

# 1 RCNY §104-12

## CHAPTER 100

### Subchapter D Licensing and Registration of Businesses, Trades and Occupations Engaged in Building Work

#### § 104-12 Gas Work Qualification.

(a) **Requirement.** Beginning January 1, 2020, no person may perform gas work, as defined in section 28-423.1 of the Administrative Code, unless such person satisfies one of the following:

- (1) Is a licensed master plumber; or,
- (2) Holds a gas work qualification pursuant to this section and is working under the direct and continuing supervision of a licensed master plumber; or,
- (3) Holds a limited gas work qualification pursuant to this section and is performing such work under the personal and immediate supervision of either a person who holds a gas work qualification pursuant to this section, or a licensed master plumber.
- (4) For purposes of this section, the term “direct and continuing supervision” shall have the same meaning as set forth in section 28-401.3 of the Administrative Code.
- (5) For purposes of this section, the term “personal and immediate supervision” shall mean responsible continuous control exercised by a licensed master plumber or a person who holds a gas work qualification, who is present on site, over a person who holds a limited gas work qualification who is performing the actual gas work in the direct employ of a licensed master plumber.
  - (i) Such supervision shall be evidenced by the supervising individual’s signature, and seal where applicable, upon any required statements, certifications, applications and/or permits and by demonstrating involvement of the supervising individual in the operations of the business, including but not limited to hiring of employees, responsibility for financial matters, and oversight of work performance.
  - (ii) The term “direct employ” shall have the same meaning as set forth in section 28-401.3 of the Administrative Code.

(b) **Applications for a gas work qualification.**

- (1) *Application and fee.* Applicants must submit to the Department, in a form and manner determined by the commissioner, an application accompanied by all required documentation and, if applicable, an application fee as specified in section 101-03 of the rules of the Department. No application fee is required for a gas work qualification, provided that the applicant is, at the time of filing, a registered journeyman plumber or is concurrently applying for registration as a journeyman plumber pursuant to Article 409 of Chapter 4 of Title 28 of the Administrative Code.

- (2) *Examination.* Applicants must submit to the Department acceptable documentation establishing satisfactory proof that such applicant has successfully passed a Department-sponsored gas work qualification examination.
- (i) Applicants must apply for the examination by submitting an examination application, in a form and manner determined by the commissioner, to the Department's Licensing & Exams Unit or its designee. The examination application must be accompanied by an examination fee as specified in section 101-03 of the rules of the Department. Applicants reapplying to take such examination, including after a failure, must do so in accordance with the requirements in this paragraph.
  - (ii) Applicants have six (6) months from the date of submission of the examination application to take the examination.
  - (iii) Applicants who fail the examination must wait at least fourteen (14) days before reapplying to take the examination. Each time an applicant wishes to take the examination, including after a failure, the applicant must reapply to the Department and pay the required fee as specified in section 101-03 of the rules of the Department. Applicants may take the examination no more than three (3) times within a six (6) month period. Applicants who fail the examination three (3) times within six (6) months must wait six (6) months from the date of the third failed examination before reapplying to take such examination.
- (3) *Experience and education.* Applicants must submit to the Department acceptable documentation establishing satisfactory proof of one or more of the following:
- (i) Applicant is a registered journeyman plumber pursuant to Article 409 of Chapter 4 of Title 28 of the Administrative Code;
  - (ii) Applicant has successfully completed an apprenticeship in plumbing program approved by the New York State Department of Labor and has at least one (1) year of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber; or,
  - (iii) Applicant has at least five (5) years of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber, provided that at least one (1) year of such experience must have occurred within the City of New York.

(c) **Applications for a limited gas work qualification.**

- (1) *Application and fee.* Applicants must submit to the Department, in a form and manner determined by the commissioner, an application accompanied by all required documentation and an application fee as specified in section 101-03 of the rules of the Department.
- (2) *Experience.* Applicants must submit to the Department acceptable documentation establishing satisfactory proof that such applicant has at least six (6) months of full-time experience performing plumbing work under the direct and continuing supervision of a licensed master plumber.

- (3) *Education.* Applicants must submit to the Department acceptable documentation establishing satisfactory proof of one or more of the following:
  - (i) Successful completion of a Department-sponsored gas work training course of not less than sixteen (16) hours of instructional time; or,
  - (ii) Applicant's status as an apprentice in plumbing registered in an apprenticeship program approved by the New York State Department of Labor.
- (d) **Documentation of education, training and experience submitted with the application.** Applicants must submit to the Department acceptable documentation evidencing all claimed education, training and experience required by this section. For verification of such claimed education, training and experience, the Department may require additional supporting documentation satisfying the requirements set forth in Subdivision (e) of Section 104-01 of the rules of the Department.
- (e) **Gas work and limited gas work qualification cards.**
  - (1) Upon issuance of a notice of approval, the Department shall issue a "Gas Work Qualification Card" to applicants who have satisfied all the requirements for a gas work qualification pursuant to this section.
    - (i) *Demonstration of gas work qualification while engaged in gas work.* The gas work qualification card and a government issued photo identification card must be carried by the qualified individual at all times while engaged in any gas work, as defined in section 28-423.1 of the Administrative Code, and must be presented upon the demand of any authorized enforcement officer.
  - (2) Upon issuance of a notice of approval, the Department shall issue a "Limited Gas Work Qualification Card" to applicants who have satisfied all the requirements for a limited gas work qualification pursuant to this section.
    - (i) *Demonstration of limited gas work qualification while engaged in gas work.* The limited gas work qualification card and a government issued photo identification must be carried by the qualified individual at all times while engaged in any gas work, as defined in section 28-423.1 of the Administrative Code, and must be presented upon the demand of any authorized enforcement officer.
- (f) **Expiration and renewal.**
  - (1) Gas work qualification. A gas work qualification will not expire and does not require renewal.
  - (2) Limited gas work qualification. A limited gas work qualification will expire five (5) years after the date of issuance and may not be renewed.