

271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

271 CMR 2.00: DEFINITIONS

Section

2.01: Definitions

2.01: Definitions

For the purpose of 271 CMR, the terms listed below shall have the following meanings:

Apprentice or Apprentice Sheet Metal Worker means a holder of a valid Class A license and a person who is authorized to perform sheet metal work under the direct supervision of a Master or Journeyperson in the employ of a Master.

Board means the Board of Examiners of Sheet Metal Workers except as otherwise defined.

Business or Sheet Metal Business means any partnership, corporation, association, limited liability company, limited liability partnership, or other business organization or entity, whether for-profit or not-for-profit, which provides sheet metal work, either exclusively or in combination with other types of goods or services.

Combustion Unit means any stoker, oil burner, oil burning equipment, gas burner, gas burning equipment, conversion burner, or incinerator, and their component parts.

Direct Supervision means direct, personal, on-site supervision.

Employee means an individual who is subject to the direction and control of an organization or individual with respect to the nature of the work to be performed and the manner in which such work is to be done, including but not limited to, such matters as work hours, method and amount of compensation, decisions about what services will be provided, decisions about who will receive such services, and other terms and conditions of employment. The question of whether an individual is or is not an "employee" does not depend on the specific method of remuneration for services.

Executive Director means an employee of the Division of Professional Licensure charged by the Division and the Board with the day-to-day supervision of Board business. The Executive Director shall have such delegated authority as defined by the Board's regulations, policies, and formal votes.

Journeyperson or Journeyperson Sheet Metal Worker means a holder of a valid Class J-1 or J-2 license and a person who is authorized to perform sheet metal work and supervise, but not employ, apprentices.

Licensee means holder of a license issued by the Board.

Master or Master Sheet Metal Worker means a holder of a valid Class M-1 or M-2 license and a person who is authorized to operate a regular place of sheet metal business, and, personally or through employed journeypersons, perform sheet metal work and supervise apprentices.

M.G.L. means Massachusetts General Laws.

Provider means a provider of continuing education approved by the Board.

Refrigeration Unit means any machine whose function is the removal of heat from an enclosed space, or from a substance, and moving the heat to a place where it is unobjectionable. The primary purpose of a refrigeration unit is lowering the temperature of an enclosed space or substance and then maintaining that lower temperature.

Residential means dwellings, not more than three stories in height, and their accessory structures.

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Responsible Craftsman means a licensed Master Sheet Metal Worker who assumes the duties and accepts the responsibilities associated with being the ultimate, regulated, professional authority within a business entity.

Sheet Metal Work means the manufacturing, fabrication, assembling, handling, erection, installation, dismantling, alteration and repairing of all commercial duct or air exhaust systems, except for refrigeration and combustion units; installation of 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, commercial and industrial architectural sheet metal watershed roof systems, except for roof coverings and associated metal flashing; the testing, adjusting and air-balancing of all air-handling equipment and ductwork installed during new or remodeling construction, the installation of commercial and industrial kitchen hoods, kitchen vents, bathroom exhaust vents and fans; provided, however, that sheet metal work shall not include 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.

NOTE: Function and purpose shall determine "sheet metal" work, not the materials employed. For example, PVC (Polyvinyl Chloride) and CPVC (Chlorinated Polyvinyl Chloride) duct work systems are included in 271 CMR 2.01: Sheet Metal Work.

Veteran shall mean an individual meeting one of the categories defined in M.G.L. c. 4, § 7. In brief, a veteran shall be any person whose last discharge from active service was under honorable conditions, and who served in the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States for not less than 180 days of active service. This shall not include active duty for training in the Army National Guard or Air National Guard or active duty for training as a reservist in the armed forces of the United States.

REGULATORY AUTHORITY

271 CMR 2.00: M.G.L. c. 112, §§ 237 through 251.

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271 CMR 3.00: INDIVIDUAL LICENSURE

Section

- 3.01: Application and Licensing
- 3.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License
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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 Journeyman (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 journeyman 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 Journeyman (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.

3.01: continued

(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;

3.01: continued

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 Journeyman 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 Journeyman. While the Board will make every effort to be consistent in such evaluations, at the time of Journeyman 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 Journeyman 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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3.02: continued

- (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".

3.04: continued

(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.

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271 CMR 4.00: CONTINUING EDUCATION

Licensed Sheet Metal Workers are encouraged to continue their expand knowledge by attending educational programs; however, no continuing education is currently required by the Board. The Board anticipates adding such a requirement at some date in the future. That will occur in a separately promulgated regulation change, and any requirements will be announced in future renewal documents.

REGULATORY AUTHORITY

271 CMR 4.00: M.G.L. c. 112, §§ 237 through 251.

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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.

5.02: continued

(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.

5.02: continued

(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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5.02: continued

(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.

271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

271 CMR 6.00: UNIFORM SHEET METAL INSTALLATION RULES

Section

- 6.01: Scope
- 6.02: Definitions
- 6.03: Adoption of Relevant Codes and Modifications

6.01: Scope

271 CMR 6.00 governs the requirements for the installation, alteration, removal, replacement, repair, or construction of all sheet metal.

6.02: Definitions

As used in 271 CMR 6.00, the following term, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meaning:

International Mechanical Code: The version of the International Mechanical Code adopted by the Board of Building Regulations and Standards pursuant to 780 CMR 28.00.

6.03: Adoption of Relevant Codes and Modifications

- (1) Adoption of Relevant Codes. The Uniform Sheet Metal Installation Rules shall be:
- (a) The International Mechanical Code
 - (b) The following portions of the Massachusetts Building Code as adopted by the Board of Building Regulations and Standards:
 - 1. 780 CMR 12.00: *Interior Environments*
 - 2. 780 CMR 13.00: *Energy Conservation*
 - 3. 780 CMR 15.00: *Roof Assemblies and Roof Top Structures*
 - 4. 780 CMR 58.00: *Roof-ceiling Construction*
 - 5. 780 CMR 59.00: *Roof Assemblies*
 - 6. 780 CMR 60.00: *Chimneys, Fireplaces and Solid Fuel Burning*
 - 7. 780 CMR 61.00: *Energy Efficiency*
 - 8. 780 CMR 62.00: *Mechanical Administration*
 - 9. 780 CMR 63.00: *General Mechanical System Requirements*
 - 10. 780 CMR 64.00: *Heating and Cooling Equipment*
 - 11. 780 CMR 65.00: *Exhaust Systems*
 - 12. 780 CMR 66.00: *Duct Systems*
 - 13. 780 CMR 67.00: *Combustion Air*
 - 14. 780 CMR 68.00: *Chimneys and Vents*

- (2) Relation to Building Code. Unless in conflict with the codes adopted by 271 CMR, licensees practicing within the scope of their license must adhere to any other installation requirements found in the State Building Code adopted pursuant to M.G.L. c. 143, § 94.

REGULATORY AUTHORITY

271 CMR 6.00: M.G.L. c. 112, §§ 237 through 251.

271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

271 CMR 7.00: BUSINESS LICENSURE

Section

7.01: Licensure

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

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

7.04: Responsible Craftsman

7.05: Changes

All entities that have Sheet Metal Worker employees are required to maintain a business license with the exception that a business employing one or more sheet metal workers shall not be required to hold a license if the only work of the sheet metal worker is for the premises owned or operated by the business.

7.01: Licensure

(1) Applications. Applicants for Sheet Metal Business (Class B) licenses shall meet the following criteria for licensure:

(a) 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 by a principal of the entity, and accompanied by such other information that the Board may require.

NOTE: Incomplete applications will be retained for 180 days;

(b) all principals of the entity shall be of good moral character as described in 271 CMR 3.04;

(c) the entity shall be properly constituted and chartered business organization recognized by the Secretary of the Commonwealth, such as a partnership or limited partnership (LP) or limited liability partnership (LLP), limited liability company (LLC), corporation or professional corporation (PC), or other recognized entity;

1. All partners in a partnership or LLP shall possess current Master Sheet Metal Worker licenses.

2. Each corporation shall have at least one Master Sheet Metal Worker as a corporate officer, and the corporation shall designate a Master Sheet Metal Worker as its Responsible Craftsman.

3. Each LLC must designate a Master Sheet Metal Worker as the manager; that individual will be the "Responsible Craftsman".

(d) payment of the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

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

(1) Requirements for Renewal of a License.

(a) Business entities must renew their licenses every two years. Each license originally issued to a business shall be valid for 24 months from the date of issue. Each subsequent two-year renewal shall be on the anniversary of that date.

(b) The Responsible Craftsman of a licensed business 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.

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

(a) If a business fails to meet the requirements for license renewal as set forth in 271 CMR 7.02(1), the license shall be considered expired and not in good standing. A business with an expired license shall not be permitted to engage in sheet metal work business, advertise sheet metal work, make application or maintain permits for sheet metal work, or make bids on future sheet metal work projects.

(b) If a formerly licensed business requests that an expired license be reinstated within two years of the date of expiration, that business must pay the fee for the current licensure period and one late fee. The business and associated sheet metal workers also may be subject to denial of licensure and other disciplinary action for unlicensed practice if they have engaged in sheet metal work practice without a license.

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7.02: continued

(c) If a formerly licensed business requests that an expired license be reinstated between two and four years from the date of expiration, that business must pay all intervening renewal fees, the fee for the current licensure period, and one late fee. The business also may be subject to disciplinary action for unlicensed practice, if it has engaged in sheet metal work practice without a license.

(d) If an expired business license is not renewed within four years of the date of expiration, the business 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 7.01.

7.03: 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 Responsible Craftsman of the business shall be required to petition the Board, in writing, for a change in license status. At the discretion of the Board, a personal appearance by the Responsible Craftsman and the business principals may be required.

7.04: Responsible Craftsman

(1) Issuance. The license for a business shall be issued in care of the licensed Master Sheet Metal Worker designated as the Responsible Craftsman.

(2) Responsibilities. The Responsible Craftsman shall be personally responsible for the activities of the business and ensure that:

(a) all sheet metal work performed by the business is accomplished by individuals with valid, current licenses;

(b) all employees comply with the ethical and practice standards of 271 CMR 5.00: *Code of Professional Ethics and Standards of Professional Practice*;

(c) all required local and Commonwealth permits are appropriately obtained and requirements are met;

(d) all apprenticeship on-the-job training is conducted appropriately, and apprentice records are maintained for ten years;

NOTE: In the event that the business ceases operation, reorganizes, or changes location, the Responsible Craftsman shall make every effort to inform former Apprentices of the new location of their records.

(e) the Board receives notification of any change to the location, mailing address, legal structure, ownership, or principals of the business, and

(f) the Board is notified if the business ceases to operate.

7.05: Changes

(1) Address. Businesses shall notify the Board within 30 days of any change in the mailing address or physical location.

(2) Change of Name. Businesses shall advertise and operate only under the name on file with the Board. With the approval of the Board, a business may change its name.

(3) Change of Legal Structure. In most cases, an alteration in the legal structure of a business shall necessitate a new license. The new license will only be issued if the applicant meets all of the Board's statutory and regulatory licensure requirements in existence at the time of re-application and pays all fees in accordance with the procedures identified in 271 CMR 7.01.

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7.05: continued

(4) Change in Craftsman of Record. Businesses shall notify the Board within 60 days of any change in the Craftsman of Record. After this period, if there is no available Master Sheet Metal Worker willing to become craftsman of record, the business must cease sheet metal work operations, bidding, and permitting. (Exception: If Journeyperson Sheet Metal Workers are engaged in safety-related activities, those activities may continue until safety is assured). The Board may, in its discretion, allow additional time to replace a craftsman of record upon written request.

REGULATORY AUTHORITY

271 CMR 7.00: M.G.L. c. 112, §§ 237 through 251.

271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

271 CMR 8.00: SHEET METAL WORKER TRAINING PROGRAMS

Section

8.01: Class S (School License)

8.01: Class S (School License)

(1) Requirement. No person or entity shall operate a Sheet Metal Worker training program without a license issued by the Board.

(2) Applications. Applicants for a Class S (School) license shall meet the following eligibility criteria for licensure:

(a) 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.

(b) the principal owners and administrators of the school shall be of good moral character;

(c) for any premises used for educational purposes, submission of a floor plan and a certificate of occupancy or similar form issued by the appropriate municipality;

(d) submission of a detailed outline of the school curriculum;

(e) submission of the non-refundable fee established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B, and

NOTE: publicly-funded schools will be exempted from licensure fees, but must comply with other aspects of the application process.

(f) (for private schools that charge tuition) submission of:

1. a copy of the intended student contract with an itemization of the tuition, fees, and equipment costs, and

2. a bond in the amount determined by the Board.

NOTE: If the school is also licensed as a Proprietary School, the Board may waive the requirement for an additional bond.

(3) Premises. Schools shall have adequate space and facilities to accommodate the projected enrollment, including:

(a) a demonstration/work area large enough to allow safe passage for staff and students;

(b) a lecture room with a minimum of individual desks or student arm chairs, or tables adequate to allow seating for no more than three students at a table;

(c) male and female rest rooms in accordance with the Commonwealth's plumbing code;

(d) a fire detection and sprinkler system, and operable hand fire extinguishers;

(e) every school shall have, and shall maintain in good working condition, equipment and materials appropriate and sufficient for its student body. The following shall be the minimum equipment required at all times at a licensed school:

1. a library, or designated study area, that maintains published or electronic reference to publications such as: 271 CMR and M.G.L. c. 112, §§ 237 through 251, the Massachusetts Building Code (780 CMR) and its component parts the Massachusetts Basic Building Code and the Massachusetts One- and Two-Family Dwelling Code; the International Mechanical Code; the Sheet Metal and Air Conditioning National Association's standards, the rules and standards of the Federal Occupational Safety and Health Administration, the Massachusetts Fire Code (527 CMR), and applicable National Fire Protection Association codes and standards.

(4) Instructor Ratio. Every school shall regularly employ or have in attendance during school hours at least one approved instructor for 25 students or less, and shall employ or have in attendance one instructor for each additional 25 students or less. No instructor may supervise or teach more than one class at the same time.

(5) Licenses. Instructors in schools shall be licensed instructors competent to impart instruction in those branches of instruction which they teach.

8.01: continued

(6) Non-transferrable. A school license is valid only for the location(s) named in the license and is not transferable. School licensees must immediately notify the Board in writing of the sale or change in ownership of management of a school. A school licensee seeking to change the location of the school shall notify the Board in writing at least 30 days before such change. Upon approval of a new location by the Board, the Board shall cancel the license for the previous location and re-issue a license to the licensee bearing the same number as the license for the previous location and indicating the new location. Each school shall display its license in a conspicuous place near its administrative area.

NOTE: With the permission of the Board, a licensed school may operate in multiple locations provided that each location meets the requirements of 271 CMR 8.01(3).

(7) Conduct of Operations.

(a) Each school shall keep a daily record of the attendance of each student and a course-by-course record of studies undertaken. Records should clearly indicate successful/unsuccessful performance. Such records must be available for inspection by the Board or its agents.

(b) All classroom activities for those training to be Journeypersons shall be supervised by a Sheet Metal Instructor licensed by the Board.

(c) All classroom activities for those in training to be Journeypersons shall be reviewed and approved by a Sheet Metal Instructor licensed by the Board.

(8) Remedial, Refresher, Completion, and Continuing Education Training.

(a) Any school duly licensed by the Board may offer courses that are not part of a standard curriculum.

(b) Remedial and refresher training means any and all instruction in any areas of sheet metal work offered to persons who have completed an academic program approved by the Board, but who have not been licensed by the Board. Such training programs may be individually designed based upon students' needs or may be a standardized "Exam Prep" course. Whether offered for a fee or at no cost, all such programs offered to students located in the Commonwealth shall be licensed by the Board. This shall include correspondence, internet, television, and similar media.

(c) Any school desiring to offer advanced training courses shall submit the following information to the Board at least one month prior to the offering of any such course: the title of the course; the objective of the course; the number of course hours; the name, license number, educational background and experience of the instructors, and a detailed curriculum of the course. Advanced training may not be used for credit towards any continuing education requirements or for license upgrading purposes unless explicitly approved by the Board

REGULATORY AUTHORITY

271 CMR 8.00: M.G.L. c. 112, §§ 237 through 251.

271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

271 CMR 9.00: PERMITS AND INSPECTIONS

Section

9.01: Jurisdiction of Inspectors

9.02: Permits and Inspections

9.01: Jurisdiction of Inspectors

(1) Commonwealth Inspections. Permits to perform sheet metal work in buildings owned, used, or leased by the Commonwealth shall be submitted to the Board. The Board and designated DPL staff shall grant or deny such permit applications and DPL inspectors shall perform the related inspections. Non-refundable fees for Commonwealth permits shall be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B. Commonwealth inspectors may inspect any work site regardless of the issuing authority for the permit.

(2) Local Inspections. For all buildings that are not owned or constructed by the United States Government or owned, used or constructed by the Commonwealth, permit applications shall be submitted to the local inspector of buildings, or a like official, who shall grant or deny all such permit applications and who shall perform the related inspections. Fees and fee procedures for local inspections shall be determined by the municipalities.

NOTE: For those buildings owned or constructed by the United States Government, permits and inspections are only performed at the request of the Federal Government

(3) Interchangeable Meaning. Throughout 271 CMR the term "Inspector" shall refer to the inspector having jurisdiction, either the Local or Commonwealth Inspector.

(4) Right of Entry. Subject to compliance with all relevant Federal and Commonwealth laws, the inspector, after proper identification, shall have the right to enter any premises for the purpose of conducting inspections of sheet metal work. Except in the case of emergencies, inspectors will perform their duties and inspections during the normal working hours of the day.

9.02: Permits and Inspections

In general, a permit must be issued prior to any erection, installation, or dismantling of sheet metal work. Minor repairs, testing, adjustment, and air-balancing shall not require a permit.

(1) Requirements.

(a) Any application for a permit shall be made to the inspector before work commences. Except in the case of emergencies, until a permit has been issued by the inspector, sheet metal shall not be installed, altered, removed, replaced, or repaired. Permits shall be obtained within two business days of an emergency.

1. Applications shall be made on a Board-prescribed form.

2. Applications shall include a statement of work to be performed, the location, and the names of the persons or entities for and by whom the work is to be done.

3. A separate permit is required for each building.

4. Submission of a set of construction plans may be required.

5. Issuance of a permit is accomplished by either issuing a separate notification or the inspector making written acknowledgement in the appropriate locations on the Board's prescribed permit application.

(b) Permits shall be issued only to licensed Journeyman and Master Sheet Metal Workers.

(c) Inspectors shall insure that permits are issued only to licensees possessing adequate liability coverage.

1. Licensees shall have a current liability insurance policy that includes completed operations coverage and has been issued by a company licensed to do business in Massachusetts.

2. At the discretion of the inspector, other types of indemnity against liability or a bond may be substituted.

3. Liability coverage must be adequate to cover building-wide catastrophes.

9.02: continued

(2) Inspections.

- (a) Permit-related inspections include:
 1. all work sites where a permit is required;
 2. all of the permit-related sheet metal work, and
 3. any portions of existing systems that may be directly affected by the work outlined in the related permit application.
- (b) The inspector may require that two or more inspections be performed, for instance, a "rough" inspection and a "final" Inspection.
- (c) The inspector may require that a test be performed as part of the inspection process.
- (d) Notification.
 1. It is the responsibility of the permit holder, or a Master or Journeyman Sheet Metal Worker employed by the permit holder, to give notice to the inspector that work is ready for inspection. The licensee making notification shall establish that the work will stand the prescribed test and that the roughing-in has been completed as far as practicable before giving notification. Proper notification shall mean that the licensee has had direct communication with the inspector.
 2. The equipment, materials, power, and labor necessary for the inspection and any required tests shall be furnished by the licensee.
- (e) Within two working days upon the inspector's receipt of notification that the work is ready for inspection, the inspector shall act upon the request for Inspection.
- (f) Covering of Work.
 1. New work, and such portions of existing systems that may be directly affected by new work, shall not be covered until it has been authorized by the inspector.
 2. The inspector may direct the uncovering of new work, and portions of existing systems that may be directly affected by new work, if it was covered before being approved.
- (g) If the inspector determines that the work fails to meet requirements, necessary corrections shall be made and the work shall be submitted for re-inspection. If any defective materials or unskilled or inferior workmanship are found the following procedures shall be followed:
 1. The inspector shall condemn the affected part(s) or entire system.
 2. The inspector shall order the licensee to remove or correct the defective parts, or unskilled or inferior workmanship.
 3. No further progress shall be allowed on the work until the defective parts or the unskilled or inferior workmanship are made compliant.

(3) Termination.

- (a) Permits shall expire if work is not started within 90 days of the date of issuance. If failure to start within the 90-day period was beyond control of the permit holder, the inspector may extend the permit.
- (b) Permits may be cancelled if, in the opinion of the inspector, the workmanship or product, materials, systems, methods or technology used are unacceptable.
- (c) When any of the work outlined in the permit has been commenced but the permit holder will not complete the work, the permit should be terminated by the permit holder or the person or entity that hired the permit holder. Termination should consist of sending written notice to the inspector; the notice must include the permit number, a description of the work completed, and a description of the work not to be completed. The Inspector shall perform an Inspection on the work that was completed under the Permit.

(4) Appeals.

- (a) Commonwealth Inspector Advisory Opinion.
 1. Any party who disagrees with or is aggrieved by a decision or interpretation of a local inspector may seek an advisory opinion from the Board or designated Board staff.
 2. A request for an advisory opinion may be made by telephone, letter, facsimile, or email.
 3. The Board or designated staff member may respond to the request for an advisory opinion by requesting additional information from the relevant parties and then providing an interpretation. Interpretations not voted on by the Board constitute nonbinding statements only and may be issued in writing or orally.

9.02: continued

4. Advisory opinions are pertinent only to the specific case in question; their reliability depends on the accuracy and completeness of all material facts.
- (b) Appeal Before the Board.
1. Any person who disagrees with or is aggrieved by the decision or interpretation of a local or Commonwealth inspector may appeal in writing to the Board for a hearing.
 2. The written appeal shall be in writing within ten days after the decision or interpretation of the inspector. All relevant documents, such as the inspector's written notice of disapproval, should accompany the appeal. The appeal shall be accompanied by payment in the amount set by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
 3. The Board will issue a written decision and order reversing, affirming, or modifying, in whole or in part, the notice, interpretation, order, requirement, or direction of the inspector.

REGULATORY AUTHORITY

271 CMR 9.00: M.G.L. c. 112, §§ 237 through 251.