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A PERFORMANCE REPORT ON THE  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
BOARD OF ELECTRICAL EXAMINERS

September 25, 1985

Audit Control Number

08-1221-86-R

Commissioner, Department of  
Commerce and Economic Development

Loren H. Lounsbury

Deputy Commissioners, Department of  
Commerce and Economic Development

Greg Baker  
Terry Elder

Members of the  
Board of Electrical Examiners

Chairman  
Member  
Member

Terence Duszynski  
Walter Gardner  
Stephen Boyd

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811-3300

**THE LEGISLATURE**  
BUDGET AND AUDIT COMMITTEE

September 25, 1985

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Titles 24 and 44 of the  
Alaska Statutes (sunset legislation), the attached report is  
submitted for your review.

A PERFORMANCE REPORT ON THE  
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BOARD OF ELECTRICAL EXAMINERS

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Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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## PURPOSE OF THE REPORT

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities and accomplishments of the Board of Electrical Examiners to determine if the Board has been operating in an efficient and effective manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Electrical Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1986, but will continue until June 30, 1987, for the purpose of concluding its affairs.

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and performed the following:

1. Applicable statutes and regulations.
2. Tests of files and documents of licensees.
3. Interviews with the licensing examiners.
4. Complaints filed with the Division of Occupational Licensing, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's Opinions applicable to professional boards.

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## ORGANIZATION AND FUNCTION

The Board of Electrical Examiners was established by the 1960 Session Laws of Alaska, Chapter 158. The three Board members, two of whom are electrical administrators licensed under this act and one a public member, are appointed by the Board with confirmation by the Legislature. Board members serve staggered terms of three years.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (OL). OL provides the Board with licensing and some investigative support. However, the enforcement of the electrical administrators statutes is primarily the responsibility of the Department of Labor (DOL).

A licensed electrical administrator assumes responsibility for all electrical work performed by his employer or by himself. Electrical administrator statutes do not apply to any utility or municipality engaged in most electrical construction, installation, and maintenance as well as any person engaged in the following:

1. The manufacture or repair of electrical apparatus or equipment.
2. Electrical work, the cost of which does not exceed \$5,000, involving residences or small commercial establishments in communities
  - (A) which have a population of under 500, or
  - (B) which are over 50 miles by air or water transportation from the business place of an electrical administrator licensed under this chapter.
3. Electrical installation on residential property which is owned by the installer or a member of the installer's immediate family and not intended for sale at the time of making the installation.
4. The operation, maintenance, or repair of a television or radio broadcasting system and the installation of a radio broadcasting system under 500 watts input power except for A.C. power supply and wiring.
5. The installation, maintenance, and repair of elevators so long as the work is performed by an agent or employee of the elevator industry and is confined to the elevator control system, which system does not include the power supply, wiring, and motor connection.

6. The operation, maintenance, and repair of telephone, telegraph, and intercommunication facilities.
7. The installation, maintenance, and repair of fire alarm, intrusion alarm or other low voltage signaling systems of 48 volts to ground or less.
8. The maintenance or repair of diesel electric engines installed on heavy construction equipment, either in a shop or on a job site.

## REPORT CONCLUSION

### Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

### Report Conclusion

In our opinion, the continuation of the Board is not necessary to protect the public's health, safety, and welfare (see Audit Recommendation No. 1).

In the event that the Board is reestablished by the Legislature, the following changes are needed in order for the Board to more effectively serve the public.

The Board needs to adopt procedures to require evidence that jobs have been personally inspected by electrical administrators (see Audit Recommendation No. 2).

The Board needs to design examinations to include only those questions within the subject matter of the category being tested to be in compliance with regulation (see Recommendation No. 3).

The Board needs to ensure that applicants are qualified by requiring all evidence be submitted before approving applicants for examination (see Audit Recommendation No. 4).

The Board needs to improve communications with the Department of Labor so that all violations are reported in order for the Board to take necessary action (see Recommendation No. 5).

The Board needs to establish regulations which provide for reciprocity for out-of-state electrical administrators (see Recommendation No. 6).

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Board of Electrical Examiners should be allowed to terminate on June 30, 1986. However, the licensing and regulation of electrical administrators should be retained.

The Board of Electrical Examiners licenses electrical administrators under Alaska Statute 08.40. An electrical administrator contracts for the installation and/or repair of electrical wiring, and is responsible for all work done under his license. The primary purpose for the licensing of electrical administrators is to enhance public protection by enforcing contractor compliance with the electrical code. Adequate public protection can effectively be provided without retaining the Board of Electrical Examiners.

The Board does not effectively monitor the practice and conduct of its licensees. As discussed in Recommendation No. 2, the Board has not implemented any system to document that electrical administrators are personally performing required inspections, as required by statute.

Additionally, the Board has adopted screening and testing procedures (see Recommendation Nos. 3-4) that has resulted in high failure rates on the licensing examination (see Appendix C). This examination structure serves to unduly limit the number of licensed electrical administrators.

### Enforcement Function

The Department of Labor (DOL), is responsible for the enforcement of electrical code requirements. DOL concedes that there are problems with how electrical administrators are currently operating, but argue that the administrator's function is needed for efficient, cost-effective enforcement of electrical safety codes.

Although DOL provides public protection by issuing certificates of fitness to journeyman electricians who have demonstrated their knowledge of electrical code requirements, they still believe that electrical administrators are necessary. DOL reports that it is often difficult to identify what electrician is responsible for code violations noted during an inspection of a job site, especially where there are numerous electricians working. State inspectors have extensive geographical areas of responsibility and must rely on the professional integrity of an electrical administrator to provide assurance that noted safety deficiencies are corrected.

It is often prohibitively expensive and time-consuming to pursue either electricians or contractors through litigation, even in those instances when responsibility for the violation can be determined. By having an electrical administrator certify that a job is in compliance with code, DOL is able to place responsibility on one identified individual.

At present, as discussed in Recommendation No. 2 of this report, there is no documented assurance that electrical administrators are fulfilling this responsibility. DOL officials told us that they know that oftentimes electrical administrators do not personally inspect or supervise the jobs that they certify. Despite this shortcoming, these officials maintain that enforcement is enhanced because even though an administrator may not personally supervise a job, he is nonetheless held responsible and accordingly, disciplinary action can be taken against his license in the event that safety deficiencies are found. The process for taking disciplinary action against a licensee is felt to be more effective in assuring the enforcement of electrical safety standards.

When viewed as an integral part of effective enforcement of safety codes, the function of electrical administrators appears to be more in line with that of the journeyman electrician program administered by DOL. In conjunction with our recommendation above, the Legislature may wish to consider not only maintaining the function of electrical administrators, but also transfer the licensing and regulation responsibilities to the Department of Labor. Such a transfer would consolidate electrical regulation within one department, and should improve the efficiency, effectiveness, and coordination of enforcing the State's electrical safety code.

In the event that the Board is reestablished, we recommend the following changes be made in its operation (see Recommendations Nos. 2-6).

#### Recommendation No. 2

The Board should require evidence of personal supervision to ensure that jobs have been inspected by electrical administrators.

Alaska Statute 08.40.195, requires that administrators must personally inspect jobs after installation and repair. Currently, there is no provision that evidence of such personal supervision be prepared and maintained for jobs contracted by administrators.

Through our discussions with the Chairman of the Board, Division of Occupational Licensing (OL), and the Department of Labor (DOL) personnel, we noted that problems exist whereby electrical jobs are being performed without any supervision by an electrical administrator throughout the job. We were informed that in certain cases, electrical administrators who have contracted for electrical jobs in Alaska, resided out-of-state and never visited the job site.

A roster of electrical administrators compiled by OL in February 1985, listed 98 of 526, or roughly 20% of administrators with out-of-state addresses. We noted administrator licensee addresses from as far away as Connecticut and Florida.

DOL personnel indicated that violations of the electrical code are generally more frequent for those jobs which are not adequately supervised by administrators. Serious violations attributable to faulty installation or electrical work is hazardous and unsafe to the public.

The Board has addressed the problem of administrators absent from job sites by proposing an affidavit or certificate of personal supervision as evidence that the installation or repair work was personally inspected. We recommend that the Board continue its efforts in adopting the proposed affidavit and that the Board take additional measures to require adequate on-site supervision for all electrical installations or repairs contracted by electrical administrators.

### Recommendation No. 3

The Board should clarify regulations relating to the scope of examinations in order to be consistent with other regulations pertaining to the scope of licenses.

As provided in AS 08.40.045, the Board has established five categories of electrical administrators which are defined as follows: outside line work, outside communications, inside wiring, inside communications, and residential wiring. The Board has adopted regulations under this statute that specify the content of examinations for each of the categories. The Board has adopted other regulations that establish the scope of responsibilities for each license category. Based on our reading of the regulations, and the complaints of individuals sitting for outside communications or inside wiring examinations, there appears to be an inconsistency between the requirements of the various regulations.

We found that a common complaint about electrical examinations involved the Board's use of questions that covered

subject areas that were unrelated to the examination's subject category. For example, there were questions involving outside communications included in the outside line work examination. Complainants also cited the use of inside communications questions on the inside wiring examination.

The Board designed examinations in the outside line work and inside wiring categories to include communications questions because of regulations regarding the scope of the license in each of the categories. Under these regulations, a person holding a current valid license in either of the two categories may be granted a license in outside communications or inside communications, respectively, without examination. Given these regulations, the Board feels that adequate justification exists to include communications questions in the examinations.

However, regulations over the content of the examinations for both the outside line work and inside wiring categories do not specify that communications subject matter will be included. Further, the application form for each of the categories does not specify the examination content.

According to DOL and OL personnel, communications work varies significantly from outside line work and inside wiring. A person can perform work in any one of the categories without ever becoming knowledgeable in the other. Based on this assessment, we believe that each category should stand alone and applicants be tested only on the subject matter of the category for which he is sitting.

The inclusion of communications questions on the outside line work and inside wiring examinations is unduly restrictive and inconsistent with current regulations pertaining to the scope of examinations. We recommend that the Board design examinations to include questions within the subject matter of the category being tested, and revise their regulations in order to clarify the requirements for each license category.

#### Recommendation No. 4

The Board should comply with regulations over application for initial licensure to ensure that applicants are adequately qualified.

Current regulations over application for initial licensure require the following documents be submitted by applicants:

1. A check or money order in the amount of the appropriate fee.
2. Transcripts from an accredited school or trade school attended by applicant.

3. A certified copy of the applicant's degree awarded by an accredited school or certificate from trade school.
4. Evidence of experience applicable to the category for examination.
5. Letters of recommendation for licensure as an electrical administrator from three persons licensed in any state in the electrical industry.

The Board is not requiring that all of the above documents be submitted before approving applicants to take examinations. In our review of OL files we found that transcripts, when applicable, and certified copies of the applicant's degree or certificate from a trade school were not included with applications in most cases. Although three letters of recommendation were included in the files we reviewed, almost all of the letters were not evidenced that the persons signing were licensed.

The Board has adopted valid requirements under the regulations mentioned above which provide adequate evidence that applicants meet necessary skills and knowledge to be licensed as an electrical administrator. We recommend that the Board approve only those applicants who submit the required documentation, in compliance with regulations, to ensure that proper qualifications are met by applicants for licensure.

#### Recommendation No. 5

The Board should improve communications with the Department of Labor (DOL) over violations by electrical administrators.

Alaska Statutes provide DOL with the primary responsibility to enforce electrical administrators statutes. DOL employs State inspectors in major urban areas of the state to enforce the electrical code for places of employment and public structures. Numerous violations of code were cited by DOL inspectors during FY 84.

We found through our discussions with DOL personnel, that violations are not reported to the Board on a regular basis. The only time when violations are reported by DOL to the Board are in cases where an administrator has a continuing number of violations.

We recommend that the Board improve communications with DOL to obtain information as to the nature and extent of violations of code by administrators on a regular basis. Improved communications with DOL will help the Board to fulfill its purpose of assuring the public that persons responsible for making electrical installations in the state are qualified.

Recommendation No. 6

The Board should establish regulations which provide for licensure by endorsement and/or reciprocity.

Provisions for licensure by endorsement and reciprocity are specified under AS 08.40.120(b) which states that the Board shall waive examination requirements if applicants meet certain qualifications and have passed an equivalent examination in another state.

The Board has not established regulations which address licensing by endorsement or reciprocity. We recommend that the Board establish regulations to comply with statutory provisions.

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analyses of the Board's activities relate to the public need factors defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

- I. The extent of which the board, commission, or program has operated in the public interest.
  - A. The Board has examined and licensed applicants, and proposed changes in regulations that are necessary to enforce State statutes and improve the quality of electrical safety. To conduct these functions the Board has held an average of four board meetings and four examination sessions a year for the past two calendar years. However, the licensing and examining of electrical administrators can be adequately performed in the absence of the Board (see Recommendation No. 1).
  - B. Specifically, the Board has enhanced the quality of electrical safety by adopting regulations concerning the maintenance of competency of electrical administrators through continuing education.
  - C. The Board has developed new electrical code examinations which were administered for the first time in March 1985.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
  - A. Inspections are conducted by the Department of Labor. Consequently, the Board needs to contact the Department of Labor to determine the number of violations and the amount of unlicensed activity (see Audit Recommendation No. 5).

- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.
- A. The Board has recommended statutory changes concerning a provision which exempt installations of electrical systems of 48 volts to ground or less, to not exempt these installations.
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
- A. The Board has advertised proposed regulation changes in major newspapers in Anchorage, Fairbanks, and Juneau. The Board has not actively solicited comments on its operations and services it has provided.
- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.
- A. To encourage public participation, the Board advertises its meetings, examinations, and proposed regulations in the Fairbanks, Anchorage, and Juneau newspapers as required by law.
- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board, or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.
- A. In the last three years, several complaints were filed with the Board and Ombudsman office concerning grading and testing procedures of examinations. The Board processed and resolved these complaints in an efficient and timely manner. Also, the Board has developed new examinations to alleviate the complaints.

- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.
- A. The Board issued 65 licenses and renewed 267 licenses during fiscal year 1985.
  - B. The average failure rate for examinations administered during fiscal year 1985 was 57%.
- VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.
- A. The Human Rights Commission and the Equal Employment Opportunity Office have received no complaints related to the Board's activities.
- IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.
- A. Please refer to the previous section, Findings and Recommendations.

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APPENDIXES

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APPENDIX A

BOARD OF ELECTRICAL EXAMINERS  
REVENUES COMPARED WITH EXPENDITURES  
For the Fiscal Year Ended June 30, 1985  
(JNAUDITED)  
(Note 1)

Average Revenue (Note 2 and Schedule 1)	\$64,211
Expenditures (Note 3)	<u>7,313</u>
Excess of Revenues over Expenditures	<u>\$56,898</u>

Schedule 1  
Types of Revenues

<u>Revenue</u>	<u>Amount</u>	<u>Collection Time</u>
Initial License Fee (Note 2)	\$200	With application
License Renewal Fee (Note 2)	200	Biennially
Late Renewal Fee (Additional)	10	If over 60 days after renewal date
Reinstatement Fee (For Lapsed License)	25	With reinstatement notice (fee is for each year license was lapsed)

Note 1

This revenue/expenditure comparison was prepared from available records and discussions with Occupational Licensing personnel. The records were not audited by us and accordingly we do not express an opinion on the Board's Statement of Revenues Compared with Expenditures.

Note 2

A significant portion of revenues is composed of license renewal fees. The renewal date is June 30 of the odd numbered years which causes revenues to vary substantially from year-to-year. Therefore, we took an average of revenues collected in fiscal years 1984 and 1985 in order to obtain a representative amount of collected revenue.

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Note 3

Expenditures consist of direct costs resulting from Board activities, which includes travel, per diem, and miscellaneous contractual expenditures incurred by the Board members and the Board's licensing examiner. This amount does not include indirect administrative expenditures of the Division of Occupational Licensing or expenditures for efforts of other departments assisting the Board.

APPENDIX B

BOARD OF ELECTRICAL EXAMINERS  
ADMINISTRATIVE STATISTICS

Number of Examinations Given in Fiscal Years 1983 - 1985

<u>Fiscal Year</u>	<u>Passes</u>	<u>Fails</u>	<u>Total</u>	<u>% Pass Rate</u>
1983	78	190	268	29%
1984	60	226	286	21%
1985	114	150	264	43%

Number of Licensees 491

Board Meetings in Fiscal Years 1983 - 1985

1983	4
1984	6
1985	3

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**DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT**

*DIVISION OF OCCUPATIONAL LICENSING*

POUCH D  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2534

January 13, 1986

**RECEIVED**

JAN 14 1986

**LEGISLATIVE  
AUDIT**

Mr. Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
P.O. Box W  
Juneau, AK 99811

Dear Mr. Wilkerson:

Thank you for the opportunity to comment on your preliminary audit report for the Board of Electrical Examiners.

Recommendation No. 1

We concur with this recommendation except that the licensing function of the electrical administrators should continue to be regulated.

As mentioned in our earlier discussions, the function of the electrical administrator is important and should be retained, with or without a licensing board. The electrical administrator license was established to assure identification of at least one person in each firm performing electrical installations to be fully responsible for compliance with installation laws and current wiring and safety codes. This license responsibility is not present in any form in other Alaska law.

Under current law, all journeymen certificate of fitness card holders must be supervised by an electrical administrator.

The majority of electrical administrators in Alaska are competent and reliable. However, if the electrical administrator level license is discontinued, the public will no longer have this measure of protection from potentially unscrupulous, irresponsible, or incompetent electrical installers. Poor electrical wiring which results in financial loss or delay to the owner can currently be recovered up to the limits of bonding under AS 08.18.071. On July 1, 1985, bonding limits were increased to \$5,000.00 for specialty contractors and \$10,000.00 for general contractors. In this regard, some electrical contractors are specialty contractors, some are general contractors. This bonding protection is minimal when various factors are considered. For example, Juneau contractors estimate that a two bedroom residence of 1,100-1,500 square feet will cost an estimated \$3,500.00 to \$6,000.00, depending on the plans and type of heat. Estimates for a commercial facility, such as a restaurant or other business, will cost double the amount of the earlier stated residence work. Inadequate wiring can and does cause property and physical injury by fire. Financial losses to the owners occur as well when

wiring is improperly installed and has to be redone before it can be approved by the electrical inspector. Improper wiring is always life threatening. The only remaining safeguard without the electrical administrator present would be the city or state electrical inspectors, who are located only in the major population centers. State electrical inspectors can travel statewide, but, due to their limited number and budget restrictions, areas outside the main population centers would not have close scrutiny. Thus, in many areas, the essential element of prime responsibility for proper electrical supervision for electrical installation would be nearly nonexistent without the electrical administrator.

Recourse against the holder of the certificate of fitness appears limited since no statutory requirement assigning prime responsibility is evident. Except for one instance, we are unaware of any action commenced against a holder of a certificate of fitness. In the one instance, the certificate of fitness was revoked based upon the revocation of the electrical administrator license by this department.

In the event the board, itself, is not continued, the alternatives would be to continue licensure by the Division of Occupational Licensing, or establish the same level of responsibility or function elsewhere, or discontinue licensing completely. Discontinuing licensing completely does not appear to be a satisfactory alternative.

If licensing is continued without a board, this licensing function should remain with the Division of Occupational Licensing. The division already maintains all records of electrical administrators and has recently, with the board, completed the rewrite of the entire examination process. A transfer of duties to another agency would require additional funding since a new full position would be required to handle the work within the new agency. Currently, the licensing function and administrative duties of the board are being handled by a licensing examiner who is also responsible for other licensing occupations. Therefore, the position could not be transferred to another agency if licensing was so transferred. Up to half of the licensing examiner's time is dedicated to licensing electrical administrators. A majority of this time is occupied with preparation for an examination by maintaining the computerized exam bank to produce the examination, arranging for an examination and scheduling of exam candidates to be tested in the appropriate categories. The responsibilities also include travelling to administer the exam and maintain control over those locations where proctors are being utilized. Loss of continuity, which would occur if a transfer takes place, would create significant problems for licensees and the public.

The enforcement is handled by fully qualified investigators with considerable training and experience in civil and criminal investigations. Coupling this investigative effort with the electrical inspector efforts is efficient and effective. Currently, the investigative staff in the Division of Occupational Licensing (OL) maintains close liaison with the board and with the Department of Labor (DOL) inspectors. Among other things, inspector reports of code violations and supervision problems are being reported to the OL investigations unit more frequently. Plans affecting improvement of this relationship that were initiated some time ago are gradually becoming a reality.

January 13, 1986

The board has recently proposed regulations to require electrical administrators to certify on a form developed by the board that they personally supervised all work completed by the firm to which they are assigned. This will improve the ability to enforce the statutory requirements for personal supervision to reduce or eliminate the current problems created by the absent licensee and similar problems.

Recommendation No. 2

As mentioned in comments under Recommendation No. 1, this board, on November 18, 1985, initiated a regulation which adds section 12 AAC 32.900(c) to require, upon demand, that electrical administrators certify in writing as to the completion and personal supervision of electrical work.

Recommendation Nos. 3, 4, and 5

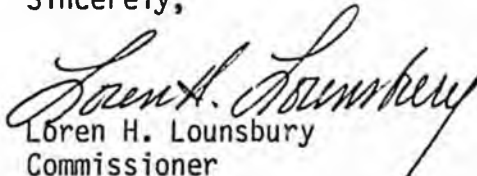
We concur with these recommendations and intend to assist the board in carrying out these suggestions.

Recommendation No. 6

We concur with this recommendation; however, implementation of your recommendation does not appear to be possible at this time. In 1980, the board obtained the authority noted under AS 08.40.120(b) to waive examination for reciprocity. In order to implement the statute, it was first necessary to determine which states would be interested in establishing reciprocal agreements. During inquiry with other states it was discovered that, for security reasons, states would not or could not share or discuss their examinations with other states. It was also discovered that each state would not reciprocate with any other state. Various efforts have been made including an attempt in 1984 to involve Alaska in composing a new national examination in the hope of encouraging reciprocity. Until an agreement can be reached with some state for reciprocity, the board does not have the advantage of establishing reciprocity by regulation. In 1984, the board obtained a special \$85,000.00 appropriation to develop a new exam. It was the board's intent to have a national testing service develop the examination to fit into a national examination plan in a manner to result in the desired reciprocity. Those efforts were not successful. As a result, the board was forced to develop a new examination on its own to use in Alaska. The problem of reciprocity or lack of it is not expected to resolve itself in the near future since no national or other standard examination is available or being developed elsewhere.

Thank you again for the opportunity to comment on our findings.

Sincerely,

  
Loren H. Lounsbury  
Commissioner

LHL/JS/sa1509s  
011385c

# Alaska Bussell Electric Company

"AN ALASKAN CORPORATION"  
ELECTRICAL CONTRACTORS AND ENGINEERS

February 20, 1986.

Alaska State Legislature  
Box "V"  
Juneau, Alaska. 99811

Attn: Representative H.A. "Red" Boucher.

Subject: SB 384

Dear Representative Boucher:

SB 384 was recently introduced in the Senate. If adopted this bill will extend the term or life of the board of electrical examiners. The board is due to "sun set" if some form of legislative action is not taken to extend its life, this year.

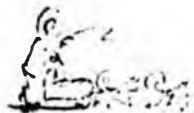
It is my hope the bill will not make it out of the Senate Labor and Commerce committee. The History of activity concerning the board of electrical examiners has been highlighted by service to special interests, obstruction to right and lawful pursuit of a better life by a large number of Alaskans, an unconscionable amount of State money totally wasted and improperly spent on acts of obstruction and destruction of Alaskan's attempting to follow the American dream of personal advancement in their lives, use of the board and department employee's by the administration to punish those not currently in its favor, outright deceit and untruthfulness by department personnel have become common practice when dealing with the Alaskan public, the board and Department are formed and pledged to serve.

Other states with boards such as ours produced similar results and in most cases their Legislatures considered the problems caused by these boards, added up the wasted cost and arrived at the conclusion to eliminate them. As you know, there are now only a hand ful of states left with our type of counter-productive license system.

As a key Alaskan Legislator and a leading member of the House Labor and Commerce committee I urge you to oppose passage of SB 384 or any other measure which would extend the life of the board of Electrical Examiners and its Department staff.

Sincerely  


Charlie Bussell  
CEO ABEC



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ELECTRIC COMPANY**

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Anchorage, Alaska 99509  
(907) 248-1515



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**BUSSELL ELECTRIC**

P.O. Box 298  
Nome, Alaska 99762  
(907) 443-2790

# Alaska Bussell Electric Company

"AN ALASKAN CORPORATION"  
ELECTRICAL CONTRACTORS AND ENGINEERS

February 12, 1986.

Representative H.A "Red" Boucher  
Alaska State Legislature  
Pouch V  
Juneau, Alaska. 99811

Attn: Representative Red Boucher.

Subject: Notice of Proposed Changes in Regulations of the  
Board of Electrical Examiners, Dated January 17, 1986.

Dear Representative Boucher:

A copy of the subject regulation change notice was recently made available to me for review.

As you know I have long been opposed to the operations and procedure employed by the board of electrical examiners. I have personally suffered greatly from their acts or failure to act. The behavior of the Department of Commerce personnel and the appointed board members, should at the very least prompt an investigation by the legislature before allowing further funding.

This board repeatedly acts in a manner completely contrary to law, not to mention the best interest of Alaska. My review of their most recent proposed regulation changes, once again reconfirms my thoughts with regard to their operations. Please allow me to list for you my comments, for your review and information.

Item 1 & 2# are regulation changes which would allow the new board member, Mr. Walt Gardner to become an Electrical Administrator. Mr. Gardner, to my knowledge, has never done a days electrical work in his life. He has studied the National Electrical Code and there are some who consider Mr. Gardner a qualified electrical inspector. In any case the proposed change is a clear conflict of interest with respect to Mr. Gardner and I believe he should be charged with it.

Item 3# would simply allow the board to deny review of an applicants examination period. It is unreal they would even propose such a change as this. This type of proposal if not illegal should be.

Item 4# is kind of meaningless, although, I wonder what "reasons other than" means.

Item 5# proposes a reporting requirement which would have far reaching insurance ramifications which would simply raise the cost of doing business for everyone, would upset the long in place leadership and

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February 12, 1986  
Representative Boucher  
Subj: Regulation change Notice.  
Page 2..Continued..

project control plans used by most contractors, allow for the addition of more paper work specialist in both the Department of Labor and the Department of Commerce with there attendant costs of upwards to \$100,000.00 per position, for no discernible reason.

Item 6# no comment.

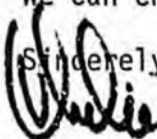
Item 7# is another unreasonable and unnecessary paper work requirement serving no valid purpose. Some companies employ several administrators for different reasons and various lengths of time. A regulation such as this would bind up the free flow of talent throughout the industry and increase the cost of doing business by everyone.

Item 8# no comment.

Representative Boucher, please join me in opposition to these regulation changes and encourage other legislators to do likewise. Commissioner Lounsbury should be asked to with draw them and refrain from further change proposals, until such time as an investigation of the board and his staff members has been completed. Legislative funding for this Department should certainly be held or cut out completely unless the legislature is shown that a public service is in deed been preformed by the Department in a lawfull manner.

I would be most happy to discuss these items either verbally or through additional correspondence at your pleasure. Thank you for your time in these matters and I look forward to your early reply. By working together we can change things and do something about the state we're in.

Sincerely



Charlie Bussell  
CEO ABEC

CC. Moody

(M)

REGULATIONS  
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS  
OF THE BOARD OF ELECTRICAL EXAMINERS

Notice is hereby given that the Department of Commerce and Economic Development, Board of Electrical Examiners, under authority vested by AS 08.40.045, AS 08.40.050 and AS 08.40.195, proposes to adopt, repeal and amend regulations in Title 12 of the Alaska Administrative Code dealing with the qualifications for an electrical administrator license in outside linework and inside wiring categories, inspection of examination papers, exemptions from continuing education requirements, certification of supervision, change of employer affiliation, and other general provisions to implement AS 08.40.045, AS 08.40.050, and AS 08.40.195 as follows:

1. 12 AAC 32.011 is amended to accept experience as an electrical inspector or instructor toward meeting the requirements for a license in the outside linework category;
2. 12 AAC 32.090 is amended to accept experience as an electrical inspector or instructor toward meeting the requirements for a license in the inside wiring category;
3. 12 AAC 32.240, which provides for inspection of a failed exam up to 30 days before the next exam, is repealed;
4. 12 AAC 32.350 is amended to provide for exemption from continuing education requirements for reasons other than "reasonable cause or excusable neglect";
5. 12 AAC 32.900 is amended by adding a new subsection (c) to require that an electrical administrator certify in writing his or her supervision of a project when it is demanded by the Department of Commerce and Economic Development or the Department of Labor in compliance with AS 08.40.195;
6. 12 AAC 32.910, DEFINITIONS, is renumbered to 12 AAC 32.990, DEFINITIONS;
7. 12 AAC 32.910 is added as a new section to require an electrical administrator to notify the department in writing of a change in employment or company affiliation; and
8. 12 AAC 32.990(7), formerly 12 AAC 32.910(7), defining "reasonable cause or excusable neglect," is repealed.

Notice is also given that any person interested may present written statements or arguments relevant to the action proposed by mailing them to Kevin Henderson, Regulations Specialist, Division of Occupational Licensing, P.O. Box D-LIC, Juneau, Alaska 99811, so that they are received no later than Monday, March 31, 1986.

Copies of the proposed regulations may be obtained by writing to the above address or by telephoning (907) 465-2535.

This action is not expected to require an increased appropriation.

The Board of Electrical Examiners, upon its own motion or at the instance of any interested person, may, after the deadline stated above, adopt the proposals within the scope of this notice without further notice or may decide to take no action on them.

**RECEIVED**  
JAN 21 1986

Loren H. Lounsbury, Commissioner

DATE: JANUARY 17, 1986

3980 Coventry Drive  
Anchorage, Alaska 99507  
February 28, 1986

RECEIVED FEB 19 1986

Mr. Kevin Henderson  
Div. of Occupational Lic.  
P.O. Box D-LIC Juneau, Alaska 99811

Dear Mr. Henderson,

I wish to express a complaint concerning the examination for Electrical Administrator, Inside Wiring. I realize that many persons hold this license, both by test and by a grandfather grant. However, very few have passed the last two tests given in Anchorage.

On the test of June 85, I did not have my application on file in time because I had been told by the Anchorage office-Frontier building that August 85 would be the first upcoming test. I felt something was unusual about this 'short notice' test, so wrote to Linda Janidlo at the Ombudsmans office asking to find out how many took the test and how many passed it. I wanted no names, just numbers. Received a reply dated July 9 '85 from Mr. Treager, director-division of occupational licensing stating "thirty six applicants took the examination. Because of priority work load, we cannot tell you how many passed the exam."

I have applied for and taken the last two exams of August 85 and January 86. My scores were 63% and 65.42%. This is absolutely ridiculous!! At this point I wish to state that 'in my opinion' the board of Electrical Examiners are not properly doing their job. First- evidently they are not screening all applicants properly or there would not be such a high percentage of failing test grades. Possibly they are allowing persons to take the test who have no electrical knowledge.

Secondly- if a person has the experience required to take the test, the test itself should be a mere formality. If my semi-official information is correct, on the test of January 86 there were 67 qualified applicants who took the test. 59 of these persons failed the test. Approximately 88% of the applicants failed to reach a minimum 70% score!

The real problem is that the test is unrealistic and is not designed as a measure of competency. It is designed to discourage and fail applicants. I have been informed that two gentlemen (I know them both) were paid \$50.00 for each question submitted to be used for the inside wiring test. Naturally they would soon run out of legitimate questions and resort to every page of every electrical book to keep coming up with obscure questions. I am certain that I could do the same, and probably would, at that price. However, failing such a test would not make an examinee 'not qualified to do electrical work in Alaska'. By the same token, passing such trivia would not qualify an unqualified person.

I have been working in the electrical construction field for over 37 years. Began in Sept. 1948 as electrical apprentice and have been at it continuously through the ranks to electrical superintendent and electrical contractor. Still hold a electrical contractors license in California, although have been an Alaskan for the past 15 years. All this time has been as a member of I.B.E.W. and I hold a 35 year pin from same. I mention this only because it is very easy to check my credentials that way.

Also on the inside wiring test were quite a few questions pertaining to telephone and inside communications. The state has a separate license and exam for this specialty and I resent being tested for it on the inside wiring test. The questions missed and the time wasted on this portion may have contributed to my failing the test. 12 AAC 32.100 states that (person holding current license in inside wiring will be granted a license in inside communications\*\*without examination\*\*)

The state employees in the division of occupational licensing are not my complaint.

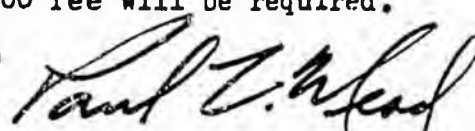
~~My complaint is the actual test itself and the way it is administered.~~

The final blow is this. ~~The test will be given in January 86~~ is sometime in the fall of 86. This will be after the fiscal year ends June 30 and a new \$200.00 fee will be required.

Copy:

Commissioner Lounsbury  
Senators- DeVries, Zharoff, Eliason,  
Bennett, Sackett, Ray, Faiks  
Reps- Nauarre, Marrou, Davis, Cato,  
Boucher, Koponen, Hanley,  
Collins, Pearce

Sincerely,

  
Paul Z. Mead



# ombudsman

John B. Chenoweth

March 24, 1986

Senator Jan Faiks  
Alaska State Senate  
Post Office Box V  
Juneau, Alaska 99811

ATTN: David Maltman

Dear Senator Faiks:

This is by way of response to your inquiry prompted by the letter of Paul Z. Mead. I have a copy of that letter from another source and am basing this response on it.

Mr. Mead's letter expresses his frustration about the board's recent experience with inside wiring examinations. His was not the first contact to the office on a matter relating to the board's examination practices. As to Mr. Mead's complaint (A85-0781), his brief reference to our office's involvement is substantially correct: In preliminary examination of the complaint, we learned that the board, anticipating a small FY 85 budget surplus, had scheduled an additional examination. Initially that "extra" examination had been set for late June; it was subsequently rescheduled to July 9. On behalf of the board, the Division of Occupational Licensing did give (short) public notice of that exam, and mailed notice to applicants then on file for the "regularly scheduled" August, 1985, examination advising of the earlier opportunity.

Notes of the disposition of Mr. Mead's complaint indicate that investigation of his complaint was discontinued. We received his complaint the day the exam had originally been scheduled (June 25), and it appears that Mr. Mead was unable to make timely application for the "extra exam" even though it was delayed until July 9.

Because the investigation was discontinued, this office did not have reason to review the results of the test. I have no information as to the relative number of applicants or the pass/fail rate for that particular exam. I can confirm that, as a special examination, the test scheduling was done with shortened notice. The complainant was affected: He had submitted his application for the August exam about June 19. In providing notice of the special June (later scheduled for July 9) exam, the division advised those who had applied for the August exam that an exam would be given at an earlier date. However, processing of the applications received by the division during June was running late and those applicants were not contacted about the earlier examination. It appears that those who applied in June were not

State of Alaska

Reply to:

3201 C Street, Suite 608  
Anchorage, Alaska 99503  
(907) 563-3673

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Juneau, Alaska 99811  
(907) 465-4970

P.O. Box 74358  
Fairbanks, Alaska 99707  
(907) 452-4001

qualified for the July 9 exam and took the exam as it had been scheduled, in August.

In his letter, Mr. Mead relates that 12 AAC 32.100 specifies that a person holding a current license in inside wiring will be granted a license in inside communications without examination. With respect, that provision is not part of the regulation cited, and I cannot find anything that suggests the exception in any other regulation. What does appear in state statute, however, is this:

If an applicant for a license submits proof satisfactory to the board that the applicant is licensed as an electrical administrator or the equivalent by another state or territory, that the applicant meets qualifications established by the board under AS 08.40.045, and that the applicant has passed an examination equivalent to the test administered under (a) of this section except insofar as the examination tests knowledge and skill particularly required to meet the environment and usages of the trade peculiar to Alaska, the board shall waive all of the examination required under (a) of this section except those parts which test knowledge and skill particularly required to meet the environment and usages of the trade peculiar to Alaska.

AS 08.40.120(b), added to the law in 1980. I do not know whether Mr. Mead has tried to take advantage of this provision. Indeed, I don't know how the board takes this provision into consideration as it administers its licensing examination procedures.

In a very general way, we have all shared Mr. Mead's frustrations about the board's approach to examinations.

Alaska's Board of Electrical Examiners regulates electrical contracting in a markedly different manner than many states. In Alaska, successful applicants are examined and licensed by specialty. Many other states provide only for a single category, the "Master Electrician." As a result, Alaska is, to a great extent, on its own in the development and implementation of its examinations.

My office has received 38 complaints against the Electrical Examiners Board since 1980, a substantial number in light of the relatively limited role of the board. These may be roughly categorized as follows:

Unfair exam questions; unfairness or bias in scoring  
= 20  
Denial of opportunity to take the exam = 8  
Failure to respond to inquiries = 2  
Questions concerning handling of test appeals = 2  
Failure to notify of an examination = 1  
Improper cancellation of an examination = 1  
Other = 4

March 24, 1986

Three of these complaints were investigated, all in the second half of 1982, with the reporting of recommendations carried over into 1983. (Copies of pertinent correspondence are provided.) The investigations related to the fairness of the several types of electrical examinations. The recommendation to the board emphasized a need to reform the testing process. At the time, the board indicated its acceptance of and willingness to implement these recommendations.

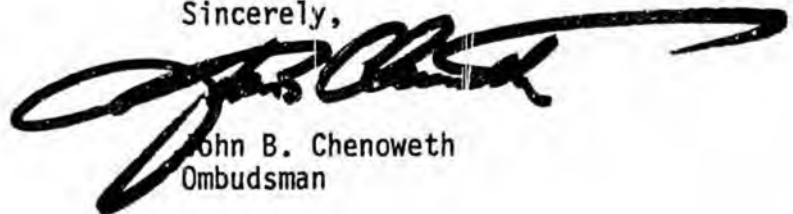
As you may note in the enclosed correspondence, in my 1982-83 correspondence, one of my alternative recommendations encouraged the board to consider using a national testing service for the development and administration of its examinations. The board opted to use the second option: Instead of relying on a single, national scheme, it acted to establish a pool of questions for each type of electrical license specialty--inside wiring, outside linework, outside communications, inside communications, and residential wiring. The question pools included between 100 and 300 questions which had been prepared by three persons (two nationally certified as "electrical inspectors general") engaged by the Division of Occupational Licensing under contract. Exams are composed of questions drawn by division staff from the appropriate pool.

While this is, theoretically, an improvement over the situation encountered in the 1982 investigations, it is not without its share of criticism. Since that time, I have received yet another six complaints on the issue of the content of exam questions, so it would seem that the matter is far from "resolved." Questions also continue to come to me about the board's application of work history and experience to fulfill other requirements set out in its regulations.

Finally, Mr. Maltman indicated that the board has proposed amendments and additions to its regulations which are now out for public comment. I have not considered these proposed amendments and changes.

I trust that this is responsive to your inquiry. If I may be of further assistance in this matter, please advise.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "John B. Chenoweth".

John B. Chenoweth  
Ombudsman

JBC:jdt  
Enclosures



# Ombudsman

John B. Chenoweth

June 30, 1983

Terry Duszynski, Chairman  
Board of Electrical Examiners  
P.O. Box 10356  
Fairbanks, Alaska 99701

RE: Ombudsman Complaints J82-0519,  
J82-0532 and J83-0256

Dear Mr. Duszynski:

The post office delivered your June 6th letter on June 27th. Please excuse my apparent delay in responding to your letter.

I appreciated the Board's quick action after receiving my April 22 letter. Your efforts in establishing a review panel and the attempts the board made to validate the test prior to the May examinations are noted. It helps demonstrate the board's desire to improve the quality of the tests. I understand that only one challenge was received after the last test. This is a significant reduction from previous exams.

Your letter generally accepted all of the recommendations made by this office. Therefore, the following comments are limited only to those areas where you have indicated some deviation from my recommendations.

1) Your letter agrees "to validate the next scheduled exam" [Emphasis added]. The Board will need to continue to validate all future examinations to prevent a recurrence of past problems.

2) (A2) I agree that the board made efforts to assure that the questions in the examinations were relevant to entry level administrators. Subjective judgment was used by the board for its determination. It is important that efforts be made to make future determinations regarding the questions as objective as possible. This will help assure that the board will not be accused of "restraint of trade" because of requiring new members of the profession to be over qualified. Reference materials were provided to the board by this office to help guide you in those decisions.

2) (A3) I appreciate the board's concerns over the issue of not having the applicants' names on the test papers. Implementation of this precaution however would help assure applicants that no favoritism is granted to one group over another.

2) (A4) It is my understanding that the board has requested that the regulation specialist for the Division of Occupational Licensing

State of Alaska

Reply to:

- 840 K Street, Room 203  
Anchorage, Alaska 99501  
(907) 276-4011
- Pouch W0  
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- P.O. Box 74358  
Fairbanks, Alaska 99707  
(907) 452-4001

draft regulations relating to the handling of appeals. I would hope that these regulations would be in place before the next legislative session.

2) (A5) The board has indicated by your letter that it believes that the test is too complex and technical to be given or monitored by Job Service, community colleges or magistrates in various locations across the state. I suggest that if your test is properly written, both as to the test questions and the instructions, only a monitor is needed. The skill and the knowledge of the board members should be required for the initial grading and any appeal of the tests.

2) (B) The board's choice to use or not use the Educational Testing Service is clearly discretionary. The state law created the board to test electrical administrator applicants to assure that those licensed in the state are qualified. It is the board's prerogative to use whatever method it chooses in the licensing process as long as the tests are fair, valid and relate to qualifying entry level administrators. Your efforts to encourage Educational Testing Service or other qualified parties to meet your needs in addition to having the University prepare arctic environment materials are positive steps for the long-term resolution of this long-standing problem.

I am closing these complaints as partially justified, principally because of the problems with the previous tests, and partially rectified because of the board's acceptance of the majority of my recommendations.

Duncan Fowler has asked that I extend his thanks for the cooperation that the board and staff from Occupational Licensing have shown him during this investigation. Please contact either of us if you have questions regarding our closure of these complaints.

Sincerely,

John B. Chenoweth  
Ombudsman

JBC:DCF:mm:jdt

cc: Harry Treager, Director  
Division of Occupational Licensing

# Duszyński and Associates, Inc.



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June 6, 1983

JUN 27 1983

JUNEAU  
OFFICE OF OMBUDSMAN

Mr. John Chenoweth  
Ombudsman  
Pouch WO  
Juneau, Alaska 99811

RE: Letter of December 10, 1982 & April 22, 1983

Dear Mr. Chenoweth,

We would like to thank your department, especially Duncan Fowler, for the manner in which the complaints against our examinations have been handled. The suggestions given by him have been carefully considered and his input at our meeting of May 16-18 was invaluable.

The February examination that has caused the problem of numerous complaints is part of a contract that was awarded approximately 1 year ago. Prior to 1981, present contractor Larry Slay, was writing the examination free gratis. This Board made an effort to have a contract drawn up between Larry Slay and the Board so more control could be exercised over the exam. This resulted in the exams being prepared on an exam by exam basis up until May of 1982 at which time the 1 year contract was awarded. Also at that time, proposals from interested parties were requested.

By August of 1982, as a result of the Board's solicitation, 3 proposals along with a new examination guideline were submitted to the division.

As of November 1980, there were no interested parties other than Larry Slay and the Board had the responsibility to present a test every 3 months. We were presented with the problem of administering a test quarterly with only one apparent source. We realized there were problems from the beginning and have endeavored to upgrade the examinations.

The 3 proposals received in August, 1982 were substantially more than we were spending or are presently spending for the examinations. The current negotiated contract is a result of the monies that were available for exam preparation.

With regard to your recommendations in both letters, let us respond to those individually as follows:

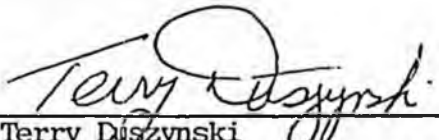
- 1) The Board agrees with the recommendation to validate the next scheduled exam.
- 2) A On May 16, 17, 18, 1983, the Board of Electrical Examiners met with a committee comprised of contractors, union and non-union, electrical inspector, electrical consultant, representative of the D.pt. of Commerce and your office. At this meeting the final test we had contracted for was reviewed, corrected, and validated by the panel in its entirety.
- 2) A1 The above validated exam which will be given May 26, 27, 1983, is the first step in creation of a pool of test questions.
- 2) A2 In the review of the above examinations, each question was ranked as to its relevancy and degree of difficulty. These rankings were then analyzed to give a proper entry level examination.
- 2) A3 We feel that taking the names off the tests during the grading and review process, we would create the hazard of mixing up applicants tests, thus giving erroneous scores to applicants.
- 2) A4 Although it has never been formally written down, this Board has followed this recommendation of yours for years. We always go back and give credit when a question is successfully challenged.
- 2) A5 It is the consensus of this Board that this is a specialized, highly technical examination, and that it's necessary that Board members be present to answer technical questions of the examinees:
- 2) B Two members of the Board have attended Educational Testing Service Seminars. It is their unanimous concensus that the current ETS electrical exam does not meet the entry level established by this Board. We have recommended the Division of Occupational Licensing contact ETS for a proposal to upgrade their current electrical examination and develop the additional examinations this Board administers. We realize the advantages of using ETS services, but until such a time as they can provide a competitive, competent examinations for all categories, we cannot use them.

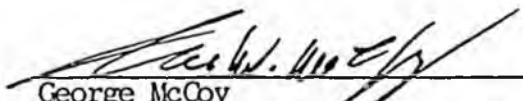
We further have asked the Division of Occupational Licensing to request the University of Alaska to prepare a text on arctic environment that is applicable to the electrical industry. This text will then be used as reference material for the applicants and in the preparation of an arctic environment examination.

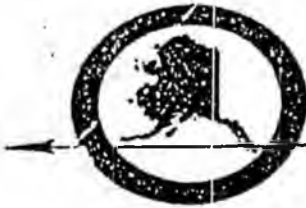
We have additionally suggested and submitted the names of Alaskan parties interested in preparing our next exam. We recommend that competitive bids be taken from these parties and ETS as a long term solution to our testing problems.

Until such time as some definite proposal is before this Board from ETS and other interested parties; we feel that another test should be contracted for and satisfactorily validated by the same panel members as those at our May meeting.

Sincerely,

  
\_\_\_\_\_  
Terry Duszynski  
Board of Electrical Examiners

  
\_\_\_\_\_  
George McCoy  
Board of Electrical Examiners



# Ombudsman

John B. Chenoweth

December 10, 1982

Gordon J. Helem, Chairman  
Board of Electrical Examiners  
Post Office Box 1609  
Sitka, Alaska 99835

RE: Ombudsman Complaints J82-0519 and J82-0532

Dear Mr. Helem:

On June 4 and 6, 1982, the Juneau office of the ombudsman received separate complaints about the fairness of the electrical administrator's examinations administered by the Board of Electrical Examiners. Summarized, allegations were made that

- (1) several specific questions on the examination do not relate to residential wiring and should more properly be in another examination;
- (2) the examination is biased in favor of union members;
- (3) the test is held at diverse locations over the state making it exceedingly difficult and costly for applicants to take the examination;
- (4) the test for outside lineman is unfair in that the drawings that are required take too much time; and
- (5) the tests are inconsistently scored.

The substance of some of these complaints is not new. There have been similar problems since early 1979. Several ombudsman complaints have been filed, an Attorney General's investigation occurred, and two legislative audits have been performed. All have focused on concerns similar to the current allegations.

Investigation of this matter was assigned to Duncan Fowler, the Juneau office regional representative.

By way of background, I note that Alaska's test has been prepared for the past eight years by Larry Slay, Coordinator of the Joint International Brotherhood of Electrical Workers (IBEW) and the National Independent Contractors Association (NICA) sponsored Electrical Training School in Anchorage. Mr. Slay was interviewed by Mr. Fowler by telephone.

State of Alaska

Reply to:

- 840 K Street, Room 203  
Anchorage, Alaska 99501  
(907) 276-4011
- Pouch W0  
Juneau, Alaska 99811  
(907) 465-4970
- P.O. Box 74358  
Fairbanks, Alaska 99707  
(907) 452-4001

Mr. Slay developed the test without compensation until two years ago. His current contract is for \$6,000.00. He is to provide examinations for six areas and an answer key to the Board. The Board plans on giving tests four times per year. Mr. Slay states that the Board reviews and may modify his test. He does not grade the examinations at this time.

## I

In attempting to ascertain whether portions of the residential electrical examination for the electrical administrator's license included material that did not relate to residential electrical wiring, Mr. Fowler asked assistance from Gene Mockerman, Assistant Chief Mechanical Inspector. The review was made of the "Residential Wiring Part II" test that was given on August 4, 1982, and the responses made by the complainant. The complainant had been given a score of 19% by the Board of Electrical Examiners. The review determined that several questions did not relate to indoor wiring and would not be appropriate questions to ask of an entry-level administrator. Specifically, questions 3, 5, 7, and 16-19 include materials or problems more closely related to other branches or fields of electrical work (e.g. "outside lineman" or "design engineering") than they did to residential wiring or matters. In an examination of twenty questions, a significant portion of the inquiry did not directly relate to the nominal subject of that examination.

## II

The complainant alleged that the August, 1982, examination favored union members. The history of the scoring of this and other recent examinations suggest otherwise. A summary of all 1982 electrical administration examinations was requested from the Division of Occupational Licensing. Mr. Fowler asked that the test applications be reviewed to note whether or not the applicant had any union affiliation or had attended a union-sponsored trade school. The following are the results of this research:

<u>Test Date</u>	<u>Applicant Group</u>	<u>Pass</u>	<u>Fail</u>	<u>Total</u>
2/82	IBEW member	0	5	5
	Non-member	<u>9</u>	<u>18</u>	<u>27</u>
		9	23	32
5/82	IBEW member	7	5	12
	Non-member	<u>11</u>	<u>40</u>	<u>51</u>
		18	45	63
8/82	IBEW member	0	4	4
	Non-member	<u>5</u>	<u>19</u>	<u>24</u>
		5	23	28
11/82	IBEW member	1	4	5
	Non-member	<u>9</u>	<u>24</u>	<u>33</u>
		10	28	38

Summary of those taking the tests:

<u>Applicant Group</u>	<u>Pass %</u>	<u>Fail %</u>	<u>Total</u>
IBEW members	8 - 19% <sup>30</sup>	18 - 15% <sup>69</sup>	26 - 16%
Non-members	34 - 81% <sup>25</sup>	101 - 85% <sup>75</sup>	135 - 84%
	42 - 100% <sup>26</sup>	119 - 100% <sup>79</sup>	161 - 100%

While the failure rate for all examinations in both categories seems abnormally high, at least on the basis of raw data the difference in the pass/fail ratios as to union and non-union related applicants is not statistically significant.

## III

Complainant's third allegation, that "the tests are held in diverse locations across the state making it exceedingly difficult and costly for applicants to take the exam," is unsupported. The Board's attempt to test at rotating sites appears to be an effort to spread the cost of a single test site equally to applicants across the state. It is the Board's prerogative to determine the location of test sites and, while I might not reach the same conclusion, the Board's decision to adopt a rotating approach appears reasonable.

## IV

There is no easy way to evaluate the claim that the outside lineman test is unfair because the amount of time required to complete certain required drawings is too time consuming. Mr. Fowler interviewed Eliza Wojtaszek, an electrical engineer on the teaching staff of the University of Alaska Engineering School. Ms. Wojtaszek had reviewed the 1981 tests for the Department of Law during its review of several complaints about the examinations. Ms. Wojtaszek was asked if the type of questions used in Part 3 of the May 1982 Outside Linework test were appropriate. She stated that, based on a verbal description the type of question asked, they seemed appropriate. She did state that she could not ascertain the level of difficulty without actually taking the test herself. Mr. Wojtaszek's candid conclusion suggests that the fitness of specific questions asked within the examination required a judgment call that, based on advice received, I am not now willing to make.

## V

Finally, the complainants argued, generally, that the quarterly examinations given by the Board are inconsistently scored from one quarter to another. This allegation appears to have some support.

Mr. Fowler expanded his inquiry to look at other recent reviews of electrical examination testing. The two audits were performed as "Sunset Reviews". The relevant recommendations made in those audits are outlined below:

(1) "A Performance Review of the Electrical Examiners," May 2, 1979:

- a) The audit did not find reasons for the Board to continue and recommended it for sunseting;
- b) Communications' electricians should be exempted from the electrical administrative licensing;
- c) The enforcement of laws for issuing licenses should be in a uniform and consistent manner;
- d) Procedures for conducting grading and reviewing examinations should be established;

(1) A portion of the residential wiring examination was inconsistently scored;

(2) Persons who had "failed" an exam were reviewed and, upon the review, passed. There was no information to show why they passed upon the review. No credit was given to others who may have failed the challenged poorly-worded questions.

(2) "A Performance Review of the Board of Electrical Examiners," July 16, 1981:

- a) The audit again recommended the termination of the Board of Electrical Examiners. It concluded there were other devices, laws and agencies that protected the public;
- b) They again recommended that the law be drafted to exempt communications' electricians from the electrical administrative licensing;
- c) Enforcement of existing laws for issuing licenses should be consistent. Several exceptions were still found since the prior audit. The terms and criteria used needed formal definition;
- d) Procedures for conducting, grading and reviewing examinations should be established;

(1) Various methods were still noticed by auditors;

(2) Regraded applications still did not have documentation as to why the scores were changed; and

(3) It was again recommended that procedures be established;

e) Reciprocity licensing should be allowed;

(1) Statutes were changed since the last audit to permit this;

(2) The agency's reply to this recommendation was their inability to determine the equivalency of the examinations given by other states. At the time of the reply (September 28, 1981), the department stated ". . . No practical solution to this problem is apparent";

f) It is noted that the Department of Commerce and Economic Development did agree with all of the aforementioned recommendations.

The Department of Law files, A22-032-82 and A22-049-82, contain memoranda which reflect a review of the electrical board examination procedures. Both files were opened as a result of appeals made by unsuccessful applicants. Two groups of exams were in question, those of November 6, 1980 and May, 1981.

A conclusion was made by an investigator in the November 6, 1980 test was ". . . the grades assigned were the result of mistakes by the examiner, inconsistently applied standards and "judgment calls" or "arbitrary decisions by the graders." It was noted that several errors resulted in examinees being denied professional licenses. It was observed that because of the significant errors, the Department of Law should not attempt to defend the Board's test.

The May, 1981 test brought the following allegations: "The test is poorly written; inconsistently administered, scored and reviewed; biased in favor of union members," and "not operating in the best possible interest or in accordance with AS 08.40.005(2)," but "keeps competition out of the industry."

Three Department of Law "Finding of Fact Conclusions of Law and Proposed Orders" were reviewed regarding the November, 1980 and May, 1981 examinations. Each finding noted large discrepancies in the scoring and the administration of the tests. The last of these three reviews was signed on November 23, 1981.

Mr. Mockerman was also interviewed regarding the alleged inconsistency in the grading of the electrical administrator tests. He indicated that his reviews of the test also showed some common questions from the certificate of fitness examination given by his department. It was noted that he advised Occupational Licensing of similar problems on the Inside Wiring and Residential Wiring on September 2, 1980. Mr. Mockerman also noted that 99 of the 161 applicants that took the administrator examination in 1982 did not have a certificate of fitness from the Department of Labor at the time they took the test.

In summary, I find the pair of complaints "partially justified." The principal shortcomings, outlined above, relate to test content and scoring of the particular examinations called to our attention by the complainants.

RECOMMENDATION:

As has been asked or suggested on earlier occasions, the Electrical Administration Examination process needs to be revised. The examination contains problems which have been investigated by several agencies in the past and which seemingly remain uncorrected.

In considering revision, the Board would seem to have a choice of one of two options:

(A) The Board should appoint a committee of persons having the academic training and practical experience to develop a series of tests for electrical administrators. The following should be considered by the Board:

- 1) Tests will be created from a revolving pool of test questions. The questions should be reviewed by the committee for applicability, clarity and lack of ambiguity;
- 2) Test questions must be relevant to the entry level electrical administrator;
- 3) Test papers should not have applicant names on them but should rely on a code to eliminate any claim of favoritism;
- 4) A formal procedure for challenging test questions should be established. When a question is successfully challenged other persons missing that question should receive credit;
- 5) Discussions with Job Service or community colleges should occur to see if they would proctor the examinations at various locations across the state at the same time.

(B) The Board should consider a contract to provide electrical contractors' examinations by the Educational Testing Service. This should include a request to develop sub-specialty examinations, if necessary, and arctic environment questions with other northern tier states.

Suggested advantages of this choice are:

- 1) More frequent tests at more sites in the state;
- 2) A set of questions which have been screened by a multi-state committee for clarity and applicability;
- 3) A scoring process which is totally objective with little possibility for an apparent conflict of interest appearing;

- 4) The ability to implement reciprocity licensing arrangement with other states;
- 5) Allowing the Board more time to deal with significant issues rather than the examination details.

By way of additional information, the Educational Testing Service (ETS) has invited several Alaskans to participate with representatives from other states in creating a National Electrical Contractors Licensure Test. Members of the Alaska Electrical Board and representatives from Occupational Licensing were invited but unable to attend. As a result of the efforts of the multi-state panel, a comprehensive examination has been developed. Mr. Fowler advises that Massachusetts, Montana, Utah and Washington have contracted with ETS to do the testing for their states' electrical contractors, and that an additional eight states are expected to participate by the end of next year.

The tests are given bi-monthly in several locations in each state. Those who take the test are charged approximately \$25.00 each time they take the test. Questions are drawn from a pool of over 500 questions that have been checked for fairness, clarity and lack of ambiguity by the multi-state panel. The contents of the tests vary for each sitting. Strict security surrounds the content and handling of the tests. An obvious advantage to a multi-state test is the area of reciprocity licensing. Currently, states are not anxious to pass their tests around to the equivalency of the tests can be measured. There are test security concerns involved. A multi-state test resolves this problem. ETS has indicated an interest in developing specialty tests for contractors and could put together a test that would touch on arctic concerns. Whether or not this would be done would depend on either expressed interest from several states or a contract from a specific state for such a development.

The ombudsman has been given, by law, the authority to adopt regulations establishing procedures to report his findings. Current regulations ask an agency to advise the ombudsman within 30 days as to whether the agency accepts or rejects an ombudsman's recommendation. 21 AAC 05.080(a). In accordance with that regulation, may I have your response to my recommendation by January 10, 1983. If additional time is required for formal consideration of this matter by the board, please advise.

Please contact Duncan Fowler or me at our Juneau office if you have any questions.

Sincerely,

John B. Chenoweth  
Ombudsman

JBC:DCF:mm:jdt  
cc: Harry Treager  
Director, Occupational Licensing

B. HERBERT  
P. O. Box 2240  
Valdez, Alaska 99686

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February 17, 1986

Mr. Kevin Henderson  
Division of Occupational Licensing  
P. O. Box D-LIC  
Juneau, Alaska 99811

Dear Mr. Henderson:

I have received several copies of the proposed changes to the statutes and regulations governing the Board of Electrical Examiners. At present, I am in contact with twelve other persons in the electrical industry as concerned with the proposed changes as I am.

The proposed changes are only more restrictive to the majority and favor in some instances only a small minority.

Enclosed is a list of the changes with revisions to make them more equitable. As proposed by the Board of Examiners, the changes would increase costs to the public through added administrative expense. The consumer would also have additional costs passed on as the cost of doing business. The applicant for a license would also be more restricted as he would lose rights now afforded by statute in its present form.

I am sure the public good should be considered and I hope my suggestions will be of help with your deliberations which are greatly appreciated.

Thank you for your time and attention.

Sincerely,

B. Herbert

cc: Senator Edna DeVries	Representative Mike Navarre
Senator Fred Zharoff	Representative Nike Davis
Senator Richard Eliason	Representative H. A. "Red" Boucher
Senator Don Bennett	Representative Virginia Collins
Senator Bill Ray	Representative Alyce Hanley
Senator John Sackett	Representative Niilo Koponen
Commissioner Loren Lounsbury	Representative Drue Pearce
Representative Andre Marrou	Representative Bette Cato

12.AAC.32.001 (4) Should be amended to read:

- (4) An Alaska registration as a professional electrical engineer plus -
  - (A) Management experience in the electrical construction industry as a field engineer, office engineer or in a similar engineering position for at least four of the six years immediately preceding the date of application;
  - (B) Experience as a journeyman lineman in outside construction for three of the six years immediately preceding the date of application;
  - (C) Certified inspector for the State of Alaska or one of its municipalities with experience as a journeyman lineman in outside construction for two of the four years immediately preceding the date of application;
  - (D) Full time instructor at a school approved by the Board with experience as a journeyman lineman in outside construction for two of the four years immediately preceding the date of application.

12.AAC.32.090 (2) Is amended to read:

- (2) Construction Management experience in inside wiring as a field superintendent, field engineer, or similar position for at least four of the six years immediately preceding the date of application; or

12.AAC.32.090 (4) Should be amended to read:

- (4) An Alaska registration as a professional electrical engineer plus -
  - (A) Management experience in the electrical construction industry as a field engineer, office manager or in a similar position for at least four of the six years immediately preceding the date of application; or
  - (B) Experience as a journeyman electrician in outside construction for three of the six years immediately preceding the date of application; or
  - (C) Certified electrical inspector for the State of Alaska or one of its municipalities with experience in inside construction as a journeyman for two of the four years immediately preceding the date of application; or
  - (D) Full time electrical instructor at a school approved by the Board and experience in inside construction as a journeyman for two of the four years immediately preceding the date of application.

12.AAC.32.240 Examination Papers - Should be amended to read:

All examination papers will be preserved for a period of at least one year after notification of grade results, during which time any candidate who has failed the examination may inspect his or her papers in the presence of a Board member or his designee. However, no person may inspect examination papers during the 20 days immediately preceding any examination.

12.AAC.32.350 Exemption From Continuing Education

In agreement with changes.

12.AAC.32.900 Licensed Electrical Administrator is Responsible for Completed Project

This section should remain as is.

12.AAC.32.910 Change of Employer or Company Affiliation

This new addition is not necessary and should not be added.

12.AAC.32.990 (7) [Formerly 12.AAC.32.910 (7)]

No opinion

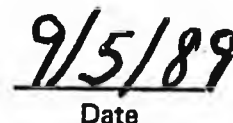


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date