of the serviced structure or other point of use or distribution on the serviced property;
- (2) building sewer piping from within two feet of a serviced structure to a public sewer, private sewer, private sewage disposal system, or other point of disposal; and
- (3) building storm drains that receive the discharge of roof drains, leaders, downspouts, or conductors, if the storm drains are installed from within two feet of a commercial structure, or from within two feet of a residential structure of four or more dwelling units, to the street, the right-of-way main line, or a point of disposal approved by the federal, state, or local agency having jurisdiction.

(b) A plumber restricted PU certificate of fitness will be issued by the department upon payment of the applicable fees required by AS 18.62.030, if the applicant

- (1) submits documented proof of legally obtained experience on a notarized form provided by the department, or by notarized statement on letterhead stationery from employers, that the applicant has worked for at least 1,000 hours installing water, sewer, or storm lines subject to the standards established in AS 18.60.705 and 8 AAC 63.010, and passes an examination given by the department; or
- (2) presents to the department, on a form provided by the department, a sworn affidavit from an official of an Alaska-based union that demonstrates that the applicant meets the work experience requirements set out in (1) of this subsection, and passes an examination given by the department; the affidavit must specify
  - (A) the number of qualifying hours' experience the applicant claims for the classification for which the applicant seeks certification; apprenticeship hours must be noted if apprenticeship hours are being used for qualification;

(B) the inclusive dates during which the hours claimed in (A) of this paragraph were worked; and

(C) the type of work performed and the name of each contractor for whom the work was performed.

(c) An accredited apprenticeship classroom program or educational training in the plumbing field may be substituted for up to 125 hours' work experience in work that is subject to the standards established in AS 18.60.705 and 8 AAC 63.010.

(d) Until October 1, 1999, the department will waive the examination required under this section for an applicant that submits documented proof on a notarized form provided by the department, or by notarized statements on letterhead stationary from employers, that the applicant performed water, sewer, or storm line installation to the standards established in AS 18.60.705 and 8 AAC 63.010 for at least 2,000 hours during the three years immediately preceding January 1, 1999.

(e) A certificate of fitness under this section is required beginning October 1, 1999. (Eff. 12/25/98, Register 148; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

**8 AAC 90.140. Plumber trainee certificate of fitness**

(a) A trainee certificate of fitness authorizes the holder to perform work subject to the standards established in AS 18.60.705 and performed under the conditions set out under this section.

(b) The department will issue a trainee certificate of fitness upon payment of the applicable fees required by AS 18.62.030, if the applicant

(1) submits documented proof of indenture in an apprentice plumber program accredited by the United States Department of Labor, Bureau of Apprenticeship and Training;

(2) repealed 6/14/2006.

(c) The ratio of individuals working under trainee certificates on a job site may not be more than two plumber trainees for every certified plumber journeyman.

(d) If the holder of a plumber trainee certificate of fitness leaves the apprentice plumber program in which the trainee is indentured, the trainee shall surrender the certificate to the mechanical inspection section of the department or to the apprentice plumber program in which the trainee is indentured. The department will maintain the surrendered certificate of fitness until the date the certificate would normally expire, during which time the certificate will be returned at no additional charge to the trainee if the trainee is again properly indentured in an apprentice plumber program as described in (b)(1) of this section. If the trainee is not again indentured within the term of the surrendered certificate, the trainee must apply to renew the certificate under 8 AAC 90.180(c) and pay the required fee in order to work again under a trainee certificate. (Eff.9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 6/14/2006; Register 178; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030                      AS 18.62.060                      AS 23.05.060  
                  AS 18.62.050                      AS 18.62.070

**8 AAC 90.150. Plumber examination**

Repealed.

**Editor's note:** As of Register 148, January 1999, the substance of former 8 AAC 90.150 appears in 8 AAC 90.115.

**Article 3**  
**Electrician Certificate of Fitness**

Section

- 160 Electrician journeyman certificate of fitness
- 162 Power lineman journeyman certificate of fitness
- 164 Residential wireman certificate of fitness
- 165 Electrician and power lineman trainee certificates of fitness
- 170 (Repealed)

**8 AAC 90.160. Electrician journeyman certificate of fitness**

- (a) An electrician journeyman certificate of fitness authorizes the holder of the certificate to perform work that is subject to the standards of the *National Electrical Code* established in AS 18.60.580 and 8 AAC 70.025.
- (b) An electrician journeyman certificate of fitness will be issued by the department upon payment of the applicable fees required by AS 18.62.030, if the applicant
  - (1) submits documented proof on a notarized form provided by the department, or by notarized statements on letterhead stationery from employers, that the applicant has a minimum of 8,000 hours of legally obtained work experience as an electrician performing work subject to standards of the *National Electrical Code* established in AS 18.60.580 and 8 AAC 70.025, and passes an examination given by the department; or
  - (2) presents to the department, on a form provided by the department, a sworn affidavit from an official of an Alaska-based union that demonstrates that the applicant meets the work experience requirements set out in (1) of this subsection, and passes an examination given by the department; the affidavit must specify
    - (A) the number of qualifying hours' experience the applicant claims for the classification for which the applicant seeks certification; apprenticeship hours must be noted if apprenticeship hours are being used for qualification;
    - (B) the inclusive dates during which the hours claimed in (A) of this paragraph were worked; and
    - (C) the type of work performed and the name of each contractor for whom the work was performed.
- (c) The department will count no more than 2,000 hours of residential electrical work towards the minimum of 8,000 hours' work experience required under this section.

(d) An accredited apprenticeship classroom program or educational training in the electrical field may be substituted for up to 1,000 hours' work experience required under this section.

(e) Up to 1,000 hours experience as a power lineman may be used to meet the work experience requirements of this section.

(f) Experience as a maintenance electrician may not be used to meet the work experience requirements of this section.

(g) The department may enter into reciprocal agreements with the corresponding licensing agency of another state with licensure requirements substantially equivalent to the requirements of this state. The department may issue a reciprocal certificate of fitness to a journeyman electrician from a state with whom the department has a reciprocal agreement, if the applicant tested for the applicant's certificate in the reciprocal state and if the applicant has held that other state's certificate for at least one year. (Eff. 9/13/80, Register 75; am 12/25/98, Register 148; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030 AS 18.62.050 AS 18.62.060 AS 18.62.070

### **8 AAC 90.162. Power lineman journeyman certificate of fitness**

(a) A power lineman journeyman certificate of fitness authorizes the holder of the certificate to perform the work that is described in 8 AAC 90.900(15) and subject to the *National Electrical Safety Code* established in AS 18.60.580 and 8 AAC 70.025.

(b) A power lineman journeyman certificate of fitness will be issued by the department upon payment of the applicable fees required by AS 18.62.030, if the applicant

(1) submits documented proof on a notarized form provided by the department, or notarized statements on letterhead stationery from employers, that the applicant has a minimum of 8,000 hours of legally obtained work experience as a power lineman performing work subject to the *National Electrical Safety Code* established in AS 18.60.580 and 8 AAC 70.025, and passes an examination given by the department; or

(2) presents to the department, on a form provided by the department, a sworn affidavit from an official of an Alaska-based union that demonstrates that the applicant meets the work experience requirements set out in (1) of this subsection, and passes an examination given by the department; the affidavit must specify

(A) the number of qualifying hours' experience the applicant claims for the classification for which the applicant seeks certification; apprenticeship hours must be noted if apprenticeship hours are being used for qualification;

(B) the inclusive dates during which the hours claimed in (A) of this paragraph were worked; and

(C) the type of work performed and the name of each contractor for whom the work was performed.

(c) An accredited apprenticeship classroom program or educational training in the electrical field may be substituted for up to 1,000 hours' work experience required under this section.

(d) Experience as an electrician may be substituted for up to 1,000 hours' work experience required under this section.

(e) Experience as a maintenance electrician may not be used to meet the work experience requirements of this section. (Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030                      AS 18.62.060                      AS 23.05.060  
AS 18.62.050                      AS 18.62.070

#### **8 AAC 90.164. Residential wireman certificate of fitness**

(a) A residential wireman certificate of fitness authorizes the holder of the certificate to perform work that is described in 8 AAC 90.900(16) .

(b) A residential wireman certificate of fitness will be issued by the department upon payment of the applicable fees required by AS 18.62.030, if the applicant

(1) submits documented proof on a notarized form provided by the department, or notarized statements on letterhead stationery from employers, that the applicant has a minimum of 4,000 hours of legally obtained work experience as a residential wireman, and passes an examination given by the department; or

(2) presents to the department, on a form provided by the department, a sworn affidavit from an official of an Alaska-based union that demonstrates that the applicant meets the work experience requirements set out in (1) of this subsection, and passes an examination given by the department; the affidavit must specify

(A) the number of qualifying hours' experience the applicant claims for the classification for which the applicant seeks certification; apprenticeship hours must be noted if apprenticeship hours are being used for qualification;

(B) the inclusive dates during which the hours claimed in (A) of this paragraph were worked; and

(C) the type of work performed and the name of each contractor for whom the work was performed.

(c) An accredited apprenticeship classroom program or educational training in the electrical field may be substituted for up to 500 hours' work experience required under this section.

(d) Experience as a maintenance electrician may not be used to meet the work experience requirements of this section. (Eff. 12/25/98, Register 148; 9/27/2008, Register 187)

**Authority:** AS 18.62.030                      AS 18.62.060                      AS 23.05.060  
                  AS 18.62.050                      AS 18.62.070

### **8 AAC 90.165. Electrician and power lineman trainee certificates of fitness**

(a) A trainee certificate of fitness authorizes the holder to perform work subject to the standards established in AS 18.60.580 and performed under the conditions set out under this section.

(b) The department will issue a trainee certificate of fitness upon payment of the applicable fees required by AS 18.62.030, if the applicant

(1) submits documented proof of indenture in an apprentice electrician program accredited by the United States Department of Labor, Bureau of Apprenticeship and Training; or

(2) repealed 6/14/2006.

(c) The ratio of individuals working under trainee certificates on a job site may not be more than two electrician trainees for every certified electrician journeyman or residential wireman, as applicable, or two power lineman trainees for every certified power lineman journeyman.

(d) Notwithstanding (a) - (c) of this section, a person holding a power lineman journeyman certificate of fitness may work as a trainee on a project within the scope of the *National Electrical Code* established in AS 18.60.580 and 8 AAC 70.025(a), a person holding a residential wireman certificate of fitness may work as a trainee on a project within the scope of the *National Electrical Safety Code* established in AS 18.60.580 and 8 AAC 70.025(b), and on a project within the scope of the *National Electrical Code* that is outside the scope of a residential wireman, and a person holding an electrical journeyman certificate of fitness may work as a trainee on a project within the scope of the *National Electrical Safety Code*.

(e) If the holder of an electrician trainee or power lineman trainee certificate of fitness leaves the apprentice electrician program in which the trainee is indentured, the trainee shall surrender the certificate to the mechanical inspection section of the department or to the apprentice electrician program in which the trainee is indentured. The department will maintain the surrendered certificate of fitness until the date the certificate would normally expire, during

which time the certificate will be returned at no additional charge to the trainee if the trainee is again properly indentured in an apprentice electrician program as described in (b)(1) of this section. If the trainee is not again indentured with the term of the surrendered certificate, the trainee must apply to renew the certificate under 8 AAC 90.180(c) and pay the required fee in order to work again under a trainee certificate. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 6/14/2006, Register 178; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030 AS 18.62.050 AS 18.62.060 AS 18.62.070

### **8 AAC 90.170. Electrician examination**

Repealed.

**History:** Eff. 9/13/80, Register 75; am 6/14/84, Register 90; repealed 12/25/98, Register 148

**Editor's note:** As of Register 148, January 1999, the substance of former 8 AAC 90.170 appears in 8 AAC 90.115.

**Article 4**  
**Renewal and Cancellation of Electrical and Plumbing Certificate of Fitness**

Section

- 180 Renewal of certificate of fitness
- 185 Cancellation of certificate of fitness
- 186 Hearing on cancellation of certificate of fitness
- 187 Decision from hearing on cancellation of certificate of fitness
- 190 Appeal of denial of renewal or cease work order

**8 AAC 90.180. Renewal of certificate of fitness**

- (a) The department will mail a notice of renewal to each certificate of fitness card holder's address currently on file, prior to the expiration date of the certificate.
- (b) Except as provided in 8 AAC 90.192 - 8 AAC 90.200, the department will renew a standard certificate of fitness without reexamination if the certificate holder
  - (1) requests renewal of the certificate of fitness within 90 days before or after the expiration date of the certificate and pays the applicable biennial fee required under AS 18.62.030; or
  - (2) requests renewal of the certificate within two years after the expiration date of the certificate and pays the applicable fees required under AS 18.62.030.
- (c) A trainee certificate of fitness will be renewed if the certificate holder
  - (1) requests renewal of the certificate of fitness;
  - (2) submits evidence of indenture or
    - (A) for a plumber trainee certificate of fitness, submits documented proof on the applicant's current employer's letterhead stationery or by a notarized letter from the applicant's current employer that the applicant is employed as a trainee in plumbing work subject to standards established in AS 18.60.705 and 8 AAC 63.010, and continues to be indentured in an apprenticeship program approved by the United States Department of Labor, Bureau of Apprenticeship and Training, and that the applicant is performing work under the direct supervision of a certified plumber journeyman who is on the same job site as the trainee during the entire working day and who is directly responsible for the competency of the work performed by the trainee;

(B) for an electrician or power lineman trainee certificate of fitness, submits documented proof on the applicant's current employer's letterhead stationery or a notarized letter from the applicant's current employer that the applicant is employed as a trainee in electrical work subject to standards established in AS 18.60.580 and 8 AAC 70.025, and continues to be indentured in an apprenticeship program approved by the United States Department of Labor, Bureau of Apprenticeship and Training, and that the applicant is performing work under the direct supervision of a certified electrician journeyman who is on the same job site as the trainee during the entire working day and who is directly responsible for the competency of the work performed by the trainee; and

(3) pays the applicable biennial fee required under AS 18.62.030.

(d) The certificate of fitness becomes invalid as of the date of expiration for purposes of performing work subject to AS 18.60.580 or 18.60.705. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 9/25/2002, Register 163; am 6/14/2006, Register 178)

**Authority:** AS 18.62.030                      AS 18.62.060                      AS 23.05.060  
AS 18.62.040                      AS 18.62.070

### **8 AAC 90.185. Cancellation of certificate of fitness**

(a) The department will, in its discretion, cancel a certificate of fitness upon a finding that the certificate holder

(1) falsified information furnished to the department on an application for a certificate of fitness; or

(2) violated a cease and desist order issued by the department; or

(3) has a history of performing substandard work to the extent that the public's best interest is jeopardized.

(b) If, after an investigation, the department finds that a violation described in (a) of this section has occurred, the department will notify the certificate holder by personal service or certified mail of its findings regarding the violation and its intention to cancel the certificate of fitness. The certificate holder has 20 days from the date of personal service or certified mailing of the notice of intent to cancel the certificate to request a hearing. The department's findings are final if the certificate holder does not timely request a hearing without good cause. The certificate holder must provide, in writing, the reasons why the certificate should not be cancelled and a summary of the facts opposing a cancellation. For the purposes of this subsection, "good cause" means

- (1) a circumstance beyond the certificate holder's control that prevents the certificate holder from submitting a timely request for a hearing; or
- (2) any other circumstance as determined on an individual basis by the director.

(c) A person whose certificate of fitness has been cancelled may, beginning 90 days after the certification was cancelled, apply for and at the discretion of the director, obtain a new certificate after passing an examination given by the department and payment of the applicable fees required by AS 18.62.030. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148)

**Authority:** AS 18.62.030                      AS 18.62.060                      AS 23.05.060  
                 AS 18.62.040                      AS 18.62.070

**8 AAC 90.186. Hearing on cancellation of certificate of fitness**

(a) A respondent may be represented by counsel. If counsel for a party notifies the division, in writing, that counsel is appearing in the matter on behalf of the party, service of notices, memoranda, recommendations, or other documents, will be considered sufficient if made on the party or counsel or both.

(b) The division will give notice to the respondent of the time and place of the hearing on an alleged violation under 8 AAC 90.185 by certified mail or by personal service at least 15 days before the hearing. The notice will contain a summary of investigative findings that will be considered at the hearing. Service to the current address a respondent has provided to the division for a certificate of fitness shall be considered valid service.

(c) The location of any oral hearing will be designated by the division considering the convenience of all persons involved. All hearings are public.

(d) The director will designate a hearing officer to preside over the hearing and to make findings of fact and conclusions of law to be used as a basis for the director's decision.

(e) The hearing officer has full authority to control the procedure of the hearing and to rule on all motions and objections.

(f) The hearing officer may admit any relevant evidence, regardless of the existence of any common law or statutory or court rule which might make the admission of the evidence over objection improper in civil actions, if it is evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but will not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The hearing officer may issue subpoenas at the request of either party or on the hearing officer's own motion.

- (g) Evidence must be given under oath or affirmation. If an oral hearing is held, a record of the proceedings will be kept.
- (h) The hearing officer, respondent, and complainant may
  - (1) call and examine witnesses;
  - (2) cross-examine opposing witnesses on any matter relevant to the issue at hand, even if that matter was not covered in direct examination; and
  - (3) introduce exhibits.
- (i) If the respondent does not testify on the respondent's own behalf, the respondent may be called and examined as if under cross-examination.
- (j) The hearing officer may, for good cause shown, continue a hearing from day to day or recess it to a later date or to a different place by announcement at the hearing or by notice.
- (k) The department has the burden of proving that the alleged violations have occurred. The standard of proof required is by a preponderance of the evidence. (Eff. 12/25/98, Register 148)

**Authority:** AS 18.62.040 AS 18.62.060 AS 18.62.070 AS 23.05.060

**8 AAC 90.187. Decision from hearing on cancellation of certificate of fitness**

- (a) The hearing officer will prepare a written recommendation to the director containing findings of fact and conclusions of law. A copy of the recommendations will be mailed or otherwise delivered to the respondent and to the complainant, if any. The director may accept the recommendations, in part or in whole, or may remand the matter for further hearing. The director must act upon the hearing officer's recommendation and render a decision within 30 days of receiving the recommendation from the hearing officer.
- (b) Upon making a decision, the director will serve it upon the respondent and complainant, if any, by personal service or certified mail.
- (c) A person whose certificate of fitness has been cancelled shall return the certificate to the director within 30 days after the date of personal service or the certified mailing of the decision that the person's certificate has been cancelled. (Eff. 12/25/98, Register 148)

**Authority:** AS 18.62.040 AS 18.62.060 AS 18.62.070 AS 23.05.060

**8 AAC 90.190. Appeal of denial of renewal or cease work order**

- (a) A denial of a request to renew a certificate for failure to meet the requirements of 8 AAC 90.180, or a notice under 8 AAC 90.205(c) to cease work, are final unless the person affected

files an appeal with the commissioner within 30 days after receipt of the notice of denial of renewal or to cease work. The appeal must be in writing and must include

- (1) a specification of objections to the department's findings, and a concise summary of facts in support of each objection; and
  - (2) a description of the relief sought.
- (b) The commissioner's decision will be based upon the department's record, including the written appeal, and will state the facts relied upon by the commissioner in deciding the matter.
- (c) The commissioner will, in his or her discretion, hold a hearing on the appeal to supplement the record where clarification or additional facts are necessary for a proper resolution of the appeal.
- (d) A hearing held under this section will be conducted in accordance with AS 44.62.330 - 44.62.640 in the Administrative Procedure Act, except that the director or the director's designee shall act as the hearing officer.
- (e) Within 30 days after the hearing, a copy of the decision will be sent to the appellant. Within 30 days after the decision is issued, the appellant may appeal to the superior court.
- (f) Repealed 12/25/98. (Eff. 6/14/84, Register 90; am 12/25/98, Register 148)

**Authority:** AS 18.62.040 AS 18.62.060 AS 23.05.060

**Article 5**  
**Continuing Education**

Section

- 192 Hours of continuing education for electrician journeyman certificate of fitness
- 194 Approved electrician workshops
- 195 Formal correspondence and individual study
- 196 Report of continuing education for electrician journeyman certificate of fitness
- 198 Waiver of continuing education for electrician journeyman certificate of fitness
- 200 Edition of electrical code acceptable for continuing education

**AAC 90.192. Hours of continuing education for electrician journeyman certificate of fitness**

(a) Before an electrician journeyman certificate of fitness is renewed under 8 AAC 90.180, the certificate holder must provide proof on a form provided by the department that the continuing education requirements set out in this section have been met. To be considered by the department for the current renewal period, the continuing education must have been taken during the 24-month period before the request for renewal of the certificate is made.

(b) An applicant for renewal of an electrician journeyman certificate of fitness must satisfactorily complete within the preceding 24-month period at least 16 hours of continuing education workshops, formal correspondence programs, individual study programs, or a combination approved by the department. At least eight hours must cover significant changes or updates to the *National Electrical Code*, as adopted by AS 18.60.580 and 8 AAC 70.025, and no more than eight hours may be industry related.

(c) An authorized provider of a course of instruction may use that course for credit towards renewal of the provider's certificate of fitness if the course was presented within the 24-month period before application for renewal.

(d) For the purposes of this section, "industry related" means related to the electrical journeyman trade as defined in 8 AAC 90.900(9) , but does not include management skills or techniques such as planning, scheduling, supervision, designing, estimating, or marketing and sales. (Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 9/27/2008, Register 187)

**Authority:** AS 18.62.020                      AS 18.62.060                      AS 23.05.060  
                  AS 18.62.050                      AS 18.62.070

**8 AAC 90.194. Approved electrician workshops**

The director will approve a continuing education workshop if

- (1) a description of the workshop and the number of hours of instruction are submitted to the director; the continuing education workshop must cover the edition of the *National Electrical Code* in effect in the state at the time the workshop is presented;
- (2) the workshop requires participants to register; and
- (3) verification of satisfactory completion of the workshop is provided to the participants on a completion certificate; the department will provide completion certificates to authorized providers; if the workshop is provided by an approved national organization, a participant must obtain a completion certificate from the local representative of that organization. (Eff. 12/25/98, Register 148; am 9/25/2002, Register 163)

**Authority:** AS 18.62.020                      AS 18.62.060                      AS 18.62.070  
                   AS 18.62.050                      AS 18.62.070

**8 AAC 90.195. Formal correspondence and individual study**

The director will approve a formal correspondence or individual study program if the formal correspondence or other individual study program

- (1) pertains to the standards set out in AS 18.60.580 and 8 AAC 70.025;
- (2) requires registration of the participants; and
- (3) provides evidence of continuing education credit awarded for the satisfactory completion of the formal correspondence or individual study program. (Eff. 12/25/98, Register 148)

**Authority:** AS 18.62.020                      AS 18.62.060                      AS 23.05.060  
                   AS 18.62.050                      AS 18.62.070

**8 AAC 90.196. Report of continuing education for electrician journeyman certificate of fitness**

(a) Beginning January 1, 2001, an applicant for renewal of an electrician journeyman certificate of fitness under 8 AAC 90.180 shall submit, on a form provided by the department, a sworn statement of the continuing education that the applicant satisfactorily completed to meet the requirement. The statement must include the

- (1) name of the sponsoring organization;

- (2) location of the workshop or correspondence;
- (3) title and description of the workshop;
- (4) name of the principal instructor;
- (5) dates of attendance or period of correspondence; and
- (6) number of continuing education hours claimed.

(b) Falsification of any written evidence submitted to the department under this section is grounds for disciplinary action under 8 AAC 90.185. (Eff. 12/25/98, Register 148, am 9/27/2008, Register 187)

**Authority:** AS 18.62.020            AS 18.62.060            AS 23.05.060  
                  AS 18.62.050            AS 18.62.070

**8 AAC 90.198. Waiver of continuing education for electrician journeyman certificate of fitness**

An applicant that is unable to obtain the required continuing education hours for an electrician journeyman certificate of fitness renewal may request a waiver by explaining the circumstances in writing to the director. If the director determines that the applicant was prevented from complying with the continuing education requirements by circumstances beyond the control of the applicant, the director will prescribe an alternative method of compliance with those requirements as it considers appropriate to the individual situation. (Eff. 12/25/98, Register 148)

**Authority:** AS 18.62.020            AS 18.62.060            AS 23.05.060  
                  AS 18.62.050            AS 18.62.070

**AAC 90.200. Edition of electrical code acceptable for continuing education**

The director will, in the director's discretion, accept a course of continuing education credit that covers a more recent edition of the *National Electrical Code* than the edition adopted by the state. (Eff. 12/25/98, Register 148)

**Authority:** AS 18.62.020            AS 18.62.060            AS 23.05.060  
                  AS 18.62.050            AS 18.62.070

## Article 6 Hearings

Repealed 6/14/84

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## Article 7 Right of Inspection

Section

205 Right of inspection

### **8 AAC 90.205. Right of inspection**

(a) An inspector must be given free access during reasonable hours to any premises where plumbing or electrical work subject to the standards established in AS 18.60.580 and AS 18.60.705 is being performed.

(b) The inspector may request any person performing work for which a certificate of fitness is required to exhibit the certificate of fitness.

(c) The inspector may immediately serve upon a person performing work without a certificate of fitness a notice to cease any further work for which a certificate is required until a certificate of fitness is obtained from the department. The inspector will serve a copy of the notice on the worker's employer. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90)

**Authority:** AS 18.62.010      AS 18.62.070      AS 23.05.060  
AS 18.62.060      AS 18.62.080

**Article 8**  
**General Provisions**

**8 AAC 90.890. Work legally performed and experience legally obtained.**

For purposes of compliance with a minimum work or experience requirement in this chapter, work is legally performed, and experience is legally obtained while performing work, if the work is performed

- (1) for a contractor with a current, valid license, registration, certificate, or other credential required for practice of the contractor's trade or profession by the law of the jurisdiction in which the work is performed, and if the work is performed in the jurisdiction in which the contractor is licensed, registered, certificated, or otherwise credentialed; if the work is performed in a jurisdiction that does not require a license, registration, certificate, or other credential for practice of the contractor's trade or profession, the department will consider documented work or experience to be in compliance with this paragraph;
- (2) under the direct supervision of a journeyman tradesperson; and
- (3) in compliance with the laws of the jurisdiction in which the work is performed.  
(Eff. 9/27/2008, Register 187)

**Authority:** AS 18.62.020 AS 18.62.050 AS 18.62.060

**8 AAC 90.900. Definitions**

In this chapter and AS 18.62, unless the context requires otherwise

- (1) "accredited" means approved by the United States Department of Labor, bureau of apprenticeship and training;
- (2) "apprentice" means a worker at least 16 years of age who is legally performing work to learn a skilled trade;
- (3) "commissioner" means the commissioner of the Department of Labor and Workforce Development or the commissioner's designee;
- (4) "day" means a calendar day;
- (5) "department" means the Department of Labor and Workforce Development;

(6) "direct supervision" means that while the trainee is legally performing work to the standards established in either AS 18.60.580 and 8 AAC 70.025 or AS 18.60.705 and 8 AAC 63.010 a certified journeyman is on the same job site, on the same floor and in close and continual control of the trainee and is responsible for the competency of the work performed by the trainee;

(7) "director" means the director of the labor standards and safety division of the department, or the director's designee;

(8) "division" means the labor standards and safety division of the department;

(9) "electrician journeyman" means a person who performs work necessary to the installation and construction of electrical work within buildings and within property lines of any given property, beginning at the secondary side of the transformer, subject to the *National Electrical Code*, but does not include a person performing linework consisting of poles and towers, including wires or cables and other apparatus supported by them;

(10) "examination" means a series of prepared questions administered by the department in writing or orally, or both;

(11) "inspector" means an inspector of the labor standards and safety division of the department, or a designee;

(12) "plumber journeyman" means a person who performs plumbing work in the installation, removal, alteration, or repair of plumbing and drainage systems, within the property lines of the premises; in this paragraph, "plumbing and drainage systems"

(A) includes all

(i) building supply and distribution piping for potable water;

(ii) water treating or utilization equipment;

(iii) plumbing fixtures and traps;

(iv) drainage and vent pipes;

(v) building drains and building sewers;

(vi) medical gas and medical vacuum systems;

(vii) liquid and fuel gas piping;

(viii) swimming pool, spa, and hot tub piping; and

(ix) joints, connections, devices, receptacles, appurtenances, water heaters, and vents for items listed in (i) – (viii) of this subparagraph and within the property lines of the premises;

(B) does not include the mains of a public sewer system, or public sewage treatment or disposal plant;

(13) "plumber restricted PG" means a person authorized with a certificate of fitness to install fuel and gas piping within property lines of the premises;

(14) "plumber restricted PU" means a person authorized with a certificate of fitness to install

(A) water service piping from the street, right-of-way main, water well, or storage tank to the first stop valve of the serviced structure or other point of use or distribution on the serviced property;

(B) building sewer piping from within two feet of a serviced structure to a public sewer, private sewer, private sewage disposal system, or other point of disposal; and

(C) building storm drains that receive the discharge of roof drains, leaders, downspouts, or conductors, if the storm drains are installed from within two feet of a commercial structure, or from within two feet of a residential structure of four or more dwelling units, to the street, the right-of-way main line, or a point of disposal approved by the federal, state, or local agency having jurisdiction;

(15) "power lineman journeyman" means a person who performs work necessary to the assembly, installation, or erection of all electrical apparatus, devices, wires, cables, supports, insulators, conductors, ducts, and raceways when part of primary distributing systems outside of buildings, regardless of whether within property lines of any given property, including outdoor substations and electrical connections up to and including the setting of transformers and the connecting of busses to them;

(16) "residential wireman" means a person who performs work necessary to the installation, construction, and operation of residential electrical systems, beginning at the point of attachment of the service drop or the service lateral on the load side of the meter, and whose work is limited to residential occupancies providing for no more than four residential units on a common foundation;

(17) "trainee" means an individual who is legally performing work to learn a skilled trade on the job under the training and direct supervision of an experienced craft journeyman plumber or electrician and who, during the training, is given opportunities to develop progressive skills in that trade. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 9/27/2008, Register 187)

**Authority:** AS 18.62.060 AS 23.05.060

**Editor's note:** For the purposes of 8 AAC 90, the Anchorage office can be contacted at Mechanical Inspection, 3301 Eagle Street, Suite 302, Anchorage, Alaska 99503; telephone: (907) 269-4925.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.