State Board for Crane Operators
Minutes of the December 4, 2013, Meeting

Members Present: Edward St. John, Chairman; Edward Shapiro, Richard DeJulio; Nate Brown; Richard Cop

Also Attending: Elliot Henowitz, State Crane Inspector; Jenna Padula, DAS/DCS; David D'Ostilio, IUOE, Rick Barrett, IUOE; Kevin Kopetz, DAS/DCS; Lelah Campo, ABC; Linda Spring DAS/DCS/OSFM

1. The meeting was called to order at 9:30 a.m.
2. Approval of Minutes
3. Old Business:
   A. None
   B. No discussion
   C. Re-certification is well under way. Two sessions per month have been scheduled with the possibility of Saturday sessions to be held to accommodate applicants. Practicals are coming up in the next two weeks.

10/2/13 – DAS letter (attachment 1) distributed.

There are two accidents still unresolved that need to go through the administrative hearing process – Rich DeJulio is willing to participate on the informal hearings. These two informal hearings will be set up on the day of the February Board meeting by the legal department.

4. A. The Crane Board reviewed applicants for crane operator testing.
   B. The Crane Board reviewed crane apprentice applicants. The Board requested the testing list for quarterly crane and hoisting testing for February 2014.
   C. 1. The de-rating of cranes will not be allowed by the Crane Board.
      2. A Pulstar series 20000 hydraulic pump hoist was reviewed by the Crane Board. This particular pump puller was not classified as a crane, therefore, the state has no jurisdiction over it.

5. Public Comments – none.

First Wed. in Feb. for Rich DeJulio & Jenna to meet for informal conference with respect to the Moses Wheeler Bridge crane accident and the New Britain to Hartford Busway Project crane accident in West Hartford, Connecticut. Need report first for the 2 outstanding crane operators.

Meeting adjourned at 10:30 a.m.

12-4-13
mtg.

(7)

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE OF CONNECTICUT
DIVISION OF CONSTRUCTION SERVICES
165 Capitol Avenue
Hartford, CT 06106

DATE: October 2, 2013

TO: Connecticut Board for Crane Operators

FROM: DAS Division of Construction Services Legal Division

RE: Changes to the state crane examination

You asked whether the Board has the authority to accept a nationally accredited crane operator certification program test results in lieu of the Connecticut crane operators' examination. Absent a statutory change the Board does not have the authority to affect such a change.

Section 29-223 of the Connecticut General Statutes describes the duties of the Commissioner and the duties of the Board. The Board is charged with administering the exams, setting passing grades for the exams, scheduling the exams, providing notice of the exam times and locations to applicants, and keeping a record of its proceedings and a roster of those licensed by it.

On the other hand, the Commissioner is charged with adopting regulations, with the Board's advice and help, which set the requirements for the exams, establish applicant qualifications, and establish procedures and licensing fees.

The regulations also require written and practical examinations be administered by the board. Further, the regulations in Sec. 29-223-4a require the board to schedule the general and operating examinations.

Taken in their entirety and considering past practice and interpretation, the statutes as written do not allow the board to unilaterally decide to rely on national testing organizations' examinations in lieu of the state-specific examinations currently administered by the board.

Changes in the statutes that were passed in the 2012 legislative session but that are not scheduled to take effect until October 1, 2014, also contemplate state-specific examinations. On and after October 1, 2014, Section 29-223 further requires crane operators upon license renewal to pass a retest "developed" by the Board. This language was crafted to specifically ensure that the renewal test would be a Connecticut state-specific exam. To move away from that would require a statutory change.

Changes to state statute may only be made through the legislative process and changes to state regulations may only be made pursuant to the requirements set forth in the Uniform Administrative Procedures Act. The Board cannot effect a change in either through a vote of its membership.