

HUMAN SERVICES

(a)

DIVISION OF DEVELOPMENTAL DISABILITIES

Notice of Readoption

Division of Developmental Disabilities

Organizational Rules

Readoption: N.J.A.C. 10:40

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12 et seq., and 30:4-6 et seq.

Effective Date: January 31, 2023.

New Expiration Date: January 31, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:40 were scheduled to expire on March 21, 2023. N.J.A.C. 10:40 sets forth the goals and basic method of operations of the Division of Developmental Disabilities (Division).

Subchapter 1 describes the Division's mission "to assure the opportunity for individuals with developmental disabilities to receive quality services and supports, participate meaningfully in their communities, and exercise their right to make choices," and includes the core principles on which the Division's goals and mission are based.

Subchapter 2 informs the public that information about the Division may be found on its website, including the opportunity to request to be added to the Division's distribution list for regular updates.

The Division has reviewed the rules and determined that they are necessary and proper for the purpose for which they were originally promulgated.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:40 is readopted and shall continue in effect for a seven-year period.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Continuing Education Requirements

Adopted Amendments: N.J.A.C. 13:31-1.7 and 5.5

Proposed: January 3, 2022, at 54 N.J.R. 33(a).

Adopted: May 11, 2022, by the Board of Examiners of Electrical Contractors, Joseph P. Schooley, Chairman.

Filed: January 3, 2023, as R.2023 d.035, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:5A-6.

Effective Date: March 6, 2023.

Expiration Date: January 6, 2029.

Summary of Public Comments and Agency Responses:

The official comment period ended March 4, 2022. The Board of Examiners of Electrical Contractors (Board) received two comments from the following individuals:

1. Mitchell Malec
2. Edward J. Osoliniec, P.E.

1. COMMENT: A commenter raised an objection related to proposed new N.J.A.C. 13:31-1.7(d)5, regarding credit for successful completion of a United States Department of Labor, Occupational Safety and Health Administration (OSHA) online safety course. The commenter objected to the Board's use of the term "OSHA-approved online safety course" because OSHA authorizes trainers to teach online safety courses in specific OSHA standards subject areas rather than approving courses.

RESPONSE: The Board agrees that the use of the word "approved" may be misleading and that it should be deleted to reflect that OSHA authorizes trainers to provide the online safety courses. It does not approve the content of an online safety course. The Board, therefore, will change N.J.A.C. 13:31-1.7(d)5 upon adoption to replace "approved" with "authorized." To reflect this change, the Board will also change upon adoption N.J.A.C. 13:31-1.7(f)1, to "OSHA-authorized online safety courses."

2. COMMENT: A commenter suggested that the Board should: 1) limit the content of OSHA-authorized online safety courses for which a licensee can obtain credit to those directly related to the practice of electrical contracting; and 2) allow a maximum of 10 credits for such courses rather than the eight proposed by the Board.

RESPONSE: In response to the commenter's first point, the Board does not agree that it should limit the type of OSHA-authorized safety courses for which it will accept credit to those directly related to electrical safety issues. Receiving training in a range of workplace safety issues will contribute to the safety, not only of licensees and their employees, but also of other workers on a job site. Regarding the commenter's second point, it is true that a licensee may have to take a minimum of 10 hours of training to receive a certificate for an OSHA-authorized online training course. However, new N.J.A.C. 13:31-1.7(e)1(i) establishes that the maximum number of credit hours a licensee can obtain through alternative means, including electronic media distance learning is eight credits. Since this is a general rule, the Board does not believe that it should modify it based on the number of credit hours for a specific type of course.

3. COMMENT: A commenter objected to proposed new N.J.A.C. 13:31-1.7(d)6, which would allow a licensee to obtain up to 24 credits per triennial period for successful completion of an education program approved by the State Board of Professional Engineers and Land Surveyors pursuant to N.J.A.C. 13:40-13. The commenter noted that licensing requirements for professional engineers and for electrical contractors differ, as does the approval process for continuing education programs for professionals licensed in these areas. The commenter further objected to this proposed subsection on the basis that there are many topics included in continuing education for professional engineers that are beyond the scope of the practice of electrical contractors.

RESPONSE: The Board notes that N.J.A.C. 13:31-1.7(c)1, 2, 3, and 4 lists a number of broad subject areas beyond the 10 mandatory credits that it considers relevant for the practice of electrical contracting. Beyond these subject areas, N.J.A.C. 13:31-1.7(c)5 allows that courses can be in any area "relevant to electrical contracting or electrical construction." This limitation applies to credits earned pursuant to proposed new N.J.A.C. 13:31-1.7(d)6. However, the Board agrees that this should be made more explicit in reference to courses approved by the State Board of Professional Engineers and Land Surveyors for which a licensed electrical contractor can receive credit, and that these should be limited to courses in electrical engineering. Accordingly, the Board is specifying that the courses approved by the State Board of Professional Engineers and Land Surveyors for which it will accept credit are courses in electrical engineering, and is, therefore, changing N.J.A.C. 13:31-1.7(d)6 upon adoption to add "electrical engineering." The new rule as changed will, therefore, read "Successful completion of an education program in electrical engineering approved pursuant to N.J.A.C. 13:40-13 by the State Board of Professional Engineers and Land Surveyors."

4. COMMENT: A commenter suggested that the Board delay implementation of N.J.A.C. 13:31-1.7(d)7, which allows a licensee to earn a maximum of two credits per triennial period for completion of a Board-approved program in the installation of natural or manufactured gas piping relevant to installing or repairing electrical generators pending adoption of a Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors (HVACR Board) rule amendment. The amendment specifies what credits an electrical contractor would have to complete to be eligible for an exemption to the HVACR Board's licensing requirements that would allow an electrical contractor to install gas piping relevant to installing or repairing electrical generators.

RESPONSE: The Board proposed new N.J.A.C. 13:31-1.7(d)7 in response to an amendment to N.J.S.A. 45:16A-41 that allows electrical contractors to engage in the installation, maintenance, and repair of natural or manufactured gas piping while installing or repairing electric