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## **Bureau of Construction Codes Technical Bulletin**

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# **Electrical Affidavit**

*“Providing for Michigan’s Safety in the Built Environment”*

Technical bulletins are issued to provide clarification on issues that arise regarding code administration and enforcement. The information provided in the bulletin is developed to promote uniform interpretation and enforcement of the state codes.

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## **ELECTRICAL AFFIDAVIT**

### **Issue**

The information in this bulletin is provided to clarify the intent of the Michigan Electrical Administrative Act, being 1956 PA 217, regarding licensing requirements for electrical installations in industrial, commercial or institutional facilities that require the regular employment of a person licensed in the electrical trade classification. Clarification is provided for conducting electrical apprentice training programs and recognition and uses of an affidavit form in lieu of an electrical contractor license.

### **Background**

The Electrical Division regularly receives questions on the applicability of licensing provisions in the Act, regarding manufacturing companies or institutional facilities that use their own employees to perform electrical installations or alterations to wiring systems, within their own buildings or properties. In addition, the Division receives license examination applications from persons employed in those companies or facilities that do not have documented licensed supervision.

Soon after the Act was implemented in 1956, the Electrical Administrative Board determined that the Act applied equally to electrical work performed by employees of electrical contractors and electrical work performed by employees of a business or institution, where there was a demonstrated need for full time employment of electrical staff.

Amendments to the Act in 1990 resulted in promulgation of new rules by the Electrical Administrative Board. The Board's General Rules were adopted in April 1994 and resulted in formalizing an affidavit policy that had not previously been in effect. Rule 338.1039a, of the general rules, prescribes the requirements for recognition by affidavit, of licensed representation for a business or institution.

### **Discussion**

Section 338.885 (5)(1) of the Act prescribes licensing requirements for all electrical installations and states:

“Except as otherwise provided in section 7, a person, firm, or corporation shall not install any electric wiring, devices, appliances, or appurtenances for the generation, distribution, and utilization of electrical energy, within or on any building, structures or properties, without being licensed. In a municipality where inspection service is provided a permit shall be obtained from the board or municipality having jurisdiction.”

Section 338.887 referenced above, prescribes requirements for (1) persons, firms, or corporations engaging in the business of electrical contracting; and (2) prescribes that persons working on electrical wiring must be employed by and working under the direction of a holder of an electrical contractor's license.

Section 338.887 (3) states:

“A license under this act is not required in the execution of the following classes of work . . .”

Subheadings under Section 338.887 (3) describe exceptions to licensing which does not include an exception for persons performing electrical wiring on industrial, commercial, or institutional facilities and premises owned by a person, firm, or a corporation.

Section 338.883e of the Act requires apprentices to be registered with the Board. Apprentices are identified in section 338.881(6) as:

“. . .an individual other than an electrical contractor, master electrician, or electrical journeyman, who is engaged in learning about and assisting in the installation or alteration of electrical wiring and equipment **under the direct personal supervision of an electrical journeyman or master electrician.**”

To qualify for licensing examination or apprentice registration a person is required to:

1. Complete the application form for the particular classification of license, journeyman or master or apprentice registration;
2. Provide notarized documentation from the employer verifying the employment of an individual as an apprentice with training experience under licensed supervision.

In the case of employment with a licensed electrical contractor, the notarized letter would bear the signature of the electrical contractor, who is required to be a licensed master electrician or have a licensed master electrician in his or her full time employ to supervise all electrical installations. Licensing records on file are used to verify signatures and licenses. The supervising employee(s) are the licensed journeyman or master electricians on the job-site (in the case of apprenticeship training) and the master electrician (in the case of a licensed journeyman applying for master examination).

In the case of industrial or institutional employment, the affidavit is used in lieu of an electrical contractor license. The signature of the master electrician on the affidavit provides the licensing agency a means to verify the employment of licensed persons and letters of verification will bear the signature of the master electrician and the employer.

A number of questions from company representatives and master electricians regarding the affidavit have been reviewed by the department.

One question is the use of the term “supervisor” as related to the Act. Employers have expressed concerns that the master electrician may not be a part of the management team of the facility or there may be restrictions due to a labor/management agreement.

The Act does not intend or require a representing master electrician to be a part of a facility’s management team. The term supervisor, as defined in the dictionary means: “a person providing direction and evaluation of performance and to look over the work being done.” This could be a crew leader in a large facility or simply a coworker who has a higher level of experience demonstrated by license examination, such as a journeyman providing direction to an apprentice.

A second question asks why a master electrician representing a business or institution on an affidavit cannot also hold an electrical contractor license.

Section 338.883c(4) of the Act states:

“A holder of a master electrician’s license shall not qualify for more than 1 electrical contractor’s license.”

The affidavit is treated similar to an electrical contractor license to enable a business to perform as their own contractor for obtaining permits, rather than using outside contractors. When a master electrician is representing one business with the license, the Act does not permit the master to represent a second business at the same time.

### **Conclusion**

All electrical installations and electrical maintenance must be performed by persons licensed as a journeyman or master electrician. Apprentice electricians may also perform electrical installations and maintenance, however, they must be under the direct personal supervision of a licensed journeyman or master electrician, who is on the job site during the time the electrical work is being performed.

Persons performing electrical installations and electrical system maintenance must be employed by a licensed electrical contractor or by a facility that requires in-house installation and maintenance of its own electrical wiring by full time employees, who are licensed electricians. In the case of a facility electing to perform their own electrical wiring and maintenance, an affidavit shall be signed by the facility’s management and at least one licensed master electrician, who shall not represent any other person, firm or corporation with his or her master license.

Questions regarding this technical bulletin may be directed to the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, Electrical Division, P.O. Box 30254, Lansing, MI 48909 or by calling (517) 241-9320.