



# International Union of Operating Engineers

LOCAL 302 • Washington • Alaska • Idaho • AFL-CIO

Daren Konopaski, *Business Manager & General Vice President*

February 9, 2018

House Labor & Commerce  
State Capitol Room 403  
Juneau AK, 99801

RE: HB 255 Certificate of Fitness

Dear Representatives of the House Labor & Commerce Committee:

The International Union of Operating Engineers Local 302 is in opposition to HB255. We believe that employees shouldn't be punished by State officials for doing what their employer has directed them to do. This statute forces the employee to decide between being fined by the state for doing the work or be fired by his employer for not doing the work. Furthermore, previously approved revisions of this law changed some general scopes of work to mandate a certification of fitness. This causes confusion, and in many cases, the employee may not know the need for having a certificate to do this type of work. This is commonly found in the excavation and backfilling of electrical ditches for empty conduit. An electrical ditch is the ONLY ditch required to have a certificate of fitness. However, digging and backfilling sewer, water, fiber optic, and around live electrical wire uses the same techniques without needing a certificate of fitness. Since this law is not common practice, employees assigned to do this work do not understand they have done anything wrong. Therefore the Employer should be responsible for ensuring the employee has all the required certificates to do the work.

Our goal is to not see the employee get punished for doing his/her work and would like to see the citation be reduced to a stern warning for the first violation and a \$50 citation for the second violation.

Thank you for your time and consideration with this matter.

Respectfully,

Corey Baxter  
District Representative  
IUOE Local 302

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Sean Jeffries, *President* • Jason Alward, *Vice President*

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