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PHCC-Texas Fights to Protect Licensing

South Dakota

Plumbing • Heating • Cooling Contractors Association

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Official publication of the South Dakota Association of Plumbing-Heating-Cooling Contractors, Inc.

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Upcoming Events

PHCC CONNECT 2019
Oct 2-4, 2019
Indianapolis, IN

SDAPHCC Convention
February 27-28, 2020
Deadwood, SD

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President’s Message

This month, I decided I would share a true story about an experience I had last summer.

My nephew was getting married in Vail, Colorado and my wife and I decided to fly there for the weekend to attend the wedding. At the recommendation from some friends, we booked our tickets to fly out of the Watertown airport for half of the price of flying out of Sioux Falls. The Watertown airport is not very big, yet I remember commenting to my wife about how professional they were - especially the security check. We each checked a bag, plus we each had our one allowed carry on. Mine was a backpack that I’ve had for years, and use for a variety of things.

Our flight was good with no delays and we arrived in Colorado as scheduled. We attended the wedding and enjoyed our time with family and friends.

Our return flight was scheduled for early in the morning. After we arrived at the Denver airport, we began going through the security check. You know the routine. Empty your pockets. Remove your shoes, belt, etc. Put everything on the conveyer belt so it can run through an x-ray like machine. Things were moving smoothly until my backpack entered the scanning machine. It did not come out. The lady watching the screen motioned for a co-worker to come take a look. Now, there are two people looking at what I assume are the contents of my backpack.

They call for a security officer, who becomes the third person viewing the screen. After just a few seconds, he removes my backpack from the machine. He points at me and says “Come with me.” I followed him to a secured area away from everyone else with my wife following closely.

He puts my backpack on the table, unzips it, and starts to rummage around the bottom of the bag. Finding nothing, he proceeds to empty everything out onto the table. I innocently said, “I can’t imagine what he is looking for because there is nothing inappropriate in there.” Just then, he pulls his arm out of my bag holding a handful of 22 long rifle shells. Without breaking eye contact with me, he says, “Nothing inappropriate in here? - hah!!!” Now I’m concerned. But who should I be more afraid of - the security officer? - or my wife?

He proceeds to find three more handfuls of shells that are piling up on the table. I said, “Excuse me sir, but am I in any trouble over this?” He says, “If there’s more than 50 rounds in here you are not getting on that plane and you are in for a mighty long day here.”

He begins to count the shells - 33, 34, 35. Only 35 - not 50. So, I said, “Ok, then we are good, aren’t we?” He said, “Get your stuff. Get on the plane. And get the hell out of here!”

My wife now decides to speak. She says to the security guy, “Could you turn around please while I bitch slap this guy?” That was the only warning I had before she smacked me on the back of my head and said, “You Dumb Ass!” Lesson Learned!!!

My point in sharing this story is that I had checked that backpack before I packed it. I thought it was empty. But unfortunately, on a previous hunting trip, my shells had somehow worked their way into the lining of my backpack. Obviously, I didn’t check it well enough and it almost got me into a lot of trouble.

So, my question to you is - Are you paying attention to your business to make sure the little things are not neglected or overlooked? What unfinished business or loose ends do you have that could come back to haunt you later?

Have a safe July 4th Holiday!

-Tom Hines, SDAPHCC 2019 President
Infrastructure Uncertainty

By Mark Valentini, Director of Legislative Affairs

May 13–20, 2019 was “Infrastructure Week” in Washington, D.C. Infrastructure Week is a time for infrastructure stakeholders from all across the spectrum, including energy, transportation, civil engineering, and of course water, to promote the need for improved infrastructure in the United States.

In the partisan atmosphere that has been typical in Washington for many years now, one of the few issues around which Members of Congress can rally is the need for improved infrastructure. Fixing our roads, bridges, and most importantly our water infrastructure (water is life, after all) will make Americans safer, allow commerce to move more efficiently, and put people to work doing skilled labor that is in high demand and pays well.

President Trump agreed with Congressional Democratic leaders Nancy Pelosi and Chuck Schumer to a $2 trillion price tag for such legislation. This is where the bipartisanship over infrastructure begins to unfold.

It’s important to keep in mind that the U.S. Treasury will not simply scratch off a check for $2 trillion upon passage of a bill. The spending would be spread over a 10- to 20-year period, meaning Congress would need to find roughly $50-$100 billion per year to pay for a package that size.

It’s still a stretch, and three major proposals are focused specifically on highway use: increase the fuel tax; Vehicle Miles Traveled (VMT) Tax; and Public-Private Partnerships. Of these, the Public-Private Partnerships could set a precedent where the private sector steps in to build or repair other infrastructure (think water projects) and in return, users are paying even higher fees to reap the benefits. It might address the problem, but it comes at a cost.

In the end, infrastructure will come at a cost. This is widely understood in Washington, but the agreement ends when it comes to who will bear the brunt of that cost and at what amount. A similar standstill was encountered around this time in 2015 as Congress debated highway legislation, yet by year’s end Congress passed the FAST Act https://www.fhwa.dot.gov/fastact/ (and just in time for Presidential elections), and it’s possible the situation with infrastructure legislation will play out similarly.
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Star Tribune Names Federated Insurance a 2019 Top Workplace

For the second consecutive year, Federated Insurance has been named one of the Top 150 Workplaces in Minnesota by the Star Tribune.

Now in its tenth year, the Top Workplaces program recognizes Minnesota companies with outstanding organizational health based on employee opinions regarding company vision, leadership, benefits, satisfaction, connection, and more.

Top Workplace rankings are based on survey information collected by Energage, an independent company specializing in employee engagement and retention. The analysis included responses from more than 140,000 employees at Minnesota’s public, private, and nonprofit organizations.

“We are proud to once again be recognized for the tremendous culture and team here at Federated,” said Jeff Fetters, Chairman and CEO of Federated Insurance and Star Tribune’s 2019 Large Company Top Leader. “Being named a Top Workplace is an honor shared among all 2,580 employees. As our organization grows, we are pleased to offer an outstanding employment experience to people in Minnesota and across the country.”

Federated Insurance was ranked No. 7 on the large company list. Star Tribune Publisher Michael J. Klingensmith said, “The companies in the Star Tribune Top Workplaces deserve high praise for creating the very best work environments in the state of Minnesota. My congratulations to each of these exceptional companies.”

To qualify for the Star Tribune Top Workplaces, a company must have more than 50 employees in Minnesota. More than 2,000 companies were invited to participate. Rankings were composite scores calculated purely on the basis of employee responses. A complete list of companies selected is available at startribune.com/topworkplaces2019.

Founded in 1904, Federated Insurance is a national insurance and risk management organization that serves the property, casualty, and life insurance needs of clients in select industries. The organization has more than 500 recommendations from state, regional, and national associations and buying groups and is rated A+ (Superior) by industry analyst A.M. Best®.

At Federated Insurance, It’s Our Business to Protect Yours.®
PHCC CONNECT 2019 Heads to Indianapolis Oct. 2-4

PHCCCONNECT2019, the annual conference for the Plumbing-Heating-Cooling Contractors-National Association (PHCC), heads to Indianapolis Oct. 2 - 4, 2019, to equip p-h-c contractors with solid strategies for streamlining processes, harnessing technologies, boosting profitability and building the future workforce.

With this year’s theme “Ready, Set, CONNECT,” the event will take place at The Westin Indianapolis and Indiana Convention Center with two high-caliber keynote speakers, more than 20 educational opportunities, a Product & Technology Showcase, apprentice contests, industry tours and networking opportunities. The conference will conclude with the PHCC leadership installation and closing event at the Indianapolis Motor Speedway, home of the Indy 500.

“This Old House” plumbing and heating expert Richard Trethewey will share candid, humorous stories from his experiences on the Emmy Award-winning home improvement television show in the keynote address titled, “Talking Tech in a Non-Tech World.”

Economist Connor Lokar is back again, this time sharing the trends driving business in 2020 and beyond in his talk, “Managing in an Uncertain Economy.”

“From race cars to Hoosier hospitality, Indianapolis has a lot to offer its visitors the same way PHCCONNECT2019 has much to offer its attendees,” says PHCC President Ken Nielsen. “Our solutions-oriented event is an opportunity for contractors to get answers to their most pressing concerns, learn how to recruit and retain skilled workers, and discover how new and proven technologies will help increase productivity and profitability,” he adds.

Sessions Address Hot-Button Issues
An impressive line-up of industry experts and member contractors will help attendees prepare for what’s next for their businesses. In response to member requests, education sessions will address hot-button issues in business management, leadership, technology, workforce development, advocacy, sales and marketing, and more.

New this year, PHCC will offer recorded sessions to full conference registrants allowing them to listen to sessions they missed or use as training tools for their employees.

A diverse range of exhibitors at the Product & Technology Showcase in the Indiana Convention Center will provide insights on cutting-edge technologies and business strategies specific to p-h-c companies. Plus, attendees can check out the popular plumbing and HVAC apprentice contests underway at the Showcase.

Once again, the Refrigeration Service Engineers Society will share select events with PHCC including this year’s Showcase. Other collaborative efforts include a radiant/hydronics education track hosted by the Radiant Professionals Alliance.

Additional Education, Tours
Specialized learning and networking opportunities are available for service and repair contractors, powered by PHCC’s Quality Service Contractors. Throughout the week attendees will learn how to enhance effective communications, maximize industry partnerships and implement other relevant strategies at Service Contractors Central, operating as a hub for all QSC activity during PHCCCONNECT2019.

PHCC’s Union-Affiliated Contractors (UAC) also will offer seminars and a special evening reception for UAC members.

PHCCCONNECT2019 attendees can sign up for optional industry tours scheduled for Oct. 1—a Delta Design Center tour or a Chemours Support Center tour and training session.

Learn more about CONNECT 2019 at www.phccweb.org/connect.
Ready, Set, **CONNECT**!

Fuel your business at **PHCCCONNECT2019**:

- Conference recordings included with registration
- RSES is back again, co-locating with the 2019 RSES Conference & HVACR Technology Expo
- RPA joins us again to host a new education track
- Industry tours from leading companies
- Plumbing & HVAC apprentice contest
- Service Contractors Central (Powered by QSC)

**KEYNOTE SPEAKERS:**

**Connor Lokar**
Economist at ITR Economics
*Back by popular demand!*

**Richard Trethewey**
Founder and Owner of RST Inc.
*Featured on PBS series, “This Old House”*

**REGISTER TODAY** at phccweb.org/connect or call 800-533-7694

Co-located with the 2019 RSES Conference & HVACR Technology Expo
Emphasize Safety with Regular Meetings

Workplace safety has no end point — only a goal: to reduce the frequency of unsafe practices that threaten employees’ wellbeing and a business’s ability to complete its work. Businesses should emphasize safety as a priority and educate workers on how to avoid workplace accidents. One of the most common and effective methods of accomplishing this objective is the safety meeting, a short, regular gathering of managers and employees that addresses potential hazards on the job.

Timing is important. Hold safety meetings as often as it makes sense, but not so often that you lose your employees’ engagement. Schedule the meetings for a time and place that’s convenient for everyone. Unless an issue needs immediate attention, the first thing in the morning or directly after lunch work well. Employees will likely be gathered in one place and the work day will be least interrupted.

Keep the meetings short. Take enough time to make sure your message is understood. If you give too much information, your employees will lose concentration, and everyone’s time will be wasted. Up to a half-hour is a good length for the main presentation.

Focus your agenda. Don’t try to cover too much in each meeting. Choose a topic that is timely and relevant, and addresses hazardous operating practices. Using real examples helps workers connect the lessons with their own work. Speak as specifically as possible while making sure you don’t call out specific employees. The aim is to raise awareness of hazards, not embarrass your workers. Consider including the following in your meeting:

- Recent injuries — What happened? Why did it happen? What should have been done differently?
- Recent safety violations — What was the violation? What hazard did it create? What are the possible injuries that could have resulted?
- Upcoming work schedule — What hazards are you concerned about? What safety equipment should be used? What procedures should be followed?

Make it interesting. Know your material — don’t just read from a clipboard. You’ll be more conversational and engaging. Use visual aids, too. If you’re talking about ladder safety, for example, bring a ladder for demonstration. Whatever you do, make your talk memorable.

Wrap it up. After you’ve delivered your main message, summarize the main points to reinforce the importance of what they just heard. Plan some time for discussion or questions.

Keep an attendance record. This is not for discipline. Knowing who was at the meeting will help you ensure that everyone receives your message. If an employee missed the meeting, follow up later.

When you hold effective safety meetings, you’re sending a message: safety is a priority. Your employees will ultimately appreciate your concern, and you can focus on running a successful business.

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On May 26, 2019, the Texas State Legislature voted against a measure that would have moved the Texas State Board of Plumbing Examiners (TSBPE) under the Texas Department of Licensing and Regulation (TDLR). The failure to pass the measure was a “win” for the plumbers in Texas. Fighting a Sunset Commission recommendation to cease a stand-alone agency and moving it under a very large umbrella agency was not favored. However, the victory was very short lived.

A “safety net” bill was supposed to be brought forth for a final vote that same evening. This bill would give any agency going through the Sunset Review process two more years in existence should something such as the experienced defeat of the bill mentioned above. The sponsor of the bill pulled it from the agenda, and the Texas State Board of Plumbing Examiners no longer had a life after September 1, 2019. All regulation of statewide licensing would cease to exist.

Had Texas Governor Greg Abbot not intervened—in response to industry opposition led by PHCC-Texas—by signing an executive order extending the TSBPE’s authority for another two years, the responsibility of issuing plumbing licenses and regulating the plumbing industry would have fallen to the state’s local governments and municipalities. In fact, prior to the governor’s executive order, the city of San Antonio had already commenced preparations to establish its own plumbing regulations, underscoring municipalities’ eagerness for new revenue coming from the issuance of plumbing licenses.

There was substantial debate on the proposal to bring the TSBPE under jurisdiction of the TDLR. It was argued that the TDLR bureaucracy is already overburdened and that the agency is ill-equipped to take on the additional responsibility of licensing plumbers. PHCC-Texas mobilized members to contest this plan through their legislators, but it became an uphill battle to maintain the TSBPE. The debate over what to do with the TSBPE ended when the legislative actions on May 26th resulted in a loss of statewide regulation, rather than moving those functions under the oversight of TDLR.

If the regulation and licensure of plumbers falls to localities within the state, Texas would become a patchwork of regulation. Plumbers that operate in multiple cities or counties would need to be licensed in each of those localities, increasing the costs for licensure and limiting the areas where plumbing businesses could operate.

A few states that already have such a patchwork sometimes have licensing reciprocity between counties or issue permits to perform work. Otherwise, such a regulatory model means plumbers will pay up to thousands of dollars in annual licensing and permitting fees for each jurisdiction in which they operate.

The events in Texas are part of a broader pattern of attack on licensing for professional trades that has been playing out in state legislatures across the country for several years. States have had mixed results in pushing back against efforts by governors, legislatures, and regulatory agencies to remove licensing requirements and allow any layperson to perform plumbing work without a license. Unfortunately, the State of Texas took this effort a step further by essentially eliminating the regulatory board charged with issuing plumbing licenses and enforcing regulations.

While there is a desire to ensure that we have “skilled labor” for our industry, it is even more important that we have professional and licensed master tradespeople who are not merely competent in installing and servicing a limited number of products and systems, but are also knowledgeable about why they do what they do and
hence, can diagnose and solve problems for American homeowners and businesses.

States cannot lose sight of the potential collapse of the traditional apprenticeship system because we will end up with the "Jacks and Jills of all trades and experts in none" who may elect to satisfy only those competencies necessary to become immediately employable and thus may never meet licensing requirements as a "licensed plumbing contractor."

Strong standards must be in place to ensure that competent plumbing and HVAC professionals are maintaining the integrity of potable water systems, sanitary drainage systems, medical gas systems in hospitals, and heating and air conditioning systems that are protecting the health and safety of our nation and preserving the environment.

There would be a cost savings of $768,000 in general revenue by sunsetting the Texas BPE, but it ignores the potential risk of catastrophic costs associated with hasty decisions that resulted in Flint, Michigan’s water crisis in April 2014. The Flint water crisis exposed an estimated 8,000 children to lead and other toxins and will likely cost $400 million in future costs to the city in addition to thousands of cumulative years of poor health for those affected. The high levels of contaminants in Flint’s water resulted in a spike in Legionnaire’s disease, infertility rates, miscarriages, abnormalities in unborn children, and behavioral problems.

Cost-cutting measures were also responsible for gas explosions in Massachusetts’ Merrimack Valley that killed a teenager, destroyed nearly a dozen homes, and resulted in over $800 million in damages.

It is critical for PHCC members across the country to inform state policymakers that cutting corners to save money has catastrophic consequences that go way beyond a few leaking water pipes.

PHCC’s power of collaboration was on full display at the June 14 Plumber’s Rally in Austin, Texas! Representatives of PHCC—National Association, PHCC of Texas and PHCC members from across the nation joined the thousands of plumbers at the Texas State Capitol to voice unified support for preserving the state plumbing board. As PHCC—National Association Vice President Hunter Botto said at the event, "(We) stand in solidarity to ... protect the public’s health and safety of Texas citizens and its environment." PHCC—National Association worked closely with PHCC of Texas to be granted time at the podium to address the importance of maintaining professional standards and regulatory oversight. What a great example of the PHCC family working together to protect the industry and the public!
Engagement is Key to Protecting Licensing

The situation in Texas was a critical moment for our industry. The trend to repeal licensing requirements is not just limited to Texas. Just this year, a law passed in the South Dakota Legislature allowing unlicensed homeowners to do their own plumbing work on their new construction home.

Plumbers must be engaged with their state government to stay aware of changes that may be developing and fight back against efforts to relax or eliminate licensing laws. Keeping an open line of communication with your state government, combined with ongoing coordination with industry counterparts is the best strategy for any crisis where industry interests are under attack.

• **Develop relationships with your state legislators** and regulators and raise awareness of the importance of retaining licensed professional plumbers. PHCC-Texas’ success in keeping the BPE alive is a direct result of the relationships it maintains with policymakers in Austin. Describe to your legislators the training required to ensure safe water and sanitation systems, particularly apprenticeship requirements, preventing cross-contamination, knowledge of plumbing codes and standards, etc. More importantly, talk about the risks associated with systems that are not properly installed and maintained, and any experience you have with correcting errors or consequences you have witnessed.

• **Start a letter-writing campaign.** PHCC-National has the resources to send letters to your state legislators on your members’ behalf with the click of a button. Simply draft a letter making the case for maintaining licensing laws, and PHCC-National can create a weblink that you can email to your members. Your members can click the link, submit their name and address, and send the letter to their legislators with the click of a button. The more legislators hear from PHCC members, the more they will pay attention. Coordinate with Mark Valentini, PHCC-National’s Director of Legislative Affairs, to draft the content for your members.

• **Monitor legislative activity in your state through PHCC online.** The PHCC Legislative and Regulatory Tracking Center is available for PHCC members nationwide and gives you up-to-date information on legislation in your state that affects the plumbing and HVAC industry. Simply visit the website and click on your state!

• **Get active on social media.** Your business’ social media page is a good outlet for promoting not only your services, but the reason why the services you provide are best completed by licensed professionals. Include pictures and first-hand observations of shoddy work that you’ve corrected or property damage resulting from a lack of quality workmanship that only a licensed plumber can provide. Be sure to link to content provided by your PHCC state or local chapter and PHCC-National.

• **Consider becoming a member of your legislative body.** There are many PHCC members who are legislators at the state and federal level. Having policymakers with real-life plumbing experience ensures common-sense laws and regulations are implemented regarding our industry.

• **Recruit your friends in other plumbing and HVAC businesses for PHCC membership.** There is strength in numbers. Being a member of PHCC gives plumbing and HVAC professionals access to vital information and a network of peers with which to coordinate a response to political crises like the one we just witnessed in Texas.
• **Align with similar industries** that may face similar license review activity, such as electrical contractors, carpenters, and other skilled trades. If plumbing licensure is targeted, there’s nothing to prevent other trade licenses from coming under the knife.

• **Push your licensing board to modernize testing procedures, offer more testing, and make testing available at more locations** so that the examination process to become a journeyman or master plumber eliminates bottlenecks and improves efficiency when issuing licenses. The impetus to remove the Texas BPE had to do in large part with the difficulty meeting the demand for plumbers because of a backlog of exam requests, over-regulation, and inability to enforce licensing rules and laws.

PHCC is your resource to help you implement your strategy to protect licensure in your state. Contact Mark Valentini, Director of Legislative Affairs for PHCC National at valentini@naphcc.org or (703) 752-9871.
The SDAPHCC offers members the opportunity to enroll their employees in its apprentice program. The SDAPHCC provides the curriculum and administers the program, while the member provides on-the-job training. In addition, the program has been approved by the Federal Department of Labor.

**PROGRAM FEATURES**
- Four year program composed of educational instruction and 8,000 hours of on-the-job training
- Apprenticeships available in plumbing, HVAC, and sheet metal
- Approved by the Federal Bureau of Apprenticeship Training
- Approved for Post 9/11 Veteran’s Education Benefits.

**SERVICES PROVIDED BY SDAPHCC**
- Meet with the apprentice to explain the program and enroll them
- Provide curriculum and grade completed tests
- Manage all federal, state, and local registrations
- Monitor and communicate apprentice progress
- Award Certificate of Completion
- Notify federal, state, and local agencies of completion
- Provide Davis-Bacon verification if requested

**PROGRAM COSTS**
$150.00 - One time enrollment fee per apprentice
Plus $22.40 monthly fee per apprentice

**HOW TO ENROLL YOUR EMPLOYEE**
Contact Kristie Brunick at the SDAPHCC to begin the enrollment process.
Phone: 1-800-640-7422 Email: kristie.phcc@midco.net

**NEW BENEFIT FOR APPRENTICES**
Apprentices can now take advantage of a special membership offered by NAPHCC. This free membership connects apprentices with an online community and news publications.

**HOW THE PROGRAM WORKS**
The apprentice studies the curriculum and completes the tests at his/her own pace. Completed tests are submitted to the SDAPHCC office to be graded.

Once the tests are graded, they are returned to the apprentice along with a letter detailing the apprentice’s performance and overall progress. A copy of this letter is also sent to the employer.

This continues until the apprentice has completed the curriculum book.

The studying and testing are performed in conjunction with the required 8,000 hours (approximately 4 years) of on-the-job training provided by the employer. Apprentices may receive credit for work experience earned prior to enrollment.

As the apprentice nears completion, he/she may begin studying the Uniform Plumbing Code book in preparation for the journeyman’s test. This book, along with a study guide, may be purchased from the SD Plumbing Commission (605-773-3429).
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