

Commonwealth of Massachusetts
Department of Public Safety
Division of Hoisting Engineers
Stephen J. Carley
Assistant General Counsel

Dear Mr. Carley,

I would like to thank the Department of Public safety for the opportunity to attend the Hoisting Engineers meeting on September 12, 2016. My name is William Linskey, Sr. I would like to take this opportunity to formally address some of the key topics.

1. "Appointing a board of overseers, as other licensed disciplines have."

I am in agreement that a board would be helpful to the Department with that said any Board created must be comprised of members from both Union and Non-Union affiliation to accurately represent all Hoisting Operators. All Board members shall be experienced in Operating Hoisting Equipment. Therefore, any regulations would be pertinent and necessary to maintaining safety while operating equipment.

2. Structure of Continuing Education Requirements: Core Class +Focused hours for each restriction.

I support the proposition to move to a Core Class Plus Focused Hours for each Restriction. No licensee who maintains a hoisting license in all 4 Restrictions should be required to attend 4 separate courses that all cover the same curriculum. It should be noted that curriculum to cover inclusively: MGL 146, MGL82 s40, MGL 82A, MGL164 s76D, 520 CMR 6.00, 520 CMR 14.00, 220 CMR 14.00 and 220 CMR 99.00 requires approximately 2-3 hours to present. Should the Department implement the "Core Class" It is imperative that at least 2 hours be allowed for the above mentioned curriculum to ensure the information is covered in its entirety.

3. Looking into ways to Streamline Licenses.

The Department needs to utilize technology to improve efficiency and decrease the time that it takes to issue a new hoisting license or renew an existing license. Hoisting Operator candidates have had to wait months, after submitting an application, to be provided with a testing date. Other licensing boards such as Plumbing and Gasfitters have implemented computerized testing which has improved their process and shortened wait times for prospective licensees.

4. Length of wait time between Testing for those who do not obtain a score 70%.

Currently applicants are required to wait 90 days before submitting to retake the exam. With delays previously discussed, this delay could extend their wait time an additional 6 months. It should be considered to reduce the wait period to 30 days which offers sufficient time to review the information and prepare to retake the exam. Waiting 60 days could cost an individual an employment opportunity.

5. Equipment Restrictions

The Department has changed the licensing requirements to operate Marine and unrated jibs lifts to 3A this should be better define Are the straddle cranes/travel lifts that previously required a 2B license include?

Tower cranes need to be better defined as to restriction required to operate and continuing education requirements.

Gradalls are an excavating piece of equipment and should be listed under 2A. Just because it has a retraceable boom it was listed with cranes, it functions same as any backhoe with an extendable dipper section.

What happens to the restrictions enacted in regards to skid steer loaders that allows unlicensed operator to operate a machine with certain attachments, are these going to be abolished in the interest of public safety and compliance to MGL 146 section 53 that requires licensing ? It causes confusion when you have to be licensed to operate a machine when it is used for one use and no license is required when you operate the same machine with a different attachment.

The department should consider generating a list of equipment that are exempt from licensing requirements such as boom lifts, sweepers, rubbish trucks to better inform the general public.

6. Learning Permit/ "Seat Time"

MGL 146 s53 (b)

*"Criteria for issuance of such license shall include, but not limited to, **training and experience** requirements appropriate to the categories of machinery for which the license is intended"*

MGL 146 s53 (a)

"No person shall operate derricks, cableways, machinery used for discharging cargoes, temporary elevator cars used on excavation work or used for hoisting building material, when the motive power to operate such machinery is mechanical and other than steam,

MGL 146 s53 (a)

*"No person shall operate derricks, cableways, machinery used for discharging cargoes, temporary elevator cars used on excavation work or used for hoisting building material, when the motive power to operate such machinery is mechanical and other than steam, unless such person holds a license or temporary permit as provided in this section. The owner or user of such hoisting machinery shall not operate, or cause to be operated, such machinery, **unless the person operating it is duly licensed or possesses a temporary permit.** Any operator of such hoisting machinery when it is being used exclusively for agricultural purposes shall be exempt from this section"*

The only candidates for an apprentice license must have union affiliation because an apprentice program must have Department of Labor approval with this in mind how can others train anyone to operate. The Department should consider issuing learner's permits to allow operator training.

All the labor reports forecast that all trades will soon experience a critical shortage of skilled workers. How does a person get experience? The new regulations prohibiting unlicensed personnel from operating any equipment, at any location, without first obtaining a Hoisting License is exposing the public to significant risk. Under the new regulations, people who have never operated equipment are being issued a license to legally operate a machine in public.

In my experience as an employer people are not always truthful regarding their experience or accurately conveying their abilities. I fear that some companies will not vet their newly hired operators. These inexperienced operators, although licensed, have never previously operated the equipment. A significant rise in worksite accidents and fatalities will be inevitable. Included in 520 CMR 6.04 (3)(a)(3) a practical exam in addition to the written exam may be required at the discretion of the Department. Considering the length of time it currently takes to obtain a license, and the exorbitant cost it would be unreasonable to require a practical examination of all candidates.

Historically, construction jobs were filled with mechanically inclined individuals looking for good paying jobs. To help offset this shortage, we must be able to train our own employees. Under the direct supervision of a person with a valid hoisting license for the piece of equipment being operated. This licensed supervisor would be required to sign off hours of operation to allow the candidate to apply for examination. On the job training has worked for decades and produced qualified operators due to on the job training had a greater awareness of the worksite where they operate. On the job training coupled with the required OSHA training would improve the quality of future operators.

7. Definition of serious injury

"Serious Injury. A personal injury/illness that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function, or system, a compound fracture, or other significant injury/illness *that requires hospitalization of a worker*

8. Eliminating 4A restriction

What happen to operators that now have a 4A restriction, is the Department going to grandfather these individuals with the new 4A,4B,4C,4D,4E,4F restriction on their licenses? What are the training requirements if the old 4A was still in effect after taking a two hour course in regulatory training and industry standard training would only require an addition two hours of training to maintain the new 4A-4F would require six hours of additional training On the draft 520 CMR 6.06 d class 4 specialty license it states 4B-4G under proposed changes should read 4A-4F

9. Proposed Municipal- Limited license

There are no training requirements listed under 520 CMR 6.06 for this license and can be cause for confusion on the training requirements to maintain this license.

10. Required to have a valid driver's license

There are many reasons why a person can't maintain a valid driver's license . The most common is that they weren't trustworthy and made bad choices when it came to following regulations and laws enacted to protect the citizen of Massachusetts. The department should keep the required valid driver's license to be able to have an operators license.

Thank you for your time and consideration, I hope that theses points assist the department in implementing changes to ensure the safety of our workforce. I have included my contact information if the DPS Hoisting Division want to speak further on these matters.

Sincerely,

William M. Linskey, Sr