

Opposing Views On Sheet Metal Regs

By Mary Vogel, Paul O'Loughlin, and Donald Chaisson

Special to the Worcester Business Journal (www.wbjournal.com)

03/15/10

Pro: Rules promote safety

New regulations in Massachusetts have recently been implemented for the first time requiring licensing of sheet metal workers. The safety requirements have been put into place to prevent another tragedy from happening as in 2007 when two Boston firefighters were killed at a fire in a West Roxbury restaurant. The fire was determined to have been caused by shoddy kitchen duct work.

The statute requiring the licensing of sheet metal workers was enacted in 2008 and the regulations were drafted by a newly established Sheet Metal Licensing Board appointed in 2009.

Public Input

The board has a combined 125 years of experience in the industry. Members of the board include business owners of two of the most respected sheet metal companies in the industry, and two experienced sheet metal journeymen who represent 3,600 craft workers.

Not only do these board members have hands-on experience in the industry, they have experience in training the next generation of sheet metal workers.

The Sheet Metal Licensing Board held public hearings, received written comments and convened meetings to allow public access to its deliberations over the new regulations, which went into effect Feb. 19.

The new rules are supported by the vast majority of sheet metal contractors in Massachusetts including Robert Nee of Hamilton-Nee Air Systems. According to Nee, who has been in the business for 10 years and has made a considerable investment in employee training, "Safety is never too expensive when it comes to saving someone's life. The new regulations are not expensive to sheet metal contractors because they will ensure that the safest and smartest sheet metal workers will be on the job. We make an investment in training and this comes back tenfold in an educated workforce and a superior product. The new regulations raise the industry standards for sheet metal workers to be better and safer."

A recent lawsuit by a small group of contractors trying to stop the regulations from being implemented was thrown out because it lacked merit. One may ask why these contractors would spend so much money in legal fees and aggressive public relations campaigns to fight the new rules instead of using the money towards training sheet metal workers.

Much of the “controversy” over the regulations focuses on apprentice to journey worker ratios that are established for construction projects. However, these ratios will ensure that apprentices receive appropriate on-the-job training in a safe work environment rather than being relegated to perform menial work.

The new sheet metal rules put the public’s safety first and are not a union or non-union issue. The public deserves to be safe when they enter a building in the commonwealth and any additional training required by these regulations will be a worthwhile investment in saving lives.

Mary Vogel is the executive director of The Construction Institute (www.builtbest.org), a Boston-based nonprofit.

Con: Licensing will drive up costs



O'Loughlin

Chaisson

The unemployment rate in Massachusetts and nationally is approaching double digits. In construction, things are even worse. Last year, the nation lost 13 percent of its construction jobs; Massachusetts lost 18 percent, according to the Associated General Contractors of America.

Those numbers and the wake-up call delivered by Scott Brown’s election to the U.S. Senate have politicians claiming that jobs are their top priority. But that rhetoric only makes voters angrier when those same politicians support policies that kill jobs.

Numbers Game

Take the licensing of Massachusetts sheet metal workers. Virtually the entire industry supports it, but rather than using licensing to promote safety, training and the public interest, politically wired unions have used it to tilt the construction playing field by forcing the bloated union cost structure on non-union contractors.

Non-union contractors don't hire labor from a union hiring hall for a single project, only to lay them off when the job ends. Instead, we recruit and train workers with the goal of long-term employment. This encourages a workforce with the skills, flexibility and loyalty to best serve our customers' needs.

Since Paul Revere and Benjamin Franklin were apprentices, virtually every trade has used one experienced, higher-paid journeyman to mentor each apprentice. But the new regulations would allow 1:1 ratios only for jobs with four or fewer workers.

For larger jobs, 14 journeymen would be required for every six apprentices. On Massachusetts public construction projects, a journeyman sheet metal worker earns up to \$61/hour, an apprentice starts at \$24/hour.

In this economy, construction companies can't afford to hire more journeymen. Instead, complying with the regulations will require them to lay off apprentices.

The regulations also require five years of training to achieve journeyman status. Not only is it more than is required for electricians and plumbers — two far more complex trades — but even longer than it takes to earn a bachelor's degree.

The unions achieved their goals by using political clout to deny the open shop majority any representation on the state's new Board of Examiners of Sheet Metal Workers, which regulates the industry. All five gubernatorial appointments to the board are either union officials or executives from union firms.

Contractors unwilling to accept business as usual have formed the Coalition for Fair Licensing, which has filed suit against the Sheet Metal Board and its regulations. Whether in a courtroom or the court of public opinion during the upcoming election season, we look forward to educating the public about the differences between what our elected leaders say and what they do.

Paul O'Loughlin chairs the Coalition for Fair Licensing. Donald Chaisson is president of the New England Chapter of Air Conditioning Contractors of America.