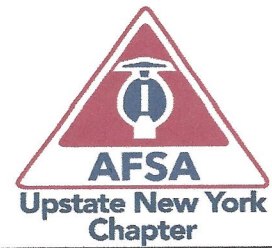


UPSTATE AMERICAN FIRE SPRINKLER ASSOCIATION MEMORANDUM OF OPPOSITION



S.4403A (Savino) On Consumer Protection Committee Agenda 1/15

Licensing of Fire Sprinkler Fitters

#1 The Upstate New York Chapter of the American Fire Sprinkler Association (AFSA), a trade organization representing merit shop fire sprinkler contractors, strongly opposes this bill. Currently, hundreds of trusted independent small businesses safely install sprinkler systems which protect their communities. These businesses provide well-paying jobs to thousands of skilled sprinkler fitters which could disappear if this bill is passed. AFSA is working with the legislature on another bill that would license at the contractor level, which we believe, is the most appropriate method of regulating our industry.

Under current law, all sprinkler plans are certified by a licensed professional engineer in compliance with the New York State Uniform Fire Prevention and Building Code. In addition, once a sprinkler system has been installed, it undergoes mandated inspection by code officials.

#2 Sprinkler fitters are trained on the job and through professional training programs but this bill mandates a single apprenticeship program creating a one-size fits all approach and disproportionately impacts independent family-owned businesses. This bill would limit entry into a well-paying trade by requiring individuals regardless of their skills, experience or aptitude be taught under arbitrarily designated standards. Our businesses provide valuable on-the-job training that far surpasses any apprentice program and while the Upstate NY AFSA is a strong advocate of formal apprenticeship training, we recognize there are many ways to learn our trade and do not want to see a barrier to entry established.

#3 Requiring each individual fitter to be licensed is unnecessary and a huge financial burden on small businesses. **This legislation would impose significant costs on contractors reaching in the thousands per employee.** Successful small contractors operating safely and effectively in our industry would not be able to absorb these costs.

#4 If enacted, this bill would require highly skilled fire sprinkler fitters to either complete an arbitrarily approved New York State Department of Labor apprentice program or successfully 'test out.' We do not believe a 'test out' option is appropriate because it establishes yet another barrier to entry for otherwise skilled individuals who may not thrive in a standardized testing environment.

#5 Furthermore, the bill establishes an appointed board to oversee the 'test out' option for fire sprinkler fitters. However, this board does not include representation from any fire sprinkler or contractor trade organizations. Unfortunately, without the expertise of these trade professionals it is impossible to fairly judge the qualification, knowledge or skill level of a fire sprinkler fitter.

#6 Similar bills have had serious consequences for sprinkler fitters in other states and we anticipate the same outcomes in New York. If enacted, multi-generation family owned small businesses would be unnecessarily burdened and could result in job losses and business closures.

The Upstate New York AFSA is committed to working with the legislature to provide high standards in the fire protection industry. However, the Upstate NY AFSA opposes unfair mandates, that harm reputable contractors in our industry. **For these reasons we urge that S.4403-A (Savino) / A.7948 (Crespo) NOT be passed.**



#1 - AFSA National Manager of Chapter Relations and advisor on government affairs Kevin D. Korenthal stated the following on the California Sprinkler Act.

Even with the onerous requirements set forth in California, merit shop contractors can abide by the rules and flourish just as they always have. The act will also benefit the merit shop by reducing the number of unlicensed or otherwise unqualified contractors and installers.

#2 – The Bill doesn’t mandate a single one size fits all program, nor does it mandate an arbitrary designated standard. In fact the majority of the contractors that penned the opposition letter have registered apprentice programs with NY DOL and use the NCCER/AFSA curriculum that they wrote which is accepted and approved by NY DOL. Barriers do not exist in this Bill for entry into a program, this bill creates a pathway into the middle class through training and legitimizing the trade.

#3 – There are zero provisions within this Bill to impose any costs on the contractors for employees to be licensed.

#4 – The AFSA/NCCER program curriculum, which is currently being used by the majority of the Upstate NY Chapter of the AFSA has been accepted and approved by NY DOL therefore there is no such thing as an arbitrarily approved program. Furthermore, New York residences should feel confident that the people installing life safety fire protection systems have a basic understanding of this highly skilled trade. The “test out” option would ensure programs actually teach and train apprentices to become a journeyman and not just reap the benefits of paying apprentice wages on prevailing wage work.

#5 – The Bill includes fire sprinkler contractors as well as a NYS licensed Fire Protection Engineer on the board.

#6 – Similar Bills have a positive impact on local jobs due to the regulations having reduced the number of unqualified and untrained workers from performing this highly skilled work. As stated by the AFSA 's National Manager of Chapter relations.

Why would a contractor oppose a installer Bill that would create jobs in New York State?

- This Bill would limit the practice of using Temp agencies for untrained and unqualified workers installing life safety fire sprinkler systems.
- Utilizing 1099 workers that do not have an approved training program would be limited.
- Utilizing out of State undocumented workers would be limited.

The AFSA is working to have a contractor only licensing Bill passed in New York State that leaves the worker behind and would not stop any of the above practices.

Contractor issues that signed opposition letter.

WNY Fire – On going litigation, case involves wage theft, health insurance deducted no policy for employee, SS deducted not paid on workers behalf.

ABJ Fire – Prevailing wage case lost made employee whole by paying withheld wages.

Northeast Fire – Prevailing wage case lost made employee whole by paying withheld wages.

Armour Construction – National Labor Board case lost, posted offences and back pay for unjust firing.