

Minneapolis Code of Ordinances, Chapters 277 & 278
Competency & License Ordinance Summary

COMPETENCY TYPE	STATE LICENSE	ORDINANCE SECTION	EXAMINING BOARD/Comp	CONTRACTOR LICENSE	RECOMMENDATION
	YES/NO		YES/NO	YES/NO	COMP CARD ELIMINATE OR MOVE TO CH 278
CHAPTER 277					
Oil Burner Installers	No	Article I	Yes	Yes	Move to 278
Stoker Installers	No	Article II	No	Yes	Eliminate/obsolete
Steam & Hot Water (low pres.)	No	Article III	Yes	Yes	Move to 278
Plumbers	Yes ¹	Article VI	Yes	Yes	Eliminate/State issued
Plasterers	Yes ²	Article VIII	Yes	Yes	Specialty license in 277
Masonry Contractors	Yes ²	Article IX	Yes	Yes	Specialty license in 277
Concrete Block Manufacturers	No	Article X	No	Yes	Eliminate/ obsolete
Building Wreckers	No	Article XII	No	Yes	Maintain as is
Sign Hangers & Billboard Erectors	Yes	Article XIV	Yes	Yes	Eliminate/State issued
Electricians	Yes	Article XV	No	Yes	Maintain ref. to State
Billposting & Sign Painting	Yes	Article XVI	No	Yes	Eliminate obsolete
Drywall Contractors	Yes ²	Article XVII	Yes	Yes	Specialty license in 277
Building Contractors	Yes	Article XVIII	No	Yes	Amend to fit State law
Fire Protection Contractors	Yes	Article XIX	No	Yes	Maintain as is
Cement Finishers	Yes ²	Article XX	Yes	Yes	Specialty license in 277
CHAPTER 278					
Oil Burner Installers	No	New 278.131	Yes	Yes	Add to 278 with testing
Steam & Hot Water (low pres)	No	New 278.132	Yes	Yes	Add to 278 with testing
Heating, Ventilation and AC*	No	278.110	No	Yes	Chapter 278 settlement
Gasfitting*	No	278.100	No	Yes	Chapter 278 settlement
Refrigeration*	No	278.120	No	Yes	Chapter 278 settlement
Duct Cleaning Mechanic*	No	278.130	No	Yes	Eliminate/best practices
*ALREADY PART OF CHAPTER 278					

¹ The State Board of Health regulates plumbers and issues State Licenses based on the State Plumbing Code. Their test does not include gas.

² Since April, 2000 The State Department of Commerce issues residential remodeler and contractor licenses.

TO: President Paul Ostrow
Minneapolis City Council

FROM: William C. Dunning

DATE: May 15, 2002

RE: Standard Heating Law Suit

MEMORANDUM

I have been asked to prepare a brief analysis of the Standard Heating law suit. Therefore, I provide you with the following information.

BASIC ALLEGATIONS AND PROCEDURAL HISTORY

The law suit was begun with the filing of the complaint dated November 29, 1995, in the United States District Court. The Plaintiffs were five companies involved in the business of heating and air conditioning installation. The Plaintiffs sought injunctive and declaratory relief prohibiting certain activities of the City in connection with certifying persons qualified to be heating and air conditioning installers. They specifically alleged that the City's Boards of Warm Air Heating Installers, Refrigeration Installers and Plumbers violated provisions of the Federal Employee Retirement Income Security Act of 1974 (ERISA) by requiring apprenticeship programs as a prerequisite to certification of qualified installers. They further alleged that the Boards had deprived them of property without equal protection and due process under the Constitution.

After the law suit was begun a group consisting of trade and labor organizations attempted to intervene in the case. This group favored the existing system of certification which required apprenticeship programs.

THE SETTLEMENT

At the urging of the Judge, the parties began a lengthy process of mediation with a court appointed mediator. Other cases decided in our jurisdiction indicated that we could not under existing law continue to require apprenticeship as a prerequisite to certification of installers. Therefore, the focus of the mediation was upon coming to an agreement which we would propose to the City Council. The proposal would make changes in City Ordinances which would alter the make-up of the certifying boards and would establish qualifications to certification which we would not require apprenticeship.

Ultimately, the suit was settled when the City Council passed ordinance amendments contained in Chapter 278 of the Minneapolis Code of Ordinances. The changes created experience and training qualifications for certification of heating and air conditioning installers which allowed apprenticeship programs to provide the experience component, but also provide for other methods of gaining experience and training prior to certification. Thus, participation in an apprenticeship program is not a requirement for certification.