

271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

271 CMR 3.00: INDIVIDUAL LICENSURE

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3.01: Application and Licensing

(1) Class M-1 or M-2 (Master Sheet Metal Worker) License.

(a) An applicant applying for a Class M (Master) license shall meet the following eligibility criteria for licensure:

1. submission of an application completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury, and accompanied by such other information as the Board may require;

NOTE: Incomplete applications will be kept open for 180 days.

2. be of good moral character;
3. be a graduate of high school, possess a graduate equivalency diploma (G.E.D.), or equivalent;
4. meet all criteria for licensure as a Journeyperson (J-1 or J-2) per 271 CMR 3.01(2), furnish documentary proof satisfactory to the Board of having successfully completed 2000 hours of sheet metal work with a journeyperson license or a Board-approved 40-hour Master's Course conducted by a college/university, public vocational school, Commonwealth-licensed school, or an organization for its employees or members at no cost, within two years of the date of application for a Class M license;
5. obtain a passing score on the Board's licensure examination; and
6. payment of the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

NOTE 1: Postmarks or similar shipping dates shall be used to determine the date of an application.

NOTE 2: Candidates who fail an examination will have six months, from the application date, to successfully re-take the examination; otherwise they will have to submit a new application. Those who have not successfully passed the examination after three attempts shall furnish documentary proof satisfactory to the Board of having successfully completed self-designed learning objectives based on any weaknesses disclosed on their score reports. Such score reports must be submitted with their application request. This requirement may also be met by successfully completing an examination preparation course.

NOTE 3: Previous holders of Restricted Journeyperson (J-2) licenses shall be issued Restricted Masters' licenses unless, in the opinion of the Board, the totality of their education and experience justifies an Unrestricted Masters' (M-1) license.

(b) Equivalency. Applicants who have experience and/or education that do not fall within the specific provisions of 271 CMR 3.01(1)(a)3. and 4. may submit to the Board a written request that such experience and/or education be considered for approval as the equivalent of the specific experience and education requirements. The written request must contain detailed supporting information regarding training that is sufficient to allow the Board to conclude that the applicant possesses sufficient alternative training to meet the requirements of 271 CMR 3.01(1)(a)3. and 4. In no case shall an experience of less than 12 calendar months be deemed to be acceptable. The Board recognizes that the style and intensity of military training and experience may vary dramatically from that normally required; every effort will be made to accommodate veterans.

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(c) Credit from an Out-of-state Institution. At the Board's discretion, an applicant may obtain credit for the required 40-hour Master's Course from an out-of-state institution provided that the institution complied with its relevant jurisdictional regulations. Application for such credit shall be considered by the Board upon receipt of a written request for approval, accompanied by documentation supporting equivalency. Specific course syllabi and institutional licensure records may be required.

(d) Waiver of Master's Education. An applicant who holds a current, unrestricted Master's license, or equivalent, issued by another jurisdiction may request a waiver of the 40-hour Master's Course. Such request shall be made in writing at the time of application and may be granted in whole or part by the Board upon review. The Board may request additional information regarding qualifications.

(e) Waiver of Master's Exam. An applicant who holds a current, unrestricted Master's license, or equivalent, issued by another jurisdiction may request a waiver of the Board's examination. The request shall be made in writing at the time of application and may be granted by the Board upon review. For the Board to approve a waiver the requirements of the prior jurisdiction, in the opinion of the Board, must be substantially equivalent to the Commonwealth's requirements during the same approximate time period and the other jurisdiction must similarly accept Massachusetts' licensees. The Board may request additional information regarding a jurisdiction's requirements.

(2) Class J-1 and J-2 (Journeyman Sheet Metal Worker) Licenses.

(a) An applicant applying for a Class J-1 (Unrestricted Journeyman) license shall meet the following eligibility criteria for licensure:

1. submission of an application completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury, and accompanied by such other information that the Board may require;

NOTE: Incomplete applications will be retained for 180 days.

2. be of good moral character; be a graduate of high school, possess a graduate equivalency diploma (G.E.D.), or equivalent;
3. furnish documentary proof satisfactory to the Board of having initiated and completed, within the ten years preceding application, experience as a licensed apprentice totaling a minimum of 8000 hours of sheet metal work over a period of no less than five years. All apprentice experience must be under the direct supervision of a holder of a Class J-1 (Journeyman) or Class M-1 (Master) license.
4. furnish documentary proof satisfactory to the Board of having successfully completed a Board-approved 750-hour Journeyman's Course conducted by a college/university, public vocational school, Commonwealth-licensed school, or an organization for its employees or members at no cost, within ten years of the date of application for a Class J license;
5. obtain a passing score on the Board's licensure examination.
6. pay the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

NOTE 1: Postmarks or similar shipping dates shall be used to determine the date of an application.

NOTE 2: Candidates who fail an examination will have six months, from the application date to successfully re-take the examination; otherwise they will have to submit a new application. Those who have not successfully passed the examination after three attempts shall furnish documentary proof satisfactory to the Board of having successfully completed self-designed learning objectives based on any weakness' disclosed on their score reports. Such score reports must be submitted with their application request. This requirement may also be met by successfully completing an examination preparation course.

(b) An applicant applying for a Class J-2 (Restricted Journeyman) license shall meet the following eligibility criteria for licensure:

1. submission of an application completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury, and accompanied by such other information that the Board may require;

NOTE: Incomplete applications will be retained for 180 days;

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2. be of good moral character;
3. be a graduate of high school, possess a graduate equivalency diploma (G.E.D.), or equivalent;
4. furnish documentary proof satisfactory to the Board of having initiated and completed, within the ten years preceding application, experience as a licensed apprentice totaling a minimum of 4800 hours of sheet metal work over a period of no less than three years. All apprentice experience must be under the direct supervision of a holder of a Class J-1 or J-2 (Journeyman) or Class M-1 or M-2 (Master) license.
5. furnish documentary proof satisfactory to the Board of having successfully completed a Board-approved 450-hour Journeyman's Course conducted by a college/university, public vocational school, Commonwealth-licensed school, or an organization for its employees or members at no cost, within ten years of the date of application for a Class J license;
6. obtain a passing score on the Board's licensure examination.
7. pay the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

NOTE 1: Postmarks or similar shipping dates shall be used to determine the date of an application.

NOTE 2: Candidates who fail an examination will have six months, from the application date to successfully re-take the examination; otherwise they will have to submit a new application. Those who have not successfully passed the examination after three attempts shall furnish documentary proof satisfactory to the Board of having successfully completed self-designed learning objectives based on any weaknesses disclosed on their score reports. Such score reports must be submitted with their application request. This requirement may also be met by successfully completing an examination preparation course.

(c) Equivalency. Applicants who have experience and/or education that do not fall within the specific provisions of 271 CMR 3.01(2)(a)3. and 4. or (b)3. and 4. may submit to the Board a written request that such experience and/or education be considered for approval as the equivalent of the Board's specific experience and education requirements. The written request must contain detailed supporting information regarding training that is sufficient to allow the Board to conclude that the applicant possesses sufficient alternative training to meet the requirements of 271 CMR 3.01(2)(a)3. and 4 and (b)3. and 4. The Board recognizes that the style and intensity of military training and experience may vary dramatically from that normally required; every effort will be made to accommodate veterans.

(d) Credit from an Out-of-state Institution. At the Board's discretion, an applicant may obtain credit for the required Journeyman's course from an out-of-state institution provided that the institution complied with its relevant jurisdictional regulations. Application for such credit shall be considered by the Board upon receipt of a written request for approval, accompanied by documentation supporting equivalency. Specific course syllabi and institutional licensure records may be required.

(e) Waiver of Journeyman's Education. An applicant who holds a current, unrestricted Journeyman or Master's license, or equivalent, issued by another jurisdiction may request a waiver of the Journeyman's Course. The request shall be made in writing at the time of application and may be granted in whole or part by the Board upon review. The Board may request additional information regarding qualifications.

(f) Waiver of Journeyman's Exam. An applicant who holds a current, unrestricted Journeyman or Master's license, or equivalent, issued by another jurisdiction may request a waiver of the Board's examination. The request shall be made in writing at the time of application and may be granted by the Board upon review. For the Board to approve a waiver the requirements of the prior jurisdiction, in the opinion of the Board, must be substantially equivalent to the Commonwealth's requirements during the same approximate time period and the other jurisdiction must similarly accept Massachusetts' licensees. The Board may request additional information regarding a jurisdiction's requirements.

(3) Class A (Apprentice Sheet Metal Worker) License.

(a) An applicant applying for a Class A (Apprentice) license shall meet the following eligibility criteria for licensure:

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1. submission of an application completely and properly filled out in the manner prescribed by the Board, endorsed by the Master Sheet Metal Worker supervisor, attested to under the pains and penalties of perjury, and accompanied by such other information that the Board may require;

NOTE: Incomplete applications will be retained for 180 days;

2. be of good moral character;
3. be at least 16 years of age, and
4. payment of the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

(b) Equivalency Determination while an Apprentice. Applicants who have experience that does not fall within the specific provisions of 271 CMR 3.01(2)(a) or (b) may submit to the Board a written request that such experience and/or education be considered for eventual approval for Journeyperson licensure as the equivalent of the Board's specific requirements. This shall include participation in programs in vocational or technical high schools. The written request may be submitted at any time prior to or during an apprenticeship. It must contain detailed supporting information regarding training that is sufficient to allow the Board to conclude that the applicant possesses sufficient alternative training to meet the requirements of 271 CMR 3.01(2)(a)3. and 4 and (b)3. and 4. The Board will respond with a written evaluation; that evaluation shall be binding upon the Board at a future time when the Apprentice applies for upgrade to Journeyperson. While the Board will make every effort to be consistent in such evaluations, at the time of Journeyperson application, it shall be the responsibility of the Apprentice to supply a copy of any earlier determination. In no case shall a total apprentice experience of less than 36 calendar months be deemed to be acceptable. The Board recognizes that the style and intensity of military training and experience may vary dramatically from that normally required; every effort will be made to accommodate veterans.

(4) Class I (Instructor) License.

(a) An applicant applying for a Class I (Instructor) license shall meet the following eligibility criteria for licensure:

1. submission of an application completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury, and accompanied by such other information that the Board may require;

NOTE: Incomplete applications will be retained for 180 days;

2. be of good moral character;
3. possess a Massachusetts' Master or Journeyperson Sheet Metal Worker's license in good standing;
4. have a minimum history of seven years work, including apprenticeship, within the profession;
5. have a high school diploma, or its equivalent, or a diploma or certificate from a postsecondary trade or technical program;
6. payment of the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

(b) Equivalency. Applicants who have experience and/or education that do not fall within the specific provisions of 271 CMR 3.01(4)(a)4. and 5. may submit to the Board a written request that such experience and/or education be considered for approval as the equivalent of the Board's specific experience and education requirements. The written request must contain detailed supporting information regarding training that is sufficient to allow the Board to conclude that the applicant possesses sufficient alternative training to meet the requirements of 271 CMR 3.01(4)(a)4. and 5. In no case shall a total work experience of less than 36 calendar months be deemed to be acceptable. The Board recognizes that the style and intensity of military training and experience may vary dramatically from that normally required; every effort will be made to accommodate veterans.

3.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License

(1) Requirements for Renewal of a License.

(a) Licensees must renew their licenses every two years. Each license originally issued to an individual shall be valid for a minimum of 12 months and shall expire on the 28th day of the licensee's birth month. Each subsequent two-year renewal shall be on the anniversary of that date.

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- (b) Individuals must submit to the Board, or its agent, a completed written or electronic renewal application and the required fees prior to the expiration date of the license; and
- (c) Individuals must fulfill and document, as specified by the Board, the satisfactory completion of continuing education requirements as specified in 271 CMR 4.00: *Continuing Education*.

(2) Procedures for Renewal of a Lapsed/Expired License.

- (a) If a licensee fails to meet the requirements for license renewal as set forth in 271 CMR 3.02(1), the license of such person shall be considered expired and not in good standing. A licensee with an expired license shall not be permitted to use the title "Sheet Metal Worker" or otherwise imply Commonwealth licensure or authority to practice during the period in which the license is expired.
- (b) If a former licensee of the Board requests that an expired license be reinstated within two years of the date of expiration, that individual must pay the fee for the current licensure period, and one late fee. In addition, the individual must meet all continuing education contact hours required by the Board. Individuals also may be subject to disciplinary action for unlicensed practice, if they have practiced without a license.
- (c) If an expired license is not renewed within two years of the date of expiration, the licensee must apply for license re-issuance. The license will only be reissued if the applicant meets all of the Board's statutory and regulatory licensure requirements in existence at the time of re-application, pays all application fees in accordance with the procedures identified in 271 CMR 3.01, and successfully completes the appropriate examination. Former licensees who can demonstrate extenuating circumstances may petition the Board for a full or partial waiver of the requirements.
- (d) For an individual who is licensed or otherwise legally practicing within another jurisdiction, but whose license has expired in the Commonwealth, the Board, or its agent, shall consider, on a case-by-case basis, whether the continuing education requirements of the other jurisdiction are reasonably equivalent to those in the Commonwealth and, therefore, can be used as a basis for reinstatement of the expired license.
 - 1. The Board, or its agent, shall consider, on a case-by-case basis, the overall competence of the individual. The Board may require the applicant to appear before the Board, and/or take an examination, and/or document continued professional competence, and/or practice under supervision prior to, or as a term or condition of reinstatement of the expired license.
 - 2. For purposes of 271 CMR 3.02(2)(d), the fee for re-instatement of such a license shall be the same as the reciprocal license fee established by the Secretary of Administration and Finance.

3.03: Procedures for Reinstatement of a License Which Has Been Revoked, Suspended, Surrendered, or Placed on Probation

The procedures for reinstatement of a license after that license has been revoked, suspended, surrendered, or placed on probation shall be determined by the guidelines established by the Board or, in specific matters, by consent agreement, or by decision and order of the Board. In all cases, unless there is specific language to the contrary in the documentation of the action taken, the individual shall be required to petition the Board, in writing, for a change in license status. At the discretion of the Board, a personal appearance may be required. Petitions and personal appearances will ordinarily be considered at a regularly scheduled Board meeting; however, it is the duty of the individual to make such a petition at least 60 days prior to the appropriate anniversary of the disciplinary action, otherwise, the individual shall be deemed to consent to a delay, or denial of, the change of license status prior to Board review of the petition and/or the personal appearance.

3.04: Good Moral Character Requirement

- (1) Documentation. An application for licensure as a Sheet Metal Worker shall be accompanied by such written documentation as the Board may reasonably require in order to determine whether the applicant is of "good moral character".

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(2) Offenses. Conduct that reasonably raises a question about whether an applicant possesses the "good moral character" required for licensure includes, but is not limited to, any of the following:

(a) Conviction of any criminal offense, other than a routine traffic violation. The term "conviction" means any of the following:

1. a final judgment entered after a jury verdict of guilty or a judicial finding of guilty;
2. a plea of guilty;
3. a plea of *nolo contendere* (no contest); or
4. any other plea or finding which is treated by the court as a plea or finding of guilty.

(b) Disciplinary action taken against any professional license, registration, or certification held by the applicant by the applicable governmental authority of any state, territory, or political subdivision of the United States, or any foreign jurisdiction.

(3) Determinations. If the Board receives information about an applicant for licensure that reasonably raises a question about whether that applicant is of "good moral character", the Board shall conduct a further inquiry into the relevant facts and circumstances before making a final decision on the application.

(a) Determinations about whether an applicant for licensure possesses the "good moral character" required for licensure shall be made on an individualized, case-by-case basis.

(b) If the Board determines, in its discretion, that such steps are reasonably necessary, the Board may require the applicant to appear personally before the Board, and/or furnish additional written information to the extent permitted by applicable state or federal law.

(c) The burden of demonstrating that the applicant possesses the good moral character required for licensure shall rest with the applicant.

3.05: Communication with the Board; Notification of Change in Name or Address

(1) Official Mailing Address. The mailing address supplied to the Board by the Licensee will suffice as the legal address for the receipt of official process or notification from the Board. Failure to supply the Board with an official address for the receipt of legal process or other Board notifications may result in a default judgment or independent disciplinary action taken as a result of this failure.

(2) Change of Name or Address. The licensee shall notify the Board of any change in name or address. Such notification shall be in writing or electronically and shall be submitted within 30 calendar days of the change in name or address. Licensees shall provide such documentation as may be requested by the Board.

(3) Responding to the Board. A licensee shall respond within 30 calendar days, unless otherwise indicated, to a written communication from the Board, or its designee, and shall make available to the Board any relevant and authorized records with respect to an inquiry or complaint about the licensee's professional conduct as well as other matters within the jurisdiction of the Board. The 30-calendar day period commences on the date the Board sends the communication by regular mail to the licensee's last known address.

3.06: License Fee

License fees are set by the Secretary of Administration and Finance of the Commonwealth of Massachusetts, consistent with M.G.L. c. 7, § 3B.

3.07: Late Filing Fee

Renewal forms and fees received after the due date will be subject to a late filing fee set by the Secretary of Administration and Finance, consistent with M.G.L. c. 7, § 3B.

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3.08: Reimbursement of Fees

Application and license fees are not refundable.

REGULATORY AUTHORITY

271 CMR 3.00: M.G.L. c. 112, §§ 237 through 251.