I. Roll Call

Members Present:
Jeff O. Estabrook, Vice-Chairman
George E. Killian
David W. Miller, Chairman
Christopher P. Reed
Terry Salem

Members Absent:
Brian A Barrett
Daniel J. Wellendorf

Others Present: Jim Wonder, City of Omaha Planning Department
Reid Steinkraus, Douglas County Health Department

Mr. Miller called the meeting to order at 1:32 pm.

II. Approval of Minutes from May 23rd, 2012

Mr. Steinkraus stated that he had been in attendance as the Douglas County Health Department representative at the Board’s March 28, 2012 meeting, and not Randy Nickeson as was indicated. He requested that the minutes be amended to reflect his attendance.

Motion by Mr. Estabrook to approve the minutes from the last meeting as corrected. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0

III. Examination Reviews

Master Plumber

Brad E Conn - ABSENT
6646 Lafayette Av
Omaha NE 68132

Vincentini Plumbing
2308 S 16th St
Omaha NE 68132

Earl Jake Lindner - ABSENT
11246 Morgan Circle
Blair NE 68008

N. Pitlor & Son
10901 I St
Omaha NE 68008
IV. Public Hearing

12-6-67
James Wonder
City of Omaha
1819 Farnam St
Omaha NE 68183

REQUEST: Approval of changes to Section 49-232, Qualifications and 49-222, Qualifications

James Wonder appeared before the Board. Mr. Wonder stated that the proposed changes allow the Board to consider more applicants for licensure testing who might not otherwise be able to meet the current code’s requirements. These changes are particularly useful in cases of out-of-jurisdiction plumbers or those apprentices caught in the recent economic difficulties. Mr. Wonder reviewed the proposed changes, listed below:

Sec. 49-222. Qualifications.
An applicant for a license as a master plumber shall submit evidence of one of the following qualifications:

(a) Have four consecutive years’ experience in the installation of plumbing systems while holding a journeyman plumber's license issued by the City; or

(b) Provide evidence of qualifying as a master plumber in a city of equivalent size that requires similar qualification criteria.

(c) If the community in which the applicant has worked does not require instruction, on the job training or a plumbing license, the plumbing board may accept a minimum of twelve consecutive years of plumbing installation experience with a minimum of 300 hours worked each of the twelve years to accrue a minimum total of 21,000 hours.

(Special consideration will be given when active military service prevents a trainee from fulfilling the “consecutive training” requirements.)

If the applicant has met the above criteria then he/she shall take an exam administered by the plumbing board to determine his/her competency.

Sec. 49-232. Qualifications.
An applicant for a license as a journeyman plumber shall submit evidence of one of the following qualifications:

(a) Complete a four year apprenticeship program certified by the city; or

(b) Provide evidence of completing a course of study with an equivalent number of instructional hours and on-the-job experience hours as required by a certified city program; or

(c) Provide evidence of qualifying as a journeyman plumber in a city of equivalent size that requires similar qualification criteria.

(c) Provide evidence of completing a training period of a minimum of seven consecutive years, where the trainee worked a minimum of 300 hours each of the seven years to accrue a minimum total of 7,000 hours; or

(d) Provide evidence of qualifying as a journeyman plumber in a city of equivalent size that requires similar qualification criteria; or
(e) If the community in which the applicant has worked does not require instruction, on the job training or a plumbing license, the plumbing board may accept a minimum of eight consecutive years of plumbing installation experience with a minimum of 300 hours worked each of the eight years to accrue a minimum total of 14,000 hours.

(Special consideration will be given when active military service prevents a trainee from fulfilling the “consecutive training” requirements.)

(c) Provide evidence of qualifying as a journeyman plumber in a city of equivalent size that requires similar qualification criteria.

If the applicant has met one of the above criteria, he/she may take an exam administered by the plumbing board to determine his/her competency.

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Mr. Wonder stated that, as the Board had requested, he added language specifying that the Board will give special consideration in cases where active military service interferes with the applicant’s ability to complete the consecutive training requirements listed in Plumbing Code. He also added language to both code sections stating that the Board may give special consideration in cases of illness, disability or other medically-related conditions.

Mr. Wonder stated that a question had been raised at the last meeting of the Code Committee regarding section 49-222(a): “…(a) Have four consecutive years’ experience…”. Mr. Wonder stated that one of the committee members was concerned that an applicant may obtain his journeyman license, leave the field for other types of work, and then attempt to register for the master plumber’s examination after years of being out of the field. Mr. Wonder stated that according to his interpretation of the Plumbing Code, such an applicant could potentially be approved to take the master plumber examination, despite the possibility that he had not been operating in the plumbing field for quite some time. Mr. Wonder stated that this committee member is currently working on additional language dealing with this issue; however, Mr. Wonder did not receive this drafted language before the committee member went on vacation.

Mr. Killian asked whether this theoretical applicant would still have been required to pay for his license and maintain his continuing education during his absence from the plumbing field. Mr. Wonder replied that this was a possibility, but not a requirement. Mr. Reed stated that he could see this issue coming up in the future. Mr. Killian stated that in his opinion, this language should be changed in such a way that this type of applicant would be required to maintain his license during his absence from plumbing. Mr. Estabrook countered that this section should be changed to require the applicant have worked in the plumbing field in the years immediately preceding their application for licensure. Mr. Salem and Mr. Miller cautioned Mr. Wonder that the language in this section needed to be right in order to eliminate any confusion.

Mr. Wonder suggested that the Board could choose to lay this case over. Doing so would allow more time for the language in section 49-222(a) to be modified. After some discussion, the Board agreed, and asked Mr. Wonder to coordinate this modification with the Code Committee members. This item will be up for further discussion at the next meeting of the Board on June 27th, 2012.

Mr. Miller asked if there were any members of the public at today’s meeting who wished to speak in regards to the proposed code changes. Pat Leddy and Arrick Jazynka of Plumber’s Local 16 appeared before the Board with Mike Dowd, legal representation for the union. Mr. Dowd raised objections to the proposed changes to the code, asserting that the proposed code language could potentially harm those apprentices who were caught up in the recent economic difficulties. He said that there have been several examples of apprentices who, due to the economy, were unable to make the yearly on-the-job training requirements. Mr. Dowd stated that if the Board considered the total number of hours that the apprentice had completed, rather than requiring a set number of hours each year, they would see that many of these people’s total hours over a five year period exceeds the sum of the yearly requirement currently listed in the Code.

Mr. Dowd presented what he termed as a “sunset provision” (see file for more information). This document would apply only to those individuals affected by the economic recession of 2008 through 2010. Mr. Dowd stated that if the Board chose to adopt this sunset provision, there would be no need to make amendments to the Plumbing Code. He discussed a particular example in which a Local 16 apprentice had an average of on-the-job hours for the first three years of his apprenticeship, but had a shortage of hours due to the economy during his fourth year. Mr. Dowd asserted that if the Board chose to adopt his proposed sunset provision, it would allow this applicant to meet the requirements for testing.
Mr. Killian stated that part of the hour requirements for apprentice plumbers is the experience that they gain in the trade. He argued that just because an apprentice worked more hours in one year doesn’t mean that he has more experience of the various situations encountered in the plumbing trade. Mr. Killian asserted that in addition to the experience gained through on-the-job training, unwritten concepts such as age, maturity, proper decision making and exposure must also be considered. He added that no matter what field one studies in, there are minimum requirements. Accelerating through a program does not necessarily mean that you are more experienced than someone who has completed a training program in the traditional manner. Mr. Killian stated that he would not support Mr. Dowd’s sunset provision, as it is a temporary fix, and would pave the way for further requests for sunset provisions in the future. The proposed Code changes would be permanent and would still help those apprentices affected by the economy, without singling out one group over all those plumbers currently operating in Omaha who were also affected by the economic crunch.

Mr. Dowd countered that his sunset provision applies to a small, finite number of people. He claimed that these apprentices should not be punished for a situation beyond their control. Mr. Killian countered by saying that the Plumbing Board cannot fix the past economy. Mr. Reed said that if the Board approved Mr. Dowd’s sunset provision, they could then be confronted with applicants who had worked a considerable amount of overtime and managed to complete their hours in two years. Mr. Wonder pointed out that the code changes being discussed here today were proposed with those affected by the recession in mind; however, the Board also wishes to amend the code in order to supply clearer equivalency guidelines for out-of-jurisdiction plumbers. Even if the Board chose to adopt Mr. Dowd’s proposed sunset provision, there would still be an issue regarding the clarification of requirements for out-of-jurisdiction plumbers that the Board wished to address.

Mr. Dowd protested that the proposed changes could potentially mean that a person, short on hours due to a situation beyond their control, would have to work for over seven years as an apprentice in order to meet qualifications for testing. Mr. Killian restated his opinion that the Board cannot control the economy. Mr. Wonder stated that Mr. Dowd was misinterpreting the code changes. After some additional discussion regarding the interpretation of the proposed language in section 49-222, Mr. Wonder asked Mr. Dowd whether he would be willing to draft alternate language for this section. Mr. Dowd stated that he would be happy to email this draft to Mr. Wonder.

Motion to hold this case over to the June 27th, 2012 meeting by Mr. Estabrook. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0

V. *Cases

12-6-68
Andrew R Nielsen
8023 N 28th Av
Omaha NE 68112

REQUEST: Request for reinstatement of expired journeyman plumber license.

49-212

Andrew R Nielsen appeared before the Board. The Board Secretary confirmed that Mr. Nielsen had completed all required continuing education hours for 2011; he simply forgot to pay for his license renewal.

Motion by Mr. Killian to reinstate Andrew Nielsen’s journeyman license subject to quad fee as required by Plumbing Code. Second by Mr. Estabrook.

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0
12-6-69
Michael W Boever
13220 N 192nd St
Bennington NE 68007

REQUEST: Waiver to allow the installation of a domestic well.
Location: 12515 Rainwood Rd
49-1-510

Michael W Boever appeared before the Board. Mr. Boever explained that the requested well is a replacement domestic well; there is no MUD water available in the area. Neither the Metropolitan Utilities District nor Mr. Steinkraus of the Douglas County Health Department were opposed to this request.

Motion to approve by Mr. Reed. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0

12-6-70
Lyle Hendrickson
Metropolitan Community College
2707 Ed Babe Gomez Av
Omaha NE 68107

REQUEST: Certification of apprentice program curriculum

49-244,246, 247

Lyle Hendrickson of Metropolitan Community College (MCC) appeared before the Board to seek certification of their plumbing curriculum. Mr. Hendrickson stated that Metro has made some changes to their requirements for first year students, including adding a required basic math class. Mr. Hendrickson stated that this math class has been successful in that it ensures that students are up to speed on their math skills, which helps them later on in the plumbing program. Mr. Hendrickson added that MCC would like to add a course covering gray water; these hours would be above and beyond the regular curriculum hours required for degree completion.

Mr. Killian posed a possibility to the other Board Members of allowing apprentices or plumbers to take MCC’s gray water course in order to make up missing education hours, or to complete continuing education requirements. After some discussion, the Board came to a general consensus that they would prefer Mr. Hendrickson to bring his information as regards gray water back at a later date, once MCC has completed their internal review and course approval process. Mr. Hendrickson stated that he would bring the gray water materials back to the Board along with a request for re-approval of the solar classes that MCC has offered in previous years. No objections were raised to the rest of the proposed curriculum.

Motion by Mr. Estabrook to approve the proposed curriculum for Metropolitan Community College, with the exclusion of the proposed 33 hour course covering gray water. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0

VI. Approval of Apprenticeship Renewals

Stephen Arcishefsky
Plumbers Local 16
Local 16

Kyle Simon
Nebraska Plumbing and Sewer Service
Metro

Motion to approve the above-listed apprentice renewals by Mr. Estabrook. Second by Mr. Salem

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0
VII. Discussion

- The Board discussed online continuing education classes. Mr. Wonder reported to the Board on the various formats that he had discovered for offering online continuing education classes. He updated the Board as to his own progress in creating an online continuing education class. Mr. Wonder stated that he will continue to research the various applications available and will report back to the Board at a later time.

- The Board discussed an upcoming class for continuing education make-up.

- The Board discussed siphonic roof drains.

- The Board decided that they will change their meeting times. Effective January 1, 2013, both meetings per month will take place at 1:30pm. This will eliminate the 9:00am meeting time. Meeting times will remain as published for the remainder of this year.

VIII. Adjourn

Motion to adjourn by Mr. Estabrook. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0. Meeting adjourned at 2:36 pm.

* = APPLICANT MUST BE PRESENT AT MEETING

A full, continually current agenda is available for public inspection in Room 1110 of the Omaha/Douglas Civic Center during normal business hours.

The Omaha Plumbing Board reserves the right to modify the agenda at the public meeting.

If alternative (tape) to the agenda is needed, please advise Jim Wonder. A 72-hour notice is required.

Visit the Planning Department’s Site on the Internet at http://co.douglas.ne.us/omaha/planning/boards/plumbing-board