

ELEVATOR MECHANICS LICENSING BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

- Date: Thursday, July 26, 2018
- Time: 1:00 p.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813
- Present: Lawrence T. Morinaga, Industry Member, Chairperson
James Wilburn, Jr., Industry Member, Vice Chairperson
Jammie Garcia-Paahana, Industry Member
Bert Yorita, Department of Labor and Industrial Relations Designee
Steve Tsunemoto, Industry Member
- Kedin Kleinhans, Executive Officer
Krishna Jayaram, Esq., Deputy Attorney General (“DAG”)
Jessica T. Mullin, Secretary
- Guest: Marc Yamane – International Union of Elevator Constructors (“IUEC”) Local 126
Jim Hutchinson – Precision Elevator, Inc
- Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).
- Call to Order: There being a quorum present, the meeting was called to order at 1:00 p.m. by Chairperson Morinaga.
- Approval of Minutes: It was moved by Mr. Wilburn, seconded by Ms. Garcia-Paahana, and unanimously carried to approve minutes of the April 6, 2018 Board meeting.
- Executive Officer’s Report: Executive Officer Kleinhans reviewed the list of current temporary permittees and the results of the State Elevator Mechanics licensing examination administered in the months of February, March, May and June of this year.
- Licensing:
- a. Ratifications
- It was moved by Vice Chairperson Wilburn, seconded by Ms. Garcia-Paahana, and unanimously carried to ratify the list of issued temporary permits and apprentice registrations attached (see, attached list).
- b. Applications – Apprentice Elevator Mechanic
- At 1:08 p.m., it was moved by Vice Chairperson Wilburn, seconded by

Ms. Garcia-Paahana, and unanimously carried for the Board to move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS section 92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

EXECUTIVE SESSION

At 2:13 p.m., it was moved by Mr. Tsunemoto, seconded by Ms. Garcia-Paahana, and unanimously carried for the Board to move out of Executive Session.

It was moved by Ms. Garcia-Paahana, seconded by Mr. Tsunemoto, and unanimously carried to approve the following applicants for apprentice elevator mechanic registration:

- i. Shayne Masu
- ii. Travis Hashimoto

c. Applications – Exam and License Elevator Mechanic

After discussion, it was moved by Ms. Garcia-Paahana, seconded by Mr. Tsunemoto, and unanimously carried to approve applicant, Alan Oshiro, to sit for the State examination:

After discussion, it was moved by Ms. Garcia-Paahana, seconded by Mr. Wilburn, and unanimously carried to defer applicant, Jeff McCoy, to sit for the State examination pending clarification of the experience verification portion of his application:

After discussion, it was moved by Mr. Tsunemoto, seconded by Ms. Garcia-Paahana, and unanimously carried to approve applicant, Keenan Revilla, to sit for the State examination:

After discussion, it was moved by Mr. Tsunemoto, seconded by Mr. Yorita, to approve applicant, Terry Bell, to sit for the State examination, however the motion did not carry as Mr. Tsunemoto retracted his motion. After further discussion, it was moved by Mr. Tsunemoto, seconded by Vice Chairperson Wilburn, and unanimously carried to defer applicant, Terry Bell, to sit for the State examination pending clarification of employment dates, number of hours per week worked, and employer addresses on his application:

After discussion, it was moved by Mr. Wilburn, seconded by Ms. Garcia-Paahana, and unanimously carried to defer applicant, Jarred Bell, to sit for the State examination pending clarification of employment dates, position titles, and completing the unfinished portion of the application:

Mr. Hutchinson, who attended the meeting to speak on behalf of Terry Bell, pointed out that Mr. Bell had an Elevator Mechanics license in 2007 and asked if that had any merit in the decision-making process for Mr. Bell's current application to obtain a license. Mr. Hutchinson stated that Mr. Bell let his license expire because he was not working in Hawaii for a while. Chairman Morinaga informed Mr. Hutchinson that Mr. Bell left portions of the application blank, so it is therefore incomplete. Executive Officer Kleinhans added that pursuant to HRS section 436B-14, as Mr. Bell failed to restore his license within one year after the date of forfeiture thus, Mr. Bell must reapply for licensure as a new applicant.

Legislation: S.B. 2494 – Relating to Elevator Mechanics (and subsequent drafts)

Executive Officer Kleinhans reported that S.B. 2494 was not heard by the Conference Committee and is effectively “dead” for the session.

Discussion ensued on S.B. 2494 should a similar measure be brought to the upcoming Legislative session. Executive Officer Kleinhans noted that with the new presence of Mr. Hutchinson and Precision Elevator, Inc., a non-union elevator contractor, the Board would need to revise its testimony to address the issue of requiring training programs. Executive Officer Kleinhans advised the Board of three possible options:

- i. Further carve out the exemption
- ii. Wait until a non-Union training program becomes available.
- iii. Consider a Qualification of Elevator Inspectors (QEI) certification in lieu of a training program.

Executive Officer Kleinhans advised Board members against further carving out an exemption, as it might lead to unintended consequences.

Mr. Tsunemoto explained that the process of getting a QEI is involves locating and identifying the proper codes, which is not equivalent to acquiring experience in the field and working on elevators. Executive Officer Kleinhans said the QEI certification would be in addition to working four years as a registered apprentice elevator mechanic. Board members agreed by consensus to defer discussion of the matter, should a similar bill surface in future legislative sessions.

New Business: a. Possible Amendments to HAR §16-81

Executive Officer Kleinhans proposed the following revisions to HAR §16-81-3, noting that the following revisions would keep HAR §16-81-3 consistent with language in HRS §448H:

“Apprentice” or “apprentice elevator mechanic” means any person who is in training to acquire the skills to become an elevator mechanic and who

is required to work for at least [~~two~~] four years under an elevator mechanic's direct supervision as defined in this chapter.

"Direct supervision" means that a licensed elevator mechanic is on the premises where the work is being performed and is supervising and directing the work of the apprentice.

"General supervision" means that a licensed elevator mechanic is supervising the apprentice and is in the same or adjacent building or buildings, or that the apprentice is in the immediate vicinity of the licensed elevator mechanic on the maintenance route. General supervision applies only to work by the apprentice elevator mechanic which involves cleaning, oiling, greasing, and painting.

Executive Officer Kleinhans proposed the following revisions to HAR §16-81-4, noting that the following revisions would keep HAR §16-81-4 consistent with language in HRS §448H:

- (c) An applicant for licensure shall:
 - (1) Have had at least [~~two~~] four years of experience as an apprentice elevator mechanic under the direct supervision of a licensed elevator mechanic. Such experience shall include, but not be limited to the following:
 - (A) Electricity and electronics, which shall include experience in fundamentals, wiring diagrams and blueprints, wire sizing and installation, and troubleshooting;
 - (B) Hydraulic systems and equipment;
 - (C) Elevator maintenance; and
 - (D) Escalators and moving walks;
 - (2) Submit documentary proof of a form provided by the board verifying that the applicant has satisfactorily completed at least the [~~two~~] four years of required experience as an apprentice elevator mechanic under the direct supervision of a licensed elevator mechanic;

Executive Officer Kleinhans proposed the following revisions to HAR §16-81-5, noting that the following revisions would address the Board's concerns of applicants that inadvertently forgot to register as an apprentice prior to working the required four years under the supervision of a licensed elevator mechanic:

- (d) An apprentice elevator mechanic shall complete a minimum of [~~two~~] four years of work experience before applying for the elevator mechanic's examination and license.
- (e) The starting date of the [~~two-year~~] four-year experience requirement shall be the recorded date of registration as an apprentice elevator mechanic with the board, provided that the starting date of the

four-year experience requirement for an apprentice elevator mechanic enrolled in a four-year apprenticeship program for the elevator industry that is registered with a state apprenticeship agency recognized by the United States Department of Labor or the Office of Apprenticeship, United States Department of Labor shall be the starting date with the four-year apprenticeship program.

Executive Officer Kleinhans stated that more discussion is needed on rule revisions. Additionally, he stated that members of the public should be afforded ample time to discuss the possible revisions and thus, recommended the Board to defer the matter until the next meeting. Board members agreed by consensus to defer discussion and decision-making on amendments to HAR §16-81 until the next meeting.

b. International Union of Elevator Constructors Local 126

Mr. Yamane reported that there are unlicensed individuals accessing elevator hoistways and added that an elevator hoistway is a dangerous place for non-licensed personnel. Moreover, having a QEI should not grant someone access to the hoistway. Mr. Yamane stated that only emergency first responders and licensed personnel should be allowed into the hoistway.

Mr. Hutchinson noted that Mr. Yamane's proposal would mean that every elevator inspector would be required to either (1) possess two separate licenses (elevator inspector and mechanic), or (2) be escorted by a licensed elevator mechanic, which would require an elevator mechanic to be on-call.

Executive Officer Kleinhans added that the Regulated Industries Complaints Office (RICO) conducts investigations and serves as the prosecutorial arm of the Board. He added that if a license would be required to enter the hoistway, RICO would be issuing a fine for unlicensed activity, but there would be no license to act upon. Executive Officer Kleinhans further explained that no other profession or jurisdiction, except for District of Columbia, requires a person to possess an elevator mechanic license to enter the hoistway.

DAG Jayaram noted that the Board regulates the profession and that the Board may choose to support other legislation regarding public safety, but it is not necessarily required to be in the Board's licensing law. Executive Officer Kleinhans noted that the Department of Labor does have an authority to assess civil penalties when there is a violation of safety standards relating to boilers and elevators, pursuant to HRS §397-8

c. HAR §16-81-7(b) – Definition of "Consecutive" Regarding Two Consecutive Temporary Permits

Executive Officer Kleinhans stated that applicants for temporary permits may be granted two consecutive temporary permits, wait for a period, and then apply for another two consecutive temporary permits, which skirts having to

obtain a regular license. Discussion ensued on further defining or removing the word "consecutive" through rule revisions. Board members agreed by consensus to further discuss this matter at its next meeting.

Next Meeting: Friday, October 5, 2018
1:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting was adjourned at 3:20 p.m.

Taken and recorded by,

/s/: Jessica T. Mullin

Jessica T. Mullin, Secretary

Reviewed and approved by:

/s/: Kedin Kleinhans

Kedin Kleinhans, Executive Officer

KK:jtm

08/21/18

[x] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.