

PUTNAM COUNTY LEGISLATURE

Resolution #301

Introduced by Legislator: Joseph Castellano on behalf of the Rules, Enactments & Intergovernmental Relations Committee at the Year End Meeting held on December 18, 2019.

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APPROVAL/LOCAL LAW TO AMEND THE CODE OF THE COUNTY OF PUTNAM
CHAPTER 145, ENTITLED "ELECTRICIANS"

Be it enacted by the Legislature of the County of Putnam as follows:

Section I.

Chapter 145 of the Code of the County of Putnam is hereby amended as provided hereinafter:

CHAPTER 145

ELECTRICIANS

§ 145-1 Title.

§ 145-2 Legislative intent.

§ 145-3 Applicability.

§ 145-4 Definitions.

§ 145-5 Powers and duties of Director.

§ 145-6 Board of Electrical Examiners.

§ 145-7 Powers and duties of Board.

§ 145-8 License/registration required.

§ 145-9 Application and examination procedure.

§ 145-10 Licensing and registration.

§ 145-10-a Hiring, supervision and responsibilities.

§ 145-10-b Suspension or revocation of license.

§ 145-11 Prohibited acts.

§ 145-12 Performance standards.

§ 145-13 Filing.

§ 145-14 Inspections.

§ 145-15 Transferability.

§ 145-16 Reciprocity.

§ 145-17 Unlicensed electricians.

§ 145-18 Display and advertising.

§ 145-19 Shelving of license.

§ 145-19-a Shelving of license for electricians exclusively employed by municipality.

State of New York

SS:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 18, 2019.

Dated: December 20, 2019

Signed: _____

Diane Schonfeld
Clerk of the Legislature of Putnam, County

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- § 145-20 Regulation of business.**
- § 145-21 Compliance Enforcement Officer.**
- § 145-22 Enforcement.**
- § 145-23 Criminal penalties.**
- § 145-24 Immunity.**
- § 145-25 Insurance and bonding.**
- § 145-26 Provisions not subject to waiver.**
- § 145-27 Severability.**
- § 145-28 Repealer.**

Section II.

Section 145-4 of the Code of Putnam County is hereby amended to read as follows:

§ 145-4 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings, unless otherwise indicated by context:

BOARD

The Board of Electrical Examiners for the County of Putnam as provided for by the provisions of this chapter.

BUSINESS ENTITY

As used in this chapter, the term "business entity" shall include any corporation, partnership, limited partnership or joint venture formed for the purpose of engaging in the business and/or trade of electrical work and low-voltage/limited-data communications.

COUNTY

All references to the "County" will be to the County of Putnam, unless otherwise indicated.

COUNTY EXECUTIVE

State of New York

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The County Executive of Putnam County.

DEMOLITION

Any and all removal, relocation, disconnection or disassembly of electrical equipment, live or dead.

DIRECTOR

The Director of the Putnam County Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

ELECTRICAL WORK

The installation, erection, alteration or repair of electrical wiring, apparatus, fixtures, devices or other equipment used or to be used for the transmission of electricity for electric light, heat, cooling, power (including solar), signaling, communication, alarm or data transmission.

FIXED MEMBERSHIP

A specific number of memberships established in the rules governing an organization. Specifically, the fixed membership of the Board of Electrical Examiners is nine.

HELPER

A person who is registered in Putnam County while employed by and working under the supervision of a licensed master electrician or journeyman electrician.

JOURNEYMAN ELECTRICIAN

A person who has successfully completed an examination for licensure as a journeyman who works within the County and is employed by and works under the supervision of a licensed master electrician, with a minimum of 10,000 (ten thousand) hours of experience as a helper or equivalent.

LEGISLATURE

The Putnam County Legislature.

LICENSE

State of New York

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A license issued by the Board to persons who have successfully completed an examination for master electrician, special electrician, low-voltage/limited-data communications technician and journeyman electrician as provided for by the provisions of this chapter. The terms 'licensed' or 'licensing' as used in this chapter shall also specifically refer to a Putnam County issued license.

LOW-VOLTAGE/LIMITED-DATA COMMUNICATIONS TECHNICIAN

Any person with a minimum of 8,000 hours' experience who has successfully completed an examination for licensure in low-voltage/limited-data communications technician, who furnishes and/or installs, repairs, maintains or alters cabling systems for computer networking, telecommunications, cable television, intercom, audio/video, fiber optics, video surveillance systems and any other system operating at 90 volts or less and a maximum of five amperes where such work commences at an outlet receptacle or connection previously installed by a person holding the proper electrical license. For purposes of this definition, any master electrician is qualified to do the work of a low-voltage/limited-data communications technician.

LOW-VOLTAGE NEW YORK STATE ALARM INSTALLER

Any person licensed by the State of New York as provided in Article 6-D of the New York State General Business Law for installing fire and security systems along with associated equipment.

MASTER ELECTRICIAN

Any person who has successfully completed a minimum of 10,000 hours' experience as a helper and a minimum of 5,000 hours' experience as a journeyman electrician (or their equivalent), who has successfully passed an examination for licensure as a master electrician and who performs or supervises the installation, erection, extension, alteration and/or repair of electrical wiring, apparatus, fixtures, devices or other equipment utilized or designed for the utilization of electricity for light, heat, cooling, power (including solar) or signaling.

PERSON

For purposes of this chapter, the term "person" shall include an individual, partnership, corporation, business organization or other similar entity.

State of New York

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SPECIAL ELECTRICIAN

Any person who is in the exclusive employ of the owner, lessee or manager of particular buildings or other structural facilities and whose employment consists solely of the work of a licensed master electrician as defined herein.

SUBSTANTIAL EVIDENCE

Evidence that a reasonable mind could accept as adequate to support a conclusion; evidence beyond a scintilla.

Section III.

Section 145-6 of the Code of Putnam County is hereby amended to read as follows:

§ 145-6 Board of Electrical Examiners.

- A. Board established. There shall be a Board of Electrical Examiners ("Board") consisting of nine members, each of whom shall be a resident of the County or own a business within the County. (See definition of "fixed membership," § 145-4.)**
- B. The Board shall interview all candidates for Board membership and submit its recommendations with all candidates' resumes to the Legislature.**
- C. Board members shall be appointed by a majority vote of the Legislature. Board members shall serve a term of three years and at the pleasure of the Legislature.**
- D. Composition of board. The composition of the Board shall be a representative group of people ranging from those with no experience to a master's level experience with the electrical trade or working as an electrician. However, the Board must contain at least one electrician at all times. At no time, shall the composition of the Board interfere with the viability of the Board to perform its duties and to adhere to its responsibilities. A representative group may include:**

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- (1) Licensed, shelved, or former master electricians.
 - (2) Licensed, shelved, or former journeymen.
 - (3) General contractors who have been in business in Putnam County for a minimum of seven years.
 - (4) Representatives of New York State Electric & Gas (NYSEG), Central Hudson Gas & Electric (CHGE), Con Edison, or any successors in interest thereof.
 - (5) Licensed, shelved, or former low-voltage/limited-data communications technicians.
 - (6) Citizens who have never been licensed by the County of Putnam to perform electrical trade work or work as an electrician.
 - (7) Current or former Building Inspectors.
 - (8) Current members of an electrical union.
- E. **Secretary.** There shall be a Secretary to the Board who shall be appointed by the County Executive. The Secretary shall report to the Director of the Office of Consumer Affairs, Weights and Measures and Trades Licensing.
- F. **Chairperson and Vice Chairperson.** The Board, by majority vote of the fixed Board, shall elect a Chairperson and Vice Chairperson, each of whom shall serve a one-year term.
- G. **Quorum.** A majority of the fixed membership of the Board shall constitute a quorum for the transaction of business. A quorum may be achieved by members attending in person or by Board-approved electronic means that allow for simultaneous visual and aural communication throughout the entire deliberative session.
- H. **Vacancies.** In the event of a vacancy on the Board, the Board shall send its recommendation to the Legislature and the remainder of the vacating member's term shall be filled by appointment by the Legislature.
- I. **Removal.** A Board member may be removed by majority vote of the Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause.

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Section IV.

Section 145-9 of the Code of Putnam County is hereby amended to read as follows:

§ 145-9 Application and examination procedure.

- A. Written application.** Written applications for licensure or registration as a master electrician, special electrician, low-voltage/limited-data communications technician, journeyman electrician or helper electrician shall be submitted to the Secretary of the Board on the form prescribed by the Board. At a minimum, each application shall set forth the applicant's name, residence address, business address, e-mail address (if applicable), telephone numbers and trade names plus such additional information concerning his or her qualifications and history, including any criminal record, as the Board may request. Applicants shall include satisfactory evidence to demonstrate to the Board that they are competent electricians and qualified to perform electrical contracting, construction and/or installation work; have working knowledge of electricity, including the laws, properties and functions of electricity and electrical apparatus; practical working knowledge of the National Electric Code and all other applicable provisions of Ohm's Law pertaining to the installation, repair and maintenance of electrical wiring and apparatus. All applications shall be signed by the applicant, whose signature shall be notarized. Applications must be made in the name of the individual seeking licensure. If the applicant is an officer, owner or employee of an electrical contracting business, partnership or corporation, then the application shall set forth the names of all officers and owners thereof as of the date of application.
- B. Proof of current and prior employment, qualifications and fitness for licensure.** All applicants must provide proof of experience by providing documentation and information relating to current and prior employment, qualifications, education and fitness for licensure. Proof of employment must include the name and address of the current/former employer, the length of time the applicant worked for the current/former employer and the type of work the applicant performed while working for the current/former employer. In addition, one or more of the following may be required for adequate proof of employment:

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- (1) Resume;
 - (2) A notarized letter from current/former employers itemizing residential and commercial experience;
 - (3) Work logs; or
 - (4) Social security records.
- C. Upon receipt of a complete application, including the application fee, for license testing, the Secretary shall forward a copy of the same to the Chairperson of the Board.
- D. Board review. Upon receipt of an application to test for a license, the Board shall review such application to ascertain whether or not the applicant possesses the minimum qualifications necessary. At the discretion of the Chairperson, a committee of Board members could be convened to review and vote upon an individual's application before being sent to the full Board for final review and vote. Once an affirmative vote of a majority of the fixed Board has been made, the applicant shall be permitted to take the licensing examination.
- E. Written examination.
- (1) Either the Board or an approved testing agency shall provide written examinations. Should the Board administer the examination, it shall be monitored by at least two members of the Board, who shall sign their names to all parts of the applicant's examination. The date, time and place of testing shall be determined by the Board or the approved testing agency. The Board shall provide applicants with written notice of testing dates. Results of every examination administered under the provisions of this chapter shall be kept on file in accordance with the Putnam County's document retention policies.
 - (2) Passing grade. Applicants must receive a grade of 75% or higher on the written examination to qualify for licensure. Applicants shall be notified of the results of their written examinations within 30 business days after the date of the examination. Activation of licensure within one year of passing the exam is required.

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- (3) If, within one (1) year from application approval, the applicant wishes to retest, a reapplication fee must be submitted for each retest (see Fee Schedule). The fee for the examination itself is separately determined and handled by the testing entity.**
 - (4) If, after one (1) year from application approval, the applicant has not passed the examination, a new complete application and application fee must be submitted to continue seeking licensure (see Fee Schedule). The fee for the examination itself is separately determined and handled by the testing entity.**
- F. Fees. The fees for applications, licensing, renewal and other fees provided for under the provisions of this chapter shall be proposed by the Board and set by resolution of the Legislature. All fees collected under the provisions of this chapter are nonrefundable.**
- G. Exceptions to testing requirements. For possible examination waiver, please see § 145-16, Reciprocity.**
- H. Child support obligations. Under New York State General Obligations Law § 3-503, all applicants for a license or renewal license must complete a New York State Department of Labor Form GO 1, Appendix to a License Application, regarding the applicant's child support obligations.**

Section V.

Section 145-10-a of the Code of Putnam County is hereby amended to read as follows:

§ 145-10-a Hiring, supervision and responsibility.

- A. No person who is licensed pursuant to this chapter shall hire any person to perform services of a journeyman electrician in Putnam County unless such person has obtained a journeyman electrician license pursuant to the requirements of this chapter.**

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- B. No person who is licensed pursuant to this chapter shall hire any person to perform services of a helper electrician in Putnam County unless such person has registered as a helper electrician under this chapter.
- C. Any licensed master electrician who has hired a licensed journeyman electrician or registered helper electrician to perform work must supervise such work as required by this chapter.
- D. No person who is licensed as a journeyman electrician may perform work within Putnam County unless such work is performed under the employment and supervision of a licensed master electrician.
- E. No person who is registered as a helper electrician may perform work within Putnam County unless such work is performed under the employment, direct supervision, and control of a licensed master electrician or in the presence of a licensed journeyman.
- F. A licensed master electrician shall respond to the Board's requests for specific employment information regarding the licensed journeymen and registered helper electricians employed by the licensed master electrician. The licensed master electrician must provide the specific information requested by the Board within the specified time frame of such request.

Section VI.

Section 145-19 of the Code of Putnam County is hereby amended to read as follows:

§ 145-19 Shelving of license.

Upon written request by any individual licensed under this chapter, a license may be shelved subject to the following:

State of New York

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- A. Proof that any open electrical permit applications have been closed.
- B. The granting of a request for shelved status shall not be deemed or otherwise considered a suspension of license.
- C. Shelved status may be granted for a period of one year.
- D. The period of shelved status shall commence upon expiration of the current year.
- E. On or before December 31 of each year of shelved status, the licensee must submit a shelving affidavit.
- F. A fee shall be assessed against the licensee during any period of approved shelved status.
- G. Licensees can shelve in consecutive years for a maximum of five years without Board approval. If the licensee wishes to extend shelving beyond five years, the licensee must submit a letter to the Board providing a satisfactory reason for continued shelving.
- H. A licensee granted shelved status must complete, prior to renewal, any applicable continuing education that may be required during the period of time the license is shelved.
- I. Upon reactivation, the licensee shall be required to complete a renewal application and pay the appropriate annual licensing fee regardless of the time remaining in the calendar year.
- J. Any licensee of a shelved license found working in Putnam County shall be deemed unlicensed. He/she shall be subject to fines and penalties as provided for in this chapter.

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Section VII.

Section 145-20 of the Code of Putnam County is hereby amended to read as follows:

§ 145-20 Regulation of business.

- A. Licenses may not be issued in the name of a corporate or business entity. In the case of a corporation, partnership, limited partnership or joint venture, the individual(s) who is responsible for the performance of work covered by this chapter on behalf of such corporation, partnership, limited partnership or joint venture, whether he/she is an employee, officer, owner, or shareholder of the same, must be individually licensed in accordance with the provisions of this chapter.**
- B. Such licensed master electrician shall be solely responsible for the proper supervision and layout of any electrical work performed in the name of such business entity. Anyone performing work under such licensed master electrician must be a licensed journeyman electrician or a registered helper electrician.**
- C. All such corporations, partnerships, limited partnerships or joint ventures must submit to the Board a certified copy of the applicable business certification as is on file with the Clerk of the County where such business entity maintains its principal place of business.**
- D. Whenever a Putnam County licensed master electrician who represents or is employed by an electrical business entity severs his or her relationship or employment with such business entity, it shall be the responsibility of such person and the business entity to provide the Board with written notice of such action within 30 days after such separation. In such event, such business entity shall provide the Board with proof that another duly licensed master electrician is performing the actual work of the business. The failure of the licensee or the business entity to provide such notice and/or proof shall be deemed sufficient cause to deny issuance of a new license.**

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Section VIII.

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.



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