



CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

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Administration
Room 300 449-5571

Building Inspections
Room 200 449-5716

Planning
Room 200 449-5604

September 3, 1986

Law & Legislation Committee
City Hall
Sacramento, California 95814

Re: An Ordinance Amending Sections 9.963, 9.967, 9.968 and 9.969 of the Sacramento City Code, and adding Section 9.977, Relating to Certification of Journeylevel Plumbers, and Declaring Said Ordinance to be an Emergency Measure to Take Effect Immediately

Honorable Members in Session:

SUMMARY

This report recommends adoption of an emergency ordinance amending Sections 9.963, 9.967, 9.968 and 9.969 of the Sacramento City Code and adding Section 9.977 relating to certification of journeylevel plumbers. The ordinance would clarify that the four (4) years of plumbing experience necessary to take the certification exam does not have to be as an apprentice; provide that trainees and apprentices may take the exam with only three (3) years, nine months experience in certain circumstances; increase from two to three the number of times an applicant may take the certification exam before being required to wait six months before retesting; eliminate the provision exempting from the examination requirement plumbers with ten or more years of journeylevel experience; and permit trainees to perform plumbing work under direct one-on-one supervision by a certified journeylevel plumber or a licensed plumbing contractor. These amendments have been recommended by the Board of Plumbing Examiners.

BACKGROUND

The Board of Plumbing Examiners was appointed on June 17, 1986 and has met on June 26, 1986, July 15, 1986, and August 5, 1986 to implement the City's program for certifying journeylevel plumbers.

As part of the process of moving from ordinance to actual practice, the Board has found several points upon which it recommends to the City Council certain amendments to the certification ordinance. Those recommendations, with rationale, are:

1. Remove the requirement that the four (4) years of qualifying experience be "as an apprentice."

Rationale: Many persons currently doing plumbing work in the City have four or more years of experience, but have not participated in a formal apprenticeship program. It would not be appropriate to bar them from taking the certification examination. Persons with four (4) or more years of plumbing experience, but not in a formal apprenticeship, may come to Sacramento to work in the future. They also should be afforded the opportunity to take the certification exam.

2. Allow participants in training or apprenticeship programs to take the exam with only three years, nine months of experience.

Rationale: A trainee/apprentice who completes four years of experience could be forced into a non-working hiatus between the time the four years was completed and the exam could be taken and passed. Allowing the exam to be taken "early", while withholding the certification until four years of experience is attained, will solve that problem.

3. Increase from two to three the number of times an applicant may take the certification exam before being required to wait six months before retesting.

Rationale: The Board proposes that the City contract with Piping Industry Progress and Education Trust (P.I.P.E.) for the provision of testing services for the certification program. P.I.P.E., which has extensive experience with certification testing in Southern California, indicates that it is common for applicants to fail its test twice before making a successful exam. Because a journeylevel plumber's certificate is a necessary predicate for earning one's livelihood, and because the certification program is a new one, the Board believes that ample opportunity to take and pass the exam should be afforded.

4. Eliminate the provision exempting from the examination requirement plumbers with ten or more years of journeylevel experience.

Rationale: The Board believes that this "grandfathering" provision is unfair to those who cannot readily document their history of journeylevel experience, and that basic fairness dictates that all plumbers be required to meet the same requirements within the City.

5. Permit registered trainees to perform plumbing work under direct one-on-one supervision of certified journeylevel plumbers or licensed plumbing contractor.

Rationale: Trainee provisions are necessary to permit informal "apprenticeships," for example, plumbers training their own children in the craft. Without trainee provisions, an individual cannot work within the City of Sacramento to gain any part of the four years of experience necessary for certification, unless enrolled in a formal training program. On-the-job training under the direct supervision of a certified journeylevel plumber or a licensed contractor is an appropriate alternate method of training. Only one trainee is permitted per supervising plumber to maintain quality of plumbing installations and training. Registration of trainees will allow the Board to monitor the number of uncertified persons performing plumbing work, to communicate with trainees about certification, and to evaluate the trainee program.

The changes described in Items 4 and 5 are similar to provisions contained in the County of Sacramento's certification ordinance. It is desirable to have uniformity in these areas.

The ordinance is proposed as an emergency measure to take effect immediately. The operative date of the certification ordinance is December 1, 1986. Implementation can be accomplished on a timely basis, with fair notice of all provisions to affected plumbers in the community, only if these amendments, if approved by the Council, take effect immediately.

RECOMMENDATION

It is recommended that the Law and Legislation Committee recommend to the full Council that the proposed ordinance amending Sections

Law and Legislation Committee
September 3, 1986
Page Four

9.963, 9.967, 9.968 and 9.969 of the City Code and adding Section 9.977 be enacted as an emergency measure.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "R. B. Wall", written over a horizontal line.

ROBERT B. WALL
Acting Director of Planning
and Development

Districts: All
Law & Legislation: 9/11/86

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SECTIONS 9.963,
9.967, 9.968 AND 9.969 OF THE SACRAMENTO
CITY CODE, AND ADDING SECTION 9.977,
RELATING TO CERTIFICATION OF JOURNEYLEVEL
PLUMBERS AND DECLARING THE ORDINANCE
TO BE AN EMERGENCY MEASURE TO TAKE
EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 9.967 of the Sacramento City Code is hereby amended to read as follows:

**Sec. 9.967 Application for Examination for Certificate
 of Competency.**

- a. Persons desiring to take the examination for a certificate of competency shall file an application with the Secretary of the Board of Plumbing Examiners. To be eligible for the examination for the certificate of competency, the applicant shall have at least four (4) years of plumbing experience and shall attach proof of such experience to the application for examination.
- b. Special training or education acceptable to the Board of Plumbing Examiners may be credited to a portion or all of the required experience. Such determination shall be in the discretion of the Board of Plumbing Examiners. Such equivalency shall be determined by the Board of Plumbing Examiners at their next scheduled regular or special meeting.

- c. An applicant enrolled in a training or apprenticeship program which provides four (4) or more years of plumbing experience may take the examination after attaining three years, nine months of plumbing experience; provided, however, that no certificate of competency shall be issued to such applicant until the applicant has at least four (4) years of plumbing experience.

SECTION 2.

Section 9.968 of the Sacramento City Code is hereby amended to read as follows:

Sec. 9.968 Application for Reexamination.

Any individual who fails to pass the examination for competency as prescribed by the Board of Plumbing Examiners may apply for reexamination. All applications for reexamination must be accompanied by a reexamination fee to be set by resolution of the City Council. Should such individual fail to pass the examination for qualification three times, the Board of Plumbing Examiners shall refuse a fourth application until after the expiration of six months.

SECTION 3.

Section 9.969 of the Sacramento City Code is hereby amended to read as follows:

Sec. 9.969 Exemption from Examination.

A certificate of competency shall be issued without the necessity of an examination to any individual possessing a similar certificate from an agency maintaining, in the opinion of the Board, a satisfactory examination and qualification procedure.

SECTION 4.

Section 9.963 of the Sacramento City Code is hereby amended to read as follows:

Sec. 9.963 Certificate of Competency Required.

- a. It shall be unlawful after December 1, 1986, for any person other than a contractor, apprentice or employee as specifically exempted by Sections 9.961 and 9.962 of this Ordinance or a trainee registered pursuant to Section 9.977 to labor for another for consideration at the work or trade of installing, removing, altering or repairing plumbing systems within the City unless such person shall have applied for and been granted a certificate of competency from the City of Sacramento Board of Plumbing Examiners.

- b. It shall be unlawful after December 1, 1986, for any contractor to hire, employ or contract for the services of any individual to labor at the work or trade of installing, removing, altering or repairing plumbing systems within the City unless such individual shall have secured a certificate of competency from the City of Sacramento Board of Plumbing Examiners, is a trainee registered pursuant to and working under the limitations contained in Section 9.977 of this ordinance, or such individual is exempt from the requirements of this ordinance. It shall be the obligation of the contractor hiring, employing or contracting for the services to determine whether the individual or individuals to be hired possess a valid City of Sacramento certificate of competency.

SECTION 5.

Section 9.977 is hereby added to the Sacramento City Code to read as follows:

Sec. 9.977 Trainee Certificate of Registration.

- a. A trainee certificate of registration shall be issued to any person who certifies that he or she desires to work as a trainee for the purpose of learning the trade of plumbing and gaining the training and experience necessary to successfully complete the examination for a certificate of competency and who pays a registration fee set by resolution of the City Council. A trainee certificate of registration shall be valid for five years and may be renewed.
- b. A registered trainee may perform plumbing work within the City for which a certificate of competency otherwise would be required only under the direct supervision and in the immediate presence of a person holding a certificate of competency issued pursuant to this article or of a licensed plumbing contractor, and only if said trainee is the only trainee being supervised by the certificate holder or licensed contractor at the jobsite at that time. It shall be grounds for suspension or revocation of a certificate of registration for a registered trainee to knowingly work under conditions wherein the person supervising the trainee is supervising one or more other trainees at the same jobsite at the same time.
- c. It shall be grounds for suspension or revocation of a certificate of competency for the holder of a certificate to supervise more than one registered trainee at the same jobsite at the same time in the performance of plumbing work for which a certificate of competency otherwise would be required.

SECTION 6.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The grounds for the emergency are that the operative date for the journeylevel plumbers certification ordinance is December 1, 1986 and the examination process must begin soon in order to allow certificates to be issued by December 1, 1986. The amendments contained in this ordinance must take effect immediately, so that all persons who must obtain a certificate to perform plumbing work within the City will have adequate advance notice of the experience required, that the only exemption from examination is for persons possessing a similar certificate, and that the exam may be taken up to three times without a six-month waiting period.

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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SECTION 1.

Section 9.967 of the Sacramento City Code is hereby amended to read as follows:

Sec. 9.967 Application for Examination for Certificate
 of Competency.

- a. Persons desiring to take the examination for a certificate of competency shall file an application with the Secretary of the Board of Plumbing Examiners. To be eligible for the examination for the certificate of competency, the applicant shall have at least four (4) years of plumbing experience ~~as an apprentice~~ and shall attach proof of such ~~apprenticeship experience~~ to the application for examination.
- b. Special training or education acceptable to the Board of Plumbing Examiners may be credited to a portion or all of the required experience. Such determination shall be in the discretion of the Board of Plumbing Examiners. Such equivalency shall be determined by the Board of Plumbing Examiners at their next scheduled regular or special meeting.
- c. An applicant enrolled in a training or apprenticeship program which provides four (4) or more years of plumbing experience

may take the examination after attaining three years, nine months of plumbing experience; provided, however, that no certificate of competency shall be issued to such applicant until the applicant has at least four (4) years of plumbing experience.

SECTION 2.

Section 9.968 of the Sacramento City Code is hereby amended to read as follows:

Sec. 9.968 Application for Reexamination.

Any individual who fails to pass the examination for competency as prescribed by the Board of Plumbing Examiners may apply for reexamination. All applications for reexamination must be accompanied by a reexamination fee to be set by resolution of the City Council. Should such individual fail to pass the examination for qualification ~~a second~~ three times, the Board of Plumbing Examiners shall refuse a ~~third~~ fourth application until after the expiration of six months.

SECTION 3.

Section 9.969 of the Sacramento City Code is hereby amended to read as follows:

Sec. 9.969 Exemption from Examination.

- a. A certificate of competency shall be issued without the necessity of an examination to any individual possessing a similar certificate from an agency maintaining, in the opinion of the Board, a satisfactory examination and qualification procedure.
- b. A certificate of competency may be issued in the discretion of the Board of Plumbing Examiners, without the necessity of an examination to any individual having ten (10) or more years full time job experience performing plumbing work. Such an exemption shall be heard by a quorum of the Board at its next regular or scheduled meeting.

SECTION 4.

Section 9.963 of the Sacramento City Code is hereby amended to read as follows:

Sec. 9.963 Certificate of Competency Required.

- a. It shall be unlawful after December 1, 1986, for any person other than a contractor, apprentice or employee as specifically exempted by Sections 9.961 and 9.962 of this Ordinance or a trainee registered pursuant to Section 9.977 to labor

for another for consideration at the work or trade of installing, removing, altering or repairing plumbing systems within the City unless such person shall have applied for and been granted a certificate of competency from the City of Sacramento Board of Plumbing Examiners.

- b. It shall be unlawful after December 1, 1986, for any contractor to hire, employ or contract for the services of any individual to labor at the work or trade of installing, removing, altering or repairing plumbing systems within the City unless such individual shall have secured a certificate of competency from the City of Sacramento Board of Plumbing Examiners, is a trainee registered pursuant to and working under the limitations contained in Section 9.977 of this ordinance, or such individual is exempt from the requirements of this ordinance. It shall be the obligation of the contractor hiring, employing or contracting for the services to determine whether the individual or individuals to be hired possess a valid City of Sacramento certificate of competency.

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Section 9.977 is hereby added to the Sacramento City Code to read as follows:

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- b. A registered trainee may perform plumbing work within the City for which a certificate of competency otherwise would be required only under the direct supervision and in the immediate presence of a person holding a certificate of competency issued pursuant to this article or of a licensed plumbing contractor, and only if said trainee is the only trainee being supervised by the certificate holder or licensed contractor at the jobsite at that time. It shall be grounds for suspension or revocation of a certificate of registration for a registered trainee to knowingly work under conditions wherein the person supervising the trainee is supervising one or more other trainees at the same jobsite at the same time.
- c. It shall be grounds for suspension or revocation of a certificate of competency for the holder of a certificate to

supervise more than one registered trainee at the same job-site at the same time in the performance of plumbing work for which a certificate of competency otherwise would be required.

SECTION 6.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The grounds for the emergency are that the operative date for the journeylevel plumbers certification ordinance is December 1, 1986 and the examination process must begin soon in order to allow certificates to be issued by December 1, 1986. The amendments contained in this ordinance must take effect immediately, so that all persons who must obtain a certificate to perform plumbing work within the City will have adequate advance notice of the experience required, that the only exemption from examination is for persons possessing a similar certificate, and that the exam may be taken up to three times without a six-month waiting period.

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CITY CLERK