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**TO:** Career & Technical Education Directors and Principals  
**FROM:** Eric Frauwirth, State Director  
Career and Technical Education  
**RE:** Guidelines for Approval of Building Trades Activities  
**DATE:** September 12, 2019

The following are guidelines and information relative to annual approval of your building trades program's practical lab activities:

1. Below is a list of building trades programs that are subject to these guidelines:

- CIP 460200 – Construction Trades, General
- CIP 460201 – Carpentry/Carpenter
- CIP 460302 – Electrician
- CIP 460401 – Building/Property Maintenance and Management
- CIP 460599 – Plumbing and Related Water Supply Services, Other
- CIP 470201 - Heating, Air Conditioning, Ventilation & Refrigeration  
Maintenance Technology/Technician
- CIP 480703 – Cabinetmaking and Millwork/Millwright

2. ***Every*** approved building trades program that performs ***any*** practical lab activities ***off*** the high school site must submit a Form BC-1 and BC-2 for approval of the activity by both the NH Department of Education and the NH Department of Labor. The BC-1 Form must be signed by the superintendent of schools for the district. Both the BC-1 and BC-2 should be submitted in triplicate, and an ***original signature*** must accompany ***each*** BC-1 form. Do not submit photocopies of the BC-1.

**Prior to the commencement of the work activity, BC-1 and BC-2 forms must be submitted for each off-site activity and approved by both agencies.** Please allow sufficient time for both agencies to receive and approve the forms prior to commencing off-site lab activities.

Submit forms to:

Greg Polish  
Bureau of Career Development  
21 S. Fruit St., Suite 20  
Concord, NH 03301

3. **Every** approved building trades program wherein **all** practical lab activities are performed **entirely on** high school grounds **must submit an annual letter to the Bureau indicating that no lab activities will be performed off the school site for that school year.**

The letter's salutation should be addressed to:

Eric Frauwirth, State Director of Career and Technical Education.

The letter should be mailed to:

Greg Polish  
Bureau of Career Development  
21 S. Fruit St., Suite 20  
Concord, NH 03301

4. The primary concern of the Department of Labor is related to insurance coverage for students and supervisors through Worker's Compensation when an employee-employer relationship exists in the off-site practical work activity. If such a relationship exists, then Worker's Compensation coverage must be provided by the school or by the recipient/benefactor of the work activity. The Worker's Compensation Law bars an employee who is injured on the job from suing his employer when the employer is subject to the law.

**Note:** The most relevant regulation to high school building trades programs is Subpart C of Part 570 of Title 29 of the Code of Federal Regulations, Child Labor Regulations No. 3, which prohibits children under 16 from setting foot on a job site. Students in 10<sup>th</sup> grade, many of whom are under 16 years of age, are eligible to enroll in CTE programs. Projects with employer-employee relationships involving students in building trades programs would exclude participation of students under 16. Such exclusion creates unnecessary practical and logistical challenges to program operations. The NH Department of Education strongly recommends against schools establishing employer-employee relationships with students in CTE building trades programs.

5. A school/district may establish a non-profit Building Trust, which would govern the particular building trades program(s) activities and would receive and disburse all revenues related to each activity. The trust would not be required to carry Worker's Compensation coverage.
6. Under RSA 198:4-c, any school district may appropriate money to establish a revolving fund to aid instruction in the building construction trades. The fund shall be used to pay the necessary costs of construction projects which are carried out as part of the instructional program, including the purchase of real estate. No project shall be undertaken unless the fund contains enough money to cover the proposed budget. When the building is completed, it shall be sold and the money received put into the fund for use in another construction project. This type of activity would not require coverage under the Worker's Compensation Law.
7. A building trades program/school may enter into a written agreement with an individual/group to build or provide student supervised construction activities off the school site, and the individual/group would pay all related expenses (i.e., transportation; tool wear, tear, and replacement; building materials, etc.) for the project. This type of activity would not require Worker's Compensation coverage.
8. In those situations where building trades students and staff members are not covered by Worker's Compensation, the NH Department of Education highly recommends that they be covered by some

other type of health/accident insurance.

9. Any activities performed by students outside the regular or normal school day on a school building trades project require those students to receive at least the minimum wage for such time spent and to be covered under the Worker's Compensation Law. Earned wages and worker's compensation coverage would establish an employer-employee relationship subject to all applicable laws and regulations.
10. If a building trades Trust's off-site practical activity does not handle all finances pertaining to the project but instead receives a monetary donation in excess of normal and usual project costs, then an employee-employer relationship would exist which would require Worker's Compensation coverage. "Normal and usual project costs" means those costs associated with student transportation and building trades tool wear, tear, and replacement. See Note in #4 above.
11. An employee-employer relationship would also exist under the arrangement in #7 above, where monies received by the building trades/school program were in excess of the normal and usual costs associated with student transportation and tool wear, tear, and replacement. See Note in #4 above.
12. Any funds received from these off-site work activities, in excess of actual project costs, can only be used in support of the building trades program's activities which generated the revenue.

BC-1 and BC-2 Forms are available at

[https://www.education.nh.gov/career/career/cte\\_programs.htm#build](https://www.education.nh.gov/career/career/cte_programs.htm#build) .

Should you have any questions concerning these matters, please contact Eric Frauwirth at 603-271-3867. If you wish to contact the Department of Labor, please direct your inquiries concerning these matters to Michele Small at 603-271-3119.