

**NEW CONTINUING EDUCATION REQUIREMENTS FOR THE CONSTRUCTION
SUPERVISOR’S LICENSE**

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Introduction

On May 11, 2010, the Board of Building Regulations and Standards (“BBRS”) enacted continuing education requirements for maintaining a Construction Supervisor’s License (“CSL”) under 780 CMR R5. This article summarizes the new requirements.

Implementation

The new license requirements will be phased in gradually. Before the new requirements take effect, the BBRS staff will be afforded time to review and approve or deny education coordinators, course content, and course instructors. This process has not yet begun but interested parties may apply for these positions when applications become available in late 2010. The application review process will begin in early 2011.

Hours Requirements

A qualifying licensee must provide proof of completion of required hours of continuing education per two year license cycle in the appropriate category in which the licensee is licensed. Credit may not be earned if the licensee has previously obtained credit for the same course as either a student or instructor during the same licensing period.

The following hours are required for each license:

<u>License Type</u>	<u>Hours Required</u>
Unrestricted Construction Supervisor’s License	12 hours
Restricted Construction Supervisor’s License	10 hours
Specialty* Construction Supervisor’s License	6 hours

*A specialty license is required for masonry, roofing, windows/siding, demolition, burning fuel, or insulation.

To satisfy the hour requirement for each type of license, CSL holders are required to complete one hour of each of the following education topics: Code Review, Workplace Safety,

Business Practices / Workers' Compensation, Energy (except demolition specialty), and Lead Safe Practices (only first renewal cycle). Any additional hours needed to fulfill license requirements may be met with approved electives.

Building Code Enforcement Officials who are certified and in good standing in accordance with 780 CMR R7 do not need to fulfill the Construction Supervisor's License continuing education requirement.

Content of Continuing Education Courses

The following courses will not be approved for credit:

- (1) Courses designed solely to prepare students for a license examination in a discipline other than CSL;
- (2) Courses in mechanical office skills, including typing, speed reading, etc. Computer or business skills courses are allowed if appropriate and related to the regulated industry of the licensee;
- (3) Courses in motivation, psychology, or any other course not related to the building industry; and
- (4) Courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed.

Course Approval

Courses must be approved by the BBRs in advance and courses must be at least one hour long. An application for course approval must be submitted at least 120 days before the course offering. Approval for a subsequent offering of an approved course will be granted if the course is offered within 24 months of the original approval. Courses should be updated subject to periodic review by the BBRs to ensure currency with technological changes in the building code.

Course Coordinator

Each course of study shall have at least one course coordinator, and this person must be registered with the BBRs. Each coordinator may oversee no more than 12 courses of study. The course coordinator has the following responsibilities:

- 1) Ensuring compliance with all laws and rules relating to continuing educational offerings governed by the BBRs;
- 2) Ensuring that instructors are qualified to teach the course offering as defined by the BBRs;

- 3) Maintaining accurate records relating to course offerings, instructors, tests taken by students if required, and student attendance for a period of three years from the date on which the course was completed. These records must be made available to the BBRS upon request, and the coordinator is responsible for maintaining the records in the event a coordinator ceases operation for any reason;
- 4) Supervising and evaluating courses and instructors;
- 5) Providing course completion certificates within 10 days of, but not before, completion of the entire course. The course completion certificates must contain the following statement: "If you have any comments about this course offering, please mail them to the Board of Building Regulations and Standards, attn: Education Coordinator." The current address of the department must be included. A coordinator may require payment of course tuition as a condition for receiving the course completion certificate;
- 6) Investigating complaints related to course offerings or instructors. A copy of the written, signed complaint must be sent to the BBRS within 10 working days of course completion;
- 7) Being available to instructors and students throughout the course and providing students and instructors with the mailing address, telephone number, and email address at which the coordinator can be reached;
- 8) Participating in workshops or instructional programs as required by the BBRS;
- 9) Furnishing the BBRS, upon request, with copies of course and instructor evaluations and qualifications of instructors; and
- 10) Notifying the BBRS in writing within 10 days of any change in the information in an application for approval on file with the BBRS.

Instructors

Each continuing education course must have an instructor who is qualified by education, training, or experience. Failure to have a qualified instructor will result in loss of course approval. Qualified instructors must have one of the following qualifications:

- 1) A four-year degree (bachelor's or equivalent) in any discipline plus two years of practical experience within the previous five years in the subject area being taught;
- 2) A four-year college degree (bachelor's) or graduate degree in the subject area being taught;
- 3) A CSL holder or certified building official with at least three years experience in the subject area being taught, and must demonstrate proficiency in the subject; or

- 4) Five years practical experience within the previous ten years in the subject area being taught;

Not surprisingly, no contractor whose construction license is currently suspended or revoked as a result of BBRs discipline is permitted to teach or serve as a continuing education course instructor.

Approved instructors are responsible for:

- 1) Compliance with all laws and rules relating to continuing education;
- 2) Providing students with current and accurate information;
- 3) Maintaining an atmosphere conducive to learning in the classroom;
- 4) Verifying attendance, submitting completed course evaluations, and certifying course completion;
- 5) Providing assistance to students and responding to questions relating to course materials; and
- 6) Attending the workshops or instructional programs that are required by the BBRs.

Prohibited Practices for Coordinators and Instructors

In connection with an approved continuing education course, coordinators and instructors must not:

- 1) Recommend or promote the services or practices of a particular business;
- 2) Encourage or recruit individuals to engage the services of, or become associated with, a particular business;
- 3) Require students to participate in other programs or services offered by the instructor or coordinator;
- 4) Attempt, either directly or indirectly, to discover questions or answers on an examination for a license;
- 5) Disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations;
- 6) Misrepresent any information submitted to the BBRs;
- 7) Fail to cover major points, issues, and concepts contained in the course outline BBRs approved; or

8) Issue inaccurate course completion certificates.

Coordinators must notify the BBRS within 10 days of any felony or gross misdemeanor conviction or of disciplinary action taken against an occupational or professional license held by the coordinator or an instructor teaching an approved course.

Course Fees and Cancellation

Fees for a course must be clearly identified to all students and if the course is cancelled for any reason, students must be given a refund within 15 days of cancellation. If the course is postponed for any reason, student must be given the option of either attending the course at a later date or of having their fees refunded within 15 days from the postponement. If a student is unable to attend a course or cancels the registration of a course, then course coordinator policies will govern.

Continuing Education Fees

The following fees shall be paid to the BBRS:

Course Approval

Initial Course Application	\$100 for each continuing education course approval sought.
Initial Course Approval	\$25 for each hour or fraction of one hour, but not to exceed \$150 per course. This is refundable if approval is denied. Renewal of course approval expires on the last day of the 24 th month after the course is approved.
Renewal of Course Approval	\$25 for each hour or fraction of one hour, but not to exceed \$150 per course. Renewal of course approval expires on the last day of the 24 th month after the course is approved.

Course Coordinator

Initial Coordinator Approval	\$400 (maximum of 12 courses). Initial coordinator approval expires on the last day of the 24 th month after the coordinator is approved.
Renewal of Coordinator Approval	\$300. Renewal of coordinator approval expires on the last day of the 24 th month after coordinator is renewed.

*All fees paid to the BBRS under this section are nonrefundable unless otherwise specified, except that an overpayment of a fee shall be refunded upon proper application.

Advertising Courses

All advertising for continuing education courses must be truthful and not deceptive or misleading. Courses may not be advertised in any manner unless approval has been granted by the BBRS. No advertisement may be circulated or distributed in the state unless the following is prominently displayed: “This course has been approved by the Massachusetts Board of Building Regulations and Standards for (approved number of hours) hours for continuing (relevant industry) education.” The number of hours for which a course has been approved must be prominently displayed and if the course offering is longer than the number of approved hours, it must be clear that credit is not given for the entire course. All continuing education course advertising also must comply with general advertising laws under 603 CMR 3.14: Advertisements.¹

¹ This article is not offered as legal advice. Please retain counsel to obtain legal advice. Any questions should be directed to Mike Sams. Kenney and Sams works with contractors and owners regarding construction risk management issues, drafting and negotiating contracts, and litigating disputes. We’ve recently written articles concerning the RRP regulations, the “Prompt Payment” statute, Green building risks, and comparisons between the ConsensusDocs and AIA 2007 contracts, to name a few.