

## MEMORANDUM

TO: Kent Carlson and Michael Wishnie, Co-Chairs, Task Force to Study the Use of  
MOS Specialty Training as a Substitute for State Licensing Requirements  
FROM: Law Student Interns, Veterans Legal Services Clinic, Yale Law School  
DATE: November 1, 2013  
RE: Licensing Requirements for HVAC Technicians in Connecticut

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### I. Recommendations

- DCP should promulgate a regulation stating that all veterans with sufficient training are exempt from the HVAC qualifying exam, or the Connecticut Legislature should amend CONN. GEN. STAT. § 20-332 (2011) to require DCP to recognize military training when issuing HVAC licenses.
- Veterans should receive the appropriate HVAC license upon presentation of a DD-214 or another DoD form documenting relevant military experience.
- DCP should implement a fee waiver for veterans with HVAC skills who are applying to become licensed HVAC journeypersons or contractors.

### II. Relevance to the Task Force

The licensing of Heating, Air Conditioning, and Refrigeration Mechanics and Installers (“HVAC Technicians”) is highly relevant to the work of the Task Force. According to the most recent IAVA report,<sup>1</sup> HVAC Technicians in Connecticut have a median annual income of \$54,300, which is higher than the national median of \$43,600. In Connecticut, the projected job growth in this industry is 18% over the next decade. The comparable national projection is 34% over the same period. The IAVA report estimates that there are 140 annual openings for HVAC Technicians in Connecticut.

In terms of applicability to military training, the IAVA report lists HVAC Technician as an occupation relevant to both the Navy and the Air Force. According to that report, HVAC Technician is the 4th most relevant occupation for Navy veterans and the 12th most relevant occupation for Air Force veterans.

### III. Licensing Requirements

The licensing structure for HVAC Technicians in Connecticut is similar to the process for electricians, another occupation regulated by the Department of Consumer Protection (DCP). As in that job sector, there are two general categories of HVAC licenses: (1) contractors, who work independently and may employ other HVAC Technicians; and (2) journeypersons, who are licensed to work only in the employ of a contractor. Both categories of HVAC licenses are

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<sup>1</sup> The Veterans Legal Services Clinic (VLSC) at Yale Law School drafted a report on veterans’ employment for IAVA in October 2013. The draft report, which is titled *Transitioning Troops: Aiding Gulf War II Veterans in the Passage from War to the Workplace*, contains statistics on military occupational specialties and the Connecticut labor market. Copies were distributed to the Task Force at the first meeting. Please contact the VLSC law student interns if you would like another copy or more information: matthew.blumenthal@clinics.yale.edu; emma.kaufman@clinics.yale.edu; ryan.podolsky@clinics.yale.edu.

regulated by the Heating, Cooling, Piping and Sheet Metal Work Board within the Connecticut Department of Consumer Protection (DCP).

The DCP is empowered by statute to issue HVAC licenses with the consent of the Commissioner of Consumer Protection. CONN. GEN. STAT. § 20-332 (2011). The specific powers and duties of the Licensing Board are enumerated in the statute, which states that the Board “shall recommend regulations” to establish licenses and “may adopt regulations” that credit previous work experience. CONN. GEN. STAT. § 20-332(a) (2011); *see also* CONN. GEN. STAT. § 21a-7 (2011). The licensing scheme for HVAC Technicians is thus largely regulatory, and the statute currently permits—but does not mandate—the Board to consider prior training.

The DCP has promulgated regulations for three general categories of HVAC licenses: (1) Gas and Oil Burner Licenses (“B” Licenses); (2) Warm Air, Air Conditioning, Refrigeration, and Cooling Licenses (“D” Licenses); (3) Heating, Piping, Cooling, Hot Water, and Steam Licenses (“S” Licenses). Within those three general categories, there are several license subtypes:

- B-1 & B-2, Limited Gas and Oil Burner Licenses: may only install, service or repair gas or oil burners for domestic and light commercial installations
- B-3 & B-4, Limited Gas and Oil Burner Licenses: may install, service, and repair gas or oil fired burners
- D-1 & D-2, Limited Warm Air, Air Conditioning, and Refrigeration Licenses: may install, repair, replace, maintain, or alter any warm air, A/C, or refrigeration system
- D-3 & D-4, Limited Cooling Licenses: may install, repair, replace, maintain or alter all refrigeration systems
- G-1 & G-2, Limited Heating, Piping, and Cooling Licenses: may install, repair, alter, and maintain gas piping systems and approved gas appliances
- S-1 & S-2, Unlimited Heating, Piping, and Cooling Licenses: may do all heating, piping, and cooling work as defined by CONN. GEN. STAT. § 20-330 (2011).
- S-3 & S-4, Limited Heating, Cooling, and Piping Licenses: may install, repair, replace, maintain or alter any apparatus for heating systems and boilers
- S-5 to S-10, Limited Heating, Hot Water, and Steam Licenses: may only do work on hot water or steam heating systems for certain buildings. The building specifications determine the appropriate license.

In each of these categories, the contractor license has a corresponding journeyman license. In general, to qualify as a contractor, a person must have either two years experience as a properly licensed HVAC journeyman or an equivalent amount of experience and training. To become a journeyman, a person must have completed the relevant Department of Labor (DOL) Apprenticeship or have equivalent experience and training. These regulations explicitly acknowledge that DCP may credit training and experience outside of the DOL Apprenticeship program.

Once a person has the requisite training and experience, the process for obtaining an HVAC license is straightforward. To get the license, a candidate must submit a notarized application to PSI Licensure, a Las Vegas-based company that has a contract with DCP to administer the Connecticut HVAC licensing exam. That application consists of a cover form, a fee (\$150 for contractors; \$90 for journeymen), and several additional documents. For contractors, those documents include a photocopy of the applicant’s current journeyman license and proof that he has held the license for the required two-year period. For

journeypersons, the required document is a certificate of apprenticeship completion from the DOL. In both license categories, candidates can submit letters from previous employers describing relevant work experience in place of the otherwise required documents.

Once the applicant has submitted the paperwork by mail, she receives an eligibility postcard from PSI Licensure, which tells her which exam she has qualified to take. The applicant then registers for the exam, which is offered at a number of different locations in Connecticut. Depending on her score, she will qualify for one of the types of HVAC licenses. In general, contractors must pass both the business and trade portions of the exam, while journeypersons need only pass the trade portion. To finally obtain the license, the applicant must submit a copy of her score report to the DCP.

#### **IV. Analysis**

This flexible and discretionary licensing process creates ample room to credit military experience. The Department of Consumer Protection is empowered by statute to regulate the specific requirements for HVAC licenses. DCP already credits previous training on a case-by-case basis. One reform would be to have DCP promulgate a clear, bright-line regulation stating that military experience “shall” count toward HVAC licenses. Alternatively, the Task Force could consider instructing the DCP (and through it, PSI Licensure) to accept certain MOS ratings in place of letters from military employers regarding previous HVAC training experience. Finally, the Task Force could explore fee waivers, or even a complete waiver of the HVAC exam score upon presentation of a DD-214 or another DoD form documenting the relevant military experience.