

## 271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

### 271 CMR 5.00: CODE OF PROFESSIONAL ETHICS AND STANDARDS OF PROFESSIONAL PRACTICE

#### Section

#### 5.01: Code of Ethics

#### 5.02: Rules Governing Practice

#### 5.01: Code of Ethics

The following principles establish the basis of practice by the Sheet Metal Worker:

- (1) Competence. Regardless of the licensed scope of practice, no Sheet Metal Worker shall perform tasks or enter into a contract for work that is beyond the individual's or organization's competence. Each activity undertaken shall be performed in a professionally competent manner.
- (2) Communication. Pre-planning of work will be done in an open, mutual endeavor between the licensee and the customer.
  - (a) The customer must always be made aware of costs prior to beginning work. Any possibility of increased cost should be disclosed.
  - (b) The customer must always be made aware of the planned work schedule and any foreseeable interruptions such as materiel delivery or incumbent weather.
  - (c) Any intended use of subcontractors should be explained.
- (3) Compliance. It is the responsibility of the Sheet Metal Worker to ensure adherence to all local, Commonwealth, and Federal laws. This includes obtaining required permits, employing authorized personnel, collecting appropriate taxes from employees, and participating in required programs such as Workers Compensation.
- (4) Caution. All Sheet Metal Workers are responsible for maintaining a safe working environment and delivering safe products and installations to customers.
- (5) Completion. Job sites should be left in a clean and orderly condition. Manufacturers' warranties and instructions should be provided for any new equipment installed. A "walk-through" or other inspection and the correction of deficient work must be accomplished prior to the final payment.

#### 5.02: Rules Governing Practice

- (1) Scope of Practice.
  - (a) Without expanding or limiting the definition of sheet metal work contained in M.G.L. c. 112, § 237, the Board interprets the scope of practice of licensed sheet metal workers to be (unless otherwise specified) the manufacturing, fabrication, assembling, handling, erection, installation, dismantling, alteration and repairing of:
    1. duct or air exhaust systems;
    2. commercial fans, sheaves, belt guards, dampers, louvers, screens, registers, grilles, diffusers, sound traps, attenuators, mixing boxes and access doors in connection with duct or air exhaust systems;
    3. architectural sheet metal watershed roof systems;
    4. kitchen hoods and vents, and bathroom exhaust vents and fans;
    5. ductwork installed during new or remodeling construction, and
    6. testing, adjusting, and air-balancing of all air-handling equipment.
  - (b) Exceptions. The following are not within the scope of sheet metal work:
    1. duct or air exhaust systems for refrigeration and combustion units;
    2. non-metal roof coverings and associated flashing; and
    3. the work conducted by a licensed pipe fitter, oil burning technician, refrigeration technician, plumber, or gasfitter as determined by the laws and regulations relating to those professions; and
    4. electrical work as defined by M.G.L. c. 141, § 1A, however, this exception shall not be construed to allow an individual licensed to perform electrical work to perform sheet metal work as defined by M.G.L. c. 112, § 237 and 271 CMR 5.00 without an appropriate sheet metal license.

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(c) Tasks Not Requiring a License. It is the interpretation of the Board that the following specific activities relating to sheet metal work do not require a license issued by the Board:

1. Transport of sheet metal fixtures or other such implements to and from the installation site, within a storage or manufacturing facility, or similar non-professional handling;
2. Operation of heavy machinery necessary to transport or otherwise move sheet metal fixtures or other such implements to the specific location where they are to be installed;
3. Work performed by homeowners within their own one-two family, owner-occupied building.

(2) Apprentices.

(a) Licensed Apprentice Sheet Metal Workers may perform any task, function, or service that is included within the supervisor's scope of practice of Sheet Metal Work, as defined in this chapter so long as they work under the direct, on-site supervision of:

1. a licensed Journeyman Sheet Metal Worker who is employed by a licensed Master Sheet Metal Worker; or
2. a licensed Master Sheet Metal Worker.

(b) "Direct on-site supervision" shall mean that the individual who is providing such supervision is physically present on the premises where the apprentice is performing the function or service and is readily available for consultation at the time that the task, function, or service is being performed.

(c) Where the employer of an apprentice is a licensed business entity, the supervision of the apprentice shall be provided by an individual identified by the employer, in writing to the board. The designated supervisor shall be an individual who:

1. meets the requirements of 271 CMR 5.02(1)(a);
2. has agreed in writing to provide the supervision required; and
3. has agreed in writing to accept responsibility for the acts and omissions of the apprentice.

(d) In the event that the individual who is identified as the supervisor of an apprentice is temporarily unavailable to provide such supervision due to illness, vacation, or other similar cause, the employer of the apprentice shall delegate the responsibility for providing such supervision to another individual who meets the applicable requirements of 271 CMR 5.02(1)(a). In such event, the employer shall maintain a permanent written record on site which contains the name, address, and license number of the individual who was designated as the temporary supervisor and the period of time for which that individual served as the temporary supervisor. Such records shall be made available to any duly authorized representative of the Board without prior notice, at any time during regular business hours.

(e) Apprentices, supervisors, and employers shall be jointly responsible for ensuring that all Sheet Metal Workers are appropriately licensed. In situations where an Apprentice is found to have worked under the supervision of an unlicensed individual the Board may disallow all or a portion of the work experience when the Apprentice seeks a Journeyman license.

(f) The on-site Apprentice-to-supervisor ratio shall be at least 1:1.

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(g) Master Sheet Metal Workers may employ multiple Apprentices; however, each Apprentice shall have a separate supervisor and the Master remains responsible for each apprentice employed.

(3) Journeypersons.

(a) Journeyperson Sheet Metal Workers shall hold either of two levels of license.

1. An individual holding a J-1 (Unrestricted Journeyperson) license may independently perform any task, function, or service that is included within the practice of Sheet Metal Work, as defined in 271 CMR.

2. An individual holding a J-2 (Restricted Journeyperson) license may independently perform Sheet Metal Work on residential jobs and non-residential jobs which are under three stories and up to and including 10,000 square feet.

NOTE: Restricted Journeypersons may petition the Board for authorization to work on additional specific projects or types of projects that they feel to be within their scope of training and experience.

(b) Two or more Journeypersons shall not associate as partners or otherwise engage in the business or occupation sheet metal work.

(c) Journeypersons shall only engage in Sheet Metal Work or otherwise conduct independent trade in the name printed on their licenses.

(4) Masters.

(a) Master Sheet Metal Workers shall hold either of two levels of license.

1. An individual holding a M-1 (Unrestricted Master) license may independently perform any task, function, or service that is included within the practice of Sheet Metal Work, as defined in 271 CMR.

2. An individual holding a M-2 (Restricted Master) license may independently perform Sheet Metal Work on residential jobs and non-residential jobs which are under three stories and up to and including 10,000 square feet.

NOTE: Holders of M-2 (Restricted Masters) licenses may petition the Board for authorization to work on additional specific projects or types of projects that they feel to be within their scope of training and experience.

(b) Masters may employ and supervise Apprentices and Journeypersons.

(c) Masters may own, operate, or serve as the responsible craftsman for a Licensed Sheet Metal business. Masters shall only engage in Sheet Metal Work or otherwise conduct independent trade in the name printed on their licenses or via a business licensed in accordance with 271 CMR 5.02(6).

(5) Advertising and Public Representations.

(a) Advertising shall include any form of communication with the general public, including, but not limited to, printed matter, on-air broadcasts, internet or other electronic media, business cards, and bulletin Board notes.

(b) Public representation shall include any statement or failure to correct a misstatement that can reasonably be expected to convey active or ongoing practice of the Sheet Metal Profession within the Commonwealth. Retired or former Sheet Metal Workers, and those active in other jurisdictions, may identify themselves as Sheet Metal Workers so long as there is no intent to misrepresent or to solicit business. This includes participation in volunteer activities and volunteer labor.

(c) Only individuals and organizations that are properly licensed and otherwise authorized to practice Sheet Metal Work shall advertise or represent that they Sheet Metal Workers. Advertising or representation by unauthorized individuals and entities shall be considered unlicensed practice.

(d) Any advertisement or other business communication by a licensed Sheet Metal Worker shall indicate the type of license (*i.e.*, Master or Journeyperson) and the license number.

NOTE: License numbers shall not be required on vehicles.

(e) Advertising shall not be false, deceptive, misleading, or unfair.

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(6) Discrimination.

(a) A licensee, or agent of a license, shall not refuse to conduct business with any person on the basis of race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, marital status, status as a veteran or member of the armed forces, blindness, hearing impairment, or any mental or physical disability or illness.

(b) A licensee, or agent of a license, shall not engage in any form of employment discrimination which is unlawful under M.G.L. c. 151B or any other applicable state or federal law.

(7) Cooperation with the Board.

(a) A licensee shall respond 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.

(b) A licensee shall cooperate with any reasonable request from a Division agent or employee acting on behalf of the Board.

(c) Licensees shall disclose to the Board any adverse finding made against them made by a court, other state or federal agency or, where applicable, by a licensing board of another jurisdiction. Such disclosures shall be made within 30 days of the action.

(d) Licensees shall not aid or abet, directly or indirectly, the practice of Sheet Metal Work by any person not duly authorized under the laws of Massachusetts and 271 CMR.

(8) Records. All persons or businesses that employ apprentices shall keep, or cause to be kept, accurate and detailed records of such employment for no less than ten years and shall permit the Board or its agents to inspect and copy such records upon request.

REGULATORY AUTHORITY

271 CMR 5.00: M.G.L. c. 112, §§ 237 through 251.