

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Becky Weimer
Department of Labor and Workforce Development

FROM: Kady Levale, Office of the Lieutenant Governor *KL*
465.3509

DATE: March 17, 2022

RE: Filed Permanent Regulations: Department of Labor and Workforce Development
Department of Labor regulations re: Mechanical Inspection-Methods of Applications (8 AAC)

Attorney General File:	2021200352
Regulation Filed:	3/17/2022
Effective Date:	4/16/2022
Print:	242, July 2022

cc with enclosures: Joseph Felkl, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The attached 15 pages of regulations, dealing with updating methods of applications, definitions, and processes, are adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 05.20.070, AS 18.62.060 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 1/25/2022

DocuSigned by:


Dr. Tanika L. Ledbetter

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on March 17, 2022, at 1:59 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor

Effective:

April 16, 2022

Register:

242, July, 2022

8 AAC 61.855(c) is amended to read:

(c) A person may submit an application for a certificate by mail, electronic mail, or in person at the Mechanical Inspection office in Anchorage [, OR IN PERSON AT ONE OF THE OCCUPATIONAL SAFETY AND HEALTH SECTION OFFICES OF THE DEPARTMENT].

((Publishers: please bold/U.L. bracketed text and add as a note after 8 AAC 61.855.)))

Editors note: For the purposes of 8 AAC 61.855, the department can be contacted at Department of Labor and Workplace Development, Mechanical Inspection, 1251 Muldoon Road, Suite 113, Anchorage, AK 99504, phone: (907) 269-4925.

8 AAC 61.855(d) is amended to read:

(d) A certificate issued under this section will be on a form provided by the department and will include the certificate's expiration date, ^{and []} the certificate holder's name ^[AND] and physical description, and photograph [SPACE FOR THE CERTIFICATE HOLDER'S SIGNATURE AND PHOTOGRAPH. THE CERTIFICATE IS NON-TRANSFERABLE, AND IS NOT VALID UNTIL SIGNED BY THE CERTIFICATE HOLDER AND THAT PERSON'S PHOTOGRAPH IS ATTACHED. HOWEVER, THE PHYSICAL DESCRIPTION OF THE CERTIFICATE HOLDER IS SUFFICIENT IF PHOTOGRAPHING FACILITIES ARE NOT AVAILABLE IN THE COMMUNITY IN WHICH THE CERTIFICATE HOLDER RESIDES].
The certificate is non-transferable.

(Eff. 5/14/89, Register 110; am 6/14/2006, Register 178; am 2/23/2011, Register 197; am

4/16/2022, Register 242)

Authority: AS 18.63.020 AS 18.63.060

8 AAC 70.025(a) is amended to read:

(a) The 2020 Edition of NFPA 70, National Electrical Code ^{((italics))} [2017 Edition of NFPA 70, ^{((italics))}

National Electrical Code], issued by the National Fire Protection Association on August 5,

Register 242, July 2022 LABOR AND WORKFORCE DEV.

2019, [AUGUST 4, 2016,] and approved by the American National Standards Institute on **August 25, 2019**, [AUGUST 24, 2016,] constitutes the minimum electrical code for the state and is adopted by reference.

(Eff. 4/27/96, Register 138; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 6/14/2006, Register 178; am 9/27/²⁰⁰⁸~~2009~~, Register 187; am 10/16/2012, Register 204; am 10/23/2014, Register 212; am 3/6/2016, Register 217; am 5/9/2018, Register 226; am 4/16/2022, Register 242)

Authority: AS 18.60.580 AS 18.60.600

8 AAC 90.110 is repealed and readopted to read:

8 AAC 90.110. Application for certificate of fitness. An individual may obtain an application for a certificate of fitness at any office of the division, by visiting the Mechanical Inspection website at <https://labor.alaska.gov/lss/mihome.htm>, or by writing to the director at the division's office in Anchorage. In addition to the requirements listed ^{under} ~~in~~ this chapter, ^{an} ~~each~~ applicant shall provide the applicant's social security number to the department. Upon request, the department will provide the ^{applicant's} social security number to the child support services agency ^{established under} ~~created in~~ AS 25.27.010, or the child support enforcement agency of another state, for child support enforcement purposes authorized under law. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am ¹²~~2~~/25/98, Register 148; am 11/17/99, Register 152; am 4/16/2022, Register 242)

Authority: AS 18.62.020 AS 18.62.060 AS 25.27.244

AS 18.62.050

Editor's note: The application described in 8 AAC 90.110 may be obtained by writing to
Director, Division of Labor Standards and Safety, Department of Labor and Workforce
Development, 1251 Muldoon Road, Suite 113, Anchorage, Alaska 99504 [P.O. BOX 21149,
JUNEAU, ALASKA 99802-1149], or at <https://labor.alaska.gov/lss/minhome.htm>. ^{(((bold/U.L.)))}

8 AAC 90.115(b) is amended to read:

(b) An applicant may request that an examination be given in a location that is not
specified in (a) of this section by submitting a written request to the Anchorage office of the
division. The department will assist the applicant with obtaining examination services in the
requested location if the department determines it can reasonably provide the resources to
administer the examination in that location. The applicant is responsible for paying fees to
third-party testing providers, when such a site is used for the examination. [CONDUCT AN
EXAMINATION IN THE REQUESTED LOCATION, IF THE DEPARTMENT
DETERMINES IT CAN REASONABLY PROVIDE THE RESOURCES TO GIVE THE
EXAMINATION IN THAT LOCATION.]

8 AAC 90.115 is amended by adding a new subsection to read:

(e) A person who fails to pass the examination within one year ^{after submitting an application under AS 18.62.020} must submit a new
application for testing and pay required application fees in accordance with AS 18.62.020 and
AS 18.62.030. (Eff. ^{12/25/98} ~~12.25.98~~, Register 148; am 4/14/2022, Register 242)

Authority: AS 18.62.050 AS 18.62.070 AS 23.05.060

AS 18.62.060

Editor's note: For the purposes of 8 AAC 90.115, the Anchorage office can be contacted at Department of Labor and Workforce Development, Mechanical Inspection, 1251 Muldoon Road, Suite 113, Anchorage, AK 99504, [MECHANICAL INSPECTION, DEPARTMENT OF LABOR, P.O. BOX 107020, 3301 EAGLE STREET, SUITE 301, ANCHORAGE, ALASKA 99510,] phone: (907) 269-4925.

8 AAC 90.130(b)(2)(A)

~~8 AAC 90.130(2)(A)~~ is amended to read:

(A) documented proof on a notarized form provided by the department, or by notarized statements on letterhead stationery from employers, that the applicant has a minimum of 8,000 hours of legally obtained work experience in work subject to the standards established by the local authority having jurisdiction when those standards are at least as stringent as those [STANDARDS] established in AS 18.60.705 and 8 AAC 63.010; or

(Eff. 9/13/80, Register 75; am 12/25/98, Register 148; am 11/1/2000, Register 156; am 9/27/2008, Register 187; am 5/9/2018, Register 226; am 4/16/2022, Register 242)

Authority: AS 18.62.020 AS 18.62.050 AS 18.62.070
AS 18.62.030 AS 18.62.060

8 AAC 90.140 is repealed and readopted to read:

8 AAC 90.140. Plumber trainee certificate of fitness. (a) A trainee certificate of fitness authorizes the holder to perform work subject to the standards established in AS 18.60.705 and performed under the conditions set out under this section.

(b) The department will issue a trainee certificate of fitness upon payment of the applicable fees required by AS 18.62.030 if the applicant submits documented proof of indenture in an apprentice plumber program accredited by the United States Department of Labor, Office of Apprenticeship.

(c) The ratio of individuals working under trainee certificates on a job site may not be more than two plumber trainees for every certified plumber journeyman.

(d) If the holder of a trainee certificate of fitness leaves the apprentice program in which the trainee is indentured, the trainee shall surrender the certificate to the mechanical inspection section of the department or to the apprentice program in which the trainee is indentured. The department will maintain the surrendered certificate of fitness until the date the certificate would normally expire, during which time the certificate will be returned at no additional charge to the trainee if the trainee is again properly indentured in an apprentice program as described in (b) of this section. If the trainee is not again indentured within the term of the surrendered certificate, the trainee must apply to renew the certificate under 8 AAC 90.180(c) and pay the required fee.

(e) Apprentice programs must return trainee certificates surrendered under (d) to the Anchorage office of the mechanical inspection section ^{not later than 30} ~~within thirty (30)~~ ^{from the date of surrender.} days. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148, am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 6/14/2006, Register 178; am 9/27/2008, Register 187; am 4/16/2022, Register 242)

Authority: AS 18.62.030 AS 18.62.060 AS 23.05.060

AS 18.62.050

((AS))

AS 18.62.070

↓ ((Publisher: Please insert bracketed text
(conforming change) before 8 AAC 90.164(a).))

8 AAC 90.164(a) is amended to read:

8 AAC 90.162(a) is amended to read:
(a) A power lineman journeyman certificate of fitness authorizes the holder of the certificate to perform the work that is described in 8 AAC 90.900(17) [8 AAC 90.900(15)] and subject to the National Electrical Safety Code, established in AS 18.60.580 and 8 AAC 70.025. (Amended)
(Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 9/27/2008, Register 187; am 5/9/2018, Register 226; am 4/16/2022, Register 242)
Authority: AS 18.62.020 AS 18.62.050 AS 18.62.070
AS 18.62.030 AS 18.62.060

(a) A residential wireman certificate of fitness authorizes the holder of the certificate to

perform work that is described in 8 AAC 90.900(18) [8 AAC 90.900(16)].

(Eff. 12/25/98, Register 148; am 9/27/2008, Register 187; am 4/16/2022, Register 242)

Authority: AS 18.62.030 AS 18.62.060 AS 23.05.060

AS 18.62.050 AS 18.62.070

8 AAC 90.165 is repealed and readopted to read:

8 AAC 90.165. Electrician and power lineman trainee certificates of fitness. (a) A

trainee certificate of fitness authorizes the holder to perform work subject to the standards established in AS 18.60.580 and performed under the conditions set out under this section.

(b) The department will issue a trainee certificate of fitness upon payment of the applicable fees required by AS 18.62.030, if the applicant submits documented proof of indenture in an apprentice electrician program accredited by the United States Department of Labor, Office of Apprenticeship.

(c) The ratio of individuals working under trainee certificates on a job site may not be more than two electrician trainees for every certified electrician journeyman or residential wireman, as applicable, or two power lineman trainees for every certified power lineman journeyman.

(d) Notwithstanding (a) - (c) of this section, a person holding a power lineman journeyman certificate of fitness may work as a trainee on a project within the scope of the *National Electrical Code* established in AS 18.60.580 and 8 AAC 70.025(a), a person holding a residential wireman certificate of fitness may work as a trainee on a project within the scope of the *National Electrical Safety Code* established in AS 18.60.580 and 8 AAC 70.025(b), and on a project within the scope of the *National Electrical Code* that is outside the scope of a residential wireman, and a person holding an electrical journeyman certificate of fitness may work as a trainee on a project within the scope of the *National Electrical Safety Code*.

(e) If the holder of a trainee certificate of fitness leaves the apprentice program in which the trainee is indentured, the trainee shall surrender the certificate to the mechanical inspection section of the department or to the apprentice program in which the trainee is indentured. The department will maintain the surrendered certificate of fitness until the date the certificate would normally expire, during which time the certificate will be returned at no additional charge to the trainee if the trainee is again properly indentured in an apprentice program as described in (b) of this section. If the trainee is not again indentured within the term of the surrendered certificate, the trainee must apply to renew the certificate under 8 AAC 90.180(c) and pay the required fee.

(f) Apprentice programs must return trainee certificates surrendered under (e) to the Anchorage office of the mechanical inspection section ^{not later than 30 days from the date of surrender.} ~~within thirty (30) days~~ (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 6/14/2006, Register 178; am 9/27/2008, Register 187; am 4 / 16 / 2012, Register 242)

Authority: AS 18.62.030 AS 18.62.060 AS 18.62.070

AS 18.62.050

(((Publisher: please
bold/U.L. bracketed
text and add as
a note to
8 AAC 90.165)))

Editor's note: For the purposes of 8 AAC 90.165, the department can be
contacted at Department of Labor and Workplace Development, Mechanical Inspection, 1251 Muldoon
Road, Suite 113, Anchorage, AK 99504, phone: (907) 269-4925.

8 AAC 90.180 is repealed and readopted to read:

8 AAC 90.180. Renewal of certificate of fitness. (a) The department will mail a notice of renewal to each certificate of fitness card holder's address currently on file, prior to the expiration date of the certificate.

(b) Except as provided in 8 AAC 90.192 - 8 AAC 90.200, the department will renew a standard certificate of fitness without reexamination if the certificate holder requests renewal of the certificate ^{not later than} ~~within~~ two years after the expiration date of the certificate and pays the applicable fees required under AS 18.62.030.

^{The department will renew a}
(c) ~~A~~ trainee certificate of fitness ~~will be renewed~~ if the certificate holder
(1) requests renewal of the certificate of fitness;
(2) submits documented proof of indenture in an apprenticeship program accredited ^{and}
by the United States Department of Labor, Office of Apprenticeship; [^]
(3) pays the applicable fee required under AS 18.62.030.

(d) The certificate of fitness becomes invalid as of the date of expiration for purposes of performing work subject to AS 18.60.580 or 18.60.705. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 9/25/2002, Register 163; am 6/14/2006, Register 178; am 4/16/2022, Register 242)

Authority: AS 18.62.030 AS 18.62.060 AS 23.05.060
AS 18.62.040 AS 18.62.070

8 AAC 90.192 is repealed and readopted to read:

8 AAC 90.192. Hours of continuing education for plumber journeyman and electrician journeyman certificate of fitness. (a) Before a plumber journeyman or electrician journeyman certificate of fitness is renewed under 8 AAC 90.180, the certificate holder must provide proof to the department that the continuing education requirements set out in this section have been met. To be considered by the department for the current renewal period, the continuing education must have been completed during the 24-month period before the request for renewal of the certificate is made.

(b) An applicant for renewal of an electrician journeyman certificate of fitness must satisfactorily complete an approved program, within the preceding 24-month period, of at least 16 hours. At least eight hours must cover significant changes or updates to the *National Electrical Code*, as adopted by AS 18.60.580 and 8 AAC 70.025, and no more than eight hours may be industry related.

(c) An applicant for renewal of ^aplumber journeyman certificate of fitness must satisfactorily complete an approved program, within the preceding 24-month period, of at least 16 hours. At least eight hours must include a comprehensive review of the *Uniform Plumbing Code*, as adopted by AS 18.60.705 and 8 AAC 63.010, and no more than eight hours may be industry related.

(d) An authorized provider of a course of instruction may use that course for credit towards renewal of the provider's certificate of fitness if the course was presented within the 24-month period before application for renewal. (Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 9/27/2008, Register 187; am 2/23/2011, Register 197; am 10/23/2014, Register 212; am 4/16/2022, Register 242)

Authority: AS 18.62.030 AS 18.62.060 AS 23.05.060
AS 18.62.050 AS 18.62.070

8 AAC 90.194 is repealed and readopted to read:

8 AAC 90.194. Approved plumber and electrician programs. ^(a) The director may approve a continuing education program if

⁽¹⁾ ~~(a)~~ the course ^{has been} is currently registered with and approved by the Division of Corporations, ^{Department of Commerce, Community, and Economic Development} under 12 AAC 39.420 before Business and Professional Licensing ^{prior to} the training date; or

⁽²⁾ ~~(b)~~ at least ³⁰ thirty ^{before} (30) days prior to the training date, the course provider provides a description of the program and the number of hours of instruction to the director. ^(1.c.) The program must be based on either the currently adopted or newer edition of the *Uniform Plumbing Code* for plumber journeymen or the *National Electrical Code* for electrician journeymen and require participants to register.

^(b) ~~(c)~~ ^(1.c.) The provider must provide verification of satisfactory completion of the program to ^{each participant} participants in the form of a completion certificate. The completion certificate must include the

- ^(A) ~~(1)~~ name of the sponsoring organization;
- ^(B) ~~(2)~~ location of the workshop or course;
- ^(C) ~~(3)~~ title, course number, and description;
- ^(D) ~~(4)~~ name of the principal instructor;
- ^(E) ~~(5)~~ dates of attendance or period of instruction; and

Register 242, July 2022 LABOR AND WORKFORCE DEV.

(F)
~~(6)~~ number of continuing education hours claimed. (Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 2/23/2011, Register 197; am 4/16/2022, Register 242)

Authority: AS 18.62.020 AS 18.62.060 AS 23.05.060
AS 18.62.050 AS 18.62.070

8 AAC 90.196 is repealed and readopted to read:

8 AAC 90.196. Report of continuing education for plumber journeyman and electrician journeyman certificates of fitness. (a) At the time of renewal, an applicant renewing a journeyman certificate of fitness under 8 AAC 90.180 shall submit ^{application for} proof ^{evidence} that the applicant satisfactorily completed the requirements ^{set out under} of 8 AAC 90.192. The ^{evidence} proof of completion must be in the form of a certificate ^{that meets the requirements set out under} as specified in 8 AAC 90.194 ^(b) ~~(c)~~.

(b) Falsification of any ^{written} evidence submitted to the department under this section is grounds for disciplinary action under 8 AAC 90.185. (Eff 12/25/98, Register 148; am 9/27/2008, Register 187; am 2/23/2011, Register 197; am 4/16/2022, Register 242)

Authority: AS 18.62.020 AS 18.62.060 AS 23.05.060
AS 18.62.050 AS 18.62.070

8 AAC 90.900 is repealed and readopted to read:

8 AAC 90.900. Definitions. In this chapter and AS 18.62, ~~unless the context requires~~ otherwise

(1) "accredited" means approved by the United States Department of Labor, Office of Apprenticeship;

(2) "apprentice" means a worker at least 16 years of age who is legally performing work to learn a skilled trade;

(3) "approved program" means a program consisting of any combination of continuing education workshops, formal correspondence programs, or individual study programs ^{that meets} which meet the requirements of this ^{chapter} section;

(4) "commissioner" means the commissioner of ^{the Department of Labor and} Workforce Development or the commissioner's designee;

(5) "day" means a calendar day;

(6) "department" means the Department of Labor and Workforce Development;

(((Publishers: please transpose the placement of the text for items (7) and (8), as renumbered, to correct for alphabetization)))

⁸
(7) "direct supervision" means a certified journeyman is on the same job site, on the same floor and in close and continual control of the trainee and is responsible for the competency of the work performed by the trainee while the trainee is legally performing work subject to the standards established in either AS 18.60.580 and 8 AAC 70.025 or AS 18.60.705 and 8 AAC 63.010;

⁽⁷⁾
~~(8)~~ "director" means the director of the labor standards and safety division of the department, or the director's designee;

(9) "division" means the labor standards and safety division of the department;

(10) "electrician journeyman" means a person who performs work necessary to the installation and construction of electrical work within buildings and within property lines of any given property, beginning at the secondary side of the transformer, subject to the *National*

Electrical Code, but does not include a person performing linework consisting of poles and towers, including wires or cables and other apparatus supported by them;

(11) “examination” means a series of prepared questions administered by the department in writing or orally, or both;

(12) “industry related”

(A) for an electrician journeyman is related to electrical installation techniques for the electrical journeyman trade as defined in 8 AAC 90.900;

(B) for a plumber journeyman is related to plumbing installation techniques for the plumber journeyman trade as defined in 8 AAC 90.900;

(C) does not include management skills or techniques, such as general construction industry safety, first aid, planning, scheduling, supervision, designing, estimating, or marketing and sales;

(13) “inspector” means an inspector of the labor standards and safety division of the department, or a designee;

(14) “plumber journeyman” means a person who performs plumbing work in the installation, removal, alteration, or repair of plumbing and drainage systems, within the property lines of the premises; in this paragraph, “plumbing and drainage systems”

(A) includes all

(i) building supply and distribution piping for potable water;

(ii) water treating or utilization equipment;

(iii) plumbing fixtures and traps;

(iv) drainage and vent pipes;

(v) building drains and building sewers;

(vi) medical gas and medical vacuum systems;

(vii) liquid and fuel gas piping;

(viii) swimming pool, spa, and hot tub piping;

(ix) joints, connections, devices, receptacles, appurtenances, water heaters, and vents for items listed in (i) - (viii) of this subparagraph and within the property lines of the premises; and

(x) harbor distribution piping for potable water.

(B) does not include the mains of a public sewer system or a public sewage treatment or disposal plant;

(15) “plumber restricted PG” means a person authorized with a certificate of fitness to install fuel and gas piping within property lines of the premises;

(16) “plumber restricted PU” means a person authorized with a certificate of fitness to install

(A) water service piping from the street, right-of-way main, water well, or storage tank to the first stop valve of the serviced structure or other point of use or distribution on the serviced property;

(B) building sewer piping from within two feet of a serviced structure to a public sewer, private sewer, private sewage disposal system, or other point of disposal; and

(C) building storm drains that receive the discharge of roof drains, leaders, downspouts, or conductors, if the storm drains are installed from within two feet of a commercial structure, or from within two feet of a residential structure of four or more

dwelling units, to the street, the right-of-way main line, or a point of disposal approved by the federal, state, or local agency having jurisdiction;

(17) "power lineman journeyman" means a person who performs work necessary to the assembly, installation, or erection of all electrical apparatus, devices, wires, cables, supports, insulators, conductors, ducts, and raceways when part of primary distributing systems outside of buildings, regardless of whether within property lines of any given property, including outdoor substations and electrical connections up to and including the setting of transformers and the connecting of busses to them;

(18) "residential wireman" means a person who performs work necessary to the installation, construction, and operation of residential electrical systems, beginning at the point of attachment of the service drop or the service lateral on the load side of the meter, and whose work is limited to residential occupancies providing for no more than four residential units on a common foundation;

(19) "trainee" means an individual who is legally performing work to learn a skilled trade on the job under the training and direct supervision of an experienced journeyman plumber or electrician and who, during the training, is given opportunities to develop progressive skills in that trade. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 9/27/2008, Register 187; am 3/6/2016, Register 217; am 4/16/2022, Register 242)

Authority: AS 18.62.060 AS 23.05.060

Editor's note: For the purposes of 8 AAC 90, the Anchorage office can be contacted at Department of Labor and Workforce Development, Mechanical Inspection, 1251 Muldoon Road, Suite 113, Anchorage, Alaska 99504; phone: (907) 269-4925.

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: March 15, 2022

File No.: 2021200352

From: Rebecca C. Polizzotto
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Tel. No.: 907-465-3600

Re: Department of Labor and Workforce
Development; Amendment of
8 AAC - Mechanical Inspection -
Methods of Applications

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Labor and Workforce Development after the close of the public comment period and concern amending 8 AAC to update training requirements, certificate of fitness application processes, continuing education requirements, definitions, and adoption of the current edition of the *National Electrical Code*.

A number of technical edits are suggested to provide consistency and to conform these regulations to the standards of the Drafting Manual for Administrative Regulations. Of note, an amendment to 8 AAC 90.162(a) has been included to conform a cross-citation to the newly renumbered definition section under 8 AAC 90.900. None of the edits are substantive in nature.

The September 21, 2021 public notice and the January 25, 2022 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

bws:RCP

Cc w/ enclosure: Becky Weimer, Regulations Contact
Department of Labor and Workforce Development

Charles E. Brasington, Assistant Attorney General
Department of Law

NOTICE OF PROPOSED CHANGES ON UPDATING METHODS OF APPLICATIONS,
DEFINITIONS, AND PROCESSES IN THE REGULATIONS OF THE DEPARTMENT OF
LABOR AND WORKFORCE DEVELOPMENT

BRIEF DESCRIPTION

The Department of Labor and Workforce Development, Mechanical Inspection, proposes to change regulations in Title 8 of the Alaska Administrative Code, dealing with updating methods of applications, definitions, and processes.

The Department of Labor and Workforce Development proposes to adopt regulation changes in Title 8 of the Alaska Administrative Code, dealing with updating methods of applications, definitions, and processes, including the following:

8 AAC 61.855 is proposed to be amended to update the method of application to current standards and update the form of the certificate.

8 AAC 70.025 is proposed to be amended for periodic adoption of the latest National Electrical Code, 2020 edition.

8 AAC 90.110 is proposed to be repealed and readopted to update the process of obtaining an application for certificate of fitness.

8 AAC 90.115 is proposed to be amended to update the process of using third-party testing providers; removes the requirement for the department to conduct off-site examinations; adds a one-year expiration for applications to take the exam.

8 AAC 90.130 is proposed to be amended to clarify the standards established for an applicant's minimum hours worked.

8 AAC 90.140 is proposed to be repealed and readopted to update the requirement for plumber apprentice registration, renaming the United States Department of Labor, Office of Apprenticeship; updates the responsibilities and process for trainees leaving the program.

8 AAC 90.164 is proposed to be amended to update the definitions reference for Residential Wireman.

8 AAC 90.165 is proposed to be repealed and readopted to update the requirement for electrical apprentice registration, naming of the United States Department of Labor, Office of Apprenticeship; updates the responsibilities and process for trainees leaving the program.

8 AAC 90.180 is proposed to be repealed and readopted to clarify and to clean up language and structure and to remove the "employer letter" option for trainee renewal.

8 AAC 90.192 is proposed to be repealed and readopted to clarify language related to continuing

education requirements; moves “industry related” definition to 8 AAC 90.900.

8 AAC 90.194 is proposed to be repealed and readopted for clarity and to add a requirement for course registration with Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing; adds submission requirements for CEUs submitted to Department of Labor and Workforce Development for approval.

8 AAC 90.196 is proposed to be repealed and readopted for clarity and to change method of proof of completion of CEUs.

8 AAC 90.900 is proposed to be repealed and readopted for clarity and to update name of United States Department of Labor, Office of Apprenticeship; adds definition of “approved program”; reword the definition of “direct supervision”; adds definition of “industry related”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Becky Weimer, Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149. Additionally, you may submit comments by facsimile at (907) 465-3584 and by electronic mail at dol.lss.regulations@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 p.m. on October 22, 2021.

You may submit written questions relevant to the proposed action to Becky Weimer by e-mail at dol.lss.regulations@alaska.gov or by mail to the Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149. The questions must be received at least 10 days before the end of the public comment period. The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Becky Weimer at (907) 465-5011 not later than October 12, 2021, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System or by contacting Becky Weimer, Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149 or dol.lss.regulations@alaska.gov or (907) 465-5011.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System. A copy of material proposed for adoption by reference may be viewed at the agency’s office at 1251 Muldoon Road, Suite 113, Anchorage, Alaska or 1111 W. 8th Street, Suite 302, Juneau, Alaska.

After the public comment period ends, the Department of Labor and Workforce Development will either adopt the proposed regulation changes or other provisions dealing with the same

subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

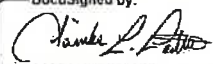
Statutory authority: AS 05.20.070; AS 18.62.060

Statutes being implemented, interpreted, or made specific: AS 18.62.020; AS 18.62.030; AS 18.62.040; AS 18.62.050; AS 18.62.060; AS 18.62.070; AS 18.63.020; AS 18.63.060; AS 18.23.05.060; AS 25.27.244

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Labor and Workforce Development keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Mechanical Inspection notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Labor and Workforce Development, Labor Standards and Safety at dol.lss.regulations@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: 9/16/2021

DocuSigned by:

A9754431D7004E7...
Dr. Tamika L. Ledbetter, Commissioner
Department of Labor and Workforce Development

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Labor and Workforce Development
2. General subject of regulation: Dealing with updating methods of applications, definitions, and processes
3. Citation of regulation (may be grouped): 8 AAC 61.855; 8 AAC 70.025; 8 AAC 90.110; 8 AAC 90.115; 8 AAC 90.130; 8 AAC 90.140; 8 AAC 90.164-.165; 8 AAC 90.180; 8 AAC 90.192; 8 AAC 90.194; 8 AAC 90.196; 8 AAC 90.900
4. Department of Law file number, if any 2021200352

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- (X) Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- (X) Development of program standards
- () Other (identify): _____

6. Appropriation/Allocation: DOLWD/LSS/MI

7. Estimated annual cost to comply with the proposed action to:

A private person: -0-

Another state agency: -0-

A municipality -0-

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>2021</u>	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0
1005 General fund/ program	\$0	\$0

Other (identify) \$0 \$0

9. The name of the contact person for the regulation:

Name: Becky Weimer
Title: Regulations Specialist II
Address: P.O. Box 111149 Juneau, AK 99811-1149
Telephone: (907) 465-5011
E-mail address: dol.lss.regulations@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change⁷
☐ Other (identify): _____

11. Date: 09/16/2021

Prepared by: Becky Weimer
[signature]

Name (printed): Becky Weimer

Title (printed): Regulations Specialist II

Telephone: (907) 465-5011

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Becky Weimer Regulations Specialist of Department of Labor and Workforce Development, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 8 AAC 61, 8 AAC 70, and 8 AAC 90 relating to updating methods of applications, definitions, and processes has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 1-25-22



Becky Weimer, Regulations Specialist

State of Alaska
City and Borough of Juneau

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

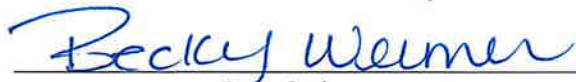
I, Becky Weimer, Regulations Specialist for the Department of Labor and Workforce Development, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Department of Labor and Workforce Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Labor and Workforce Development regulation on updating methods of applications, definitions, and processes.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 1-25-22


Becky Weimer, Regulations Specialist

State of Alaska
City and Borough of Juneau

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 100496 ST OF AK/DEPT LABOR
LABOR STANDARDS & SAFETY/OSH, JUNEAU, AK 99811

Order #: W0025203

Cost: \$702.22

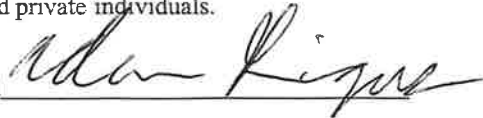
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Adam Garrigus being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

09/21/2021

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 21st day of September 2021.

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2024

NOTICE OF PROPOSED CHANGES ON UPDATING METHODS OF APPLICATIONS, DEFINITIONS, AND PROCESSES IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The Department of Labor and Workforce Development proposes to adopt regulation changes in Title 8 of the Alaska Administrative Code, dealing with updating methods of applications, definitions, and processes, including the following:

§ AAC 61.855 is proposed to be amended to update the method of application to current standards and update the form of the certificate.

§ AAC 70.025 is proposed to be amended for periodic adoption of the latest National Electrical Code, 2020 edition.

§ AAC 90.110 is proposed to be repealed and readopted to update the process of obtaining an application for certificate of fitness.

§ AAC 90.115 is proposed to be amended to update the process of using third-party testing providers, removes the requirement for the department to conduct off-site examinations, adds a one-year expiration for applications to take the exam.

§ AAC 90.130 is proposed to be amended to clarify the standards established for an applicant's minimum hours worked.

§ AAC 90.140 is proposed to be repealed and readopted to update the requirement for plumber apprenticeship registration, renaming the United States Department of Labor, Office of Apprenticeship; updates the responsibilities and process for trainees leaving the program.

§ AAC 90.144 is proposed to be amended to update the definitions reference for Residential Wireman.

§ AAC 90.145 is proposed to be repealed and readopted to update the requirement for electrical apprenticeship registration, renaming the United States Department of Labor, Office of Apprenticeship; updates the responsibilities and process for trainees leaving the program.

§ AAC 90.180 is proposed to be repealed and readopted to clarify and to clean up language and structure and to remove the "employer letter" option for trainee renewal.

§ AAC 90.192 is proposed to be repealed and readopted to clarify language related to continuing education requirements; moves "industry-related" definition to § AAC 90.900.

§ AAC 90.194 is proposed to be repealed and readopted for clarity and to add a requirement for course registration with Department of Commerce, Community, and Economic Development, Division of Corporations, Business, and Professional Licensing; adds submission requirements for CEUs submitted to Department of Labor and Workforce Development for approval.

§ AAC 90.196 is proposed to be repealed and readopted for clarity and to change method of proof of completion of CEUs.

§ AAC 90.900 is proposed to be repealed and readopted for clarity and to update name of United States Department of Labor, Office of Apprenticeship; adds definition of "approved program"; reword the definition of "direct supervision"; adds definition of "industry related".

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Becky Weimer, Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149. Additionally, you may submit comments by facsimile at (907) 465-5384 and by electronic mail at dol.wfd.regulations@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 p.m. on October 22, 2021.

You may submit written questions relevant to the proposed action to Becky Weimer by e-mail at dol.wfd.regulations@alaska.gov or by mail to the Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149. The questions must be received at least 10 days before the end of the public comment period. The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Becky Weimer at (907) 465-5011 not later than October 12, 2021, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System or by contacting Becky Weimer, Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149 or dol.wfd.regulations@alaska.gov or (907) 465-5011.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System. A copy of material proposed for adoption by reference may be viewed at the agency's office at 1251 Mendenhall Road, Suite 113, Anchorage, Alaska or 111 W. 8th Street, Suite 302, Juneau, Alaska.

After the public comment period ends, the Department of Labor and Workforce Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 05.20.070; AS 18.62.040

Statutes being implemented, interpreted, or made specific: AS 18.62.020; AS 18.62.030; AS 18.62.040; AS 18.62.050; AS 18.62.060; AS 18.62.070; AS 18.63.020; AS 18.63.060; AS 18.23.05.040; AS 25.27.244

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Labor and Workforce Development keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Mechanical Inspection notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Labor and Workforce Development, Labor Standards and Safety at dol.wfd.regulations@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

NOTARY PUBLIC
JADA L. NOWLING
STATE OF ALASKA
MY COMMISSION EXPIRES July 14, 2024