



Promulgation Details for 1 RCNY 104-12

This rule became effective on December, 7, 2019.

NEW YORK CITY DEPARTMENT OF BUILDINGS

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adds a new Section 104-12 to Title 1 of the Rules of the City of New York, regarding qualifications for performing gas work, and hereby amends Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York regarding application fees for a gas work qualification and a limited gas work qualification.

This rule was first published on January 10, 2019 and a public hearing thereon was held on February 14, 2019. Comments on the rule were submitted prior to and during the hearing.

Dated: 10/28/19
New York, New York



Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose

The rule adds a new Section 104-12 to Title 1 of the Rules of the City of New York (RCNY) regarding gas work qualifications. This rule promotes public safety by specifying requirements for obtaining gas work qualifications required for performing gas work within the City of New York.

This rule includes provisions related to the following that are intended to give effect to Local Law 150 of 2016:

- Requirements for applications for a gas work qualification, including examination, experience and education requirements.
- Requirements for applications for a limited gas work qualification, including experience and education requirements.
- Requirements for documentation purporting to verify claimed education, training and experience submitted with applications for a gas work qualification or a limited gas work qualification.
- Requirements for demonstrating that a person holds a gas work qualification or a limited gas work qualification while engaged in gas work.
- Expiration and renewal of a gas work qualification and a limited gas work qualification.

DOB has made changes to the rule following the public comment period and public hearing. These changes include:

- Defining the terms “direct and continuing supervision,” “personal and immediate supervision,” and “direct employ” in order to provide clarity with respect to the operation of such terms for purposes of the rule.
- Specifying, in subparagraph (i) of paragraph (5) of subdivision (a), the requirements for proving personal and immediate supervision in order to provide clarity to supervising individuals.
- Clarifying that the application fee, where applicable, for a gas work qualification and a limited gas work qualification will be as specified in section 101-03 of the rules of the Department.
- Adding provisions under subdivision (e), regarding the issuance of gas work and limited gas work qualification cards and requirements for demonstrating that a person holds a gas work qualification or limited gas work qualification while engaged in gas work. These provisions were added to address enforcement considerations associated with implementation of the rule.

The Department of Buildings' authority for this rule is found in sections 643 and 1043 of the New York City Charter, Article 423 of Chapter 4 of Title 28 of the New York City Administrative Code and Local Law 150 of 2016.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. The table of fees payable to the department of buildings in Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding at the end of the table application fees for gas work qualification and limited gas work qualification, to read as follows:

<u>Gas work qualification application fee</u>	<u>\$15.00</u>
<u>Limited gas work qualification application fee</u>	<u>\$15.00</u>

§ 2. Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new Section 104-12 to read as follows:

§ 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.