



Alabama State Board of Licensure for
Professional Engineers and Land Surveyors

100 N. Union Street, Suite 382
Montgomery, Alabama 36104-3762

Mailing Address:
P.O. Box 304451
Montgomery, AL 36130-4451

Phone: (334) 242-5568
Toll Free: (866) 461-7640
Fax: (334) 242-5105
www.bels.alabama.gov

Bob Riley
Governor

April 19, 2010

Regina A. Dinger
Executive Director

Mr. John W. Mogge, III
244 Kingston Circle
Birmingham, AL 35211

Rule Number: 330-X-6-.01 (k)
330-X-6-.02 (2)

General Question: What professional activities will be accepted as "qualifying engineering experience" by professional engineer candidates employed in construction?

Dear Mr. Mogge:

This declaratory ruling of the Board of Licensure for Professional Engineers and Land Surveyors is issued in response to your petition.

QUESTION ONE

Whether the Board will consider amending *Administrative Code* § 330-X-6-.01 and 330-X-6-.02 in order to further clarify whether engineering graduates who work in construction and management roles will qualify.

FACTS, LAW, AND ANALYSIS

According to Alabama Code, Section 34-11-1(7) the definition of Practice of Engineering is "Any professional service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering science to such services or creative work as consultation, investigation, evaluation planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction or other design products for the purpose of monitoring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment of a control, communications, computer, mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health, or property; and including other

professional services necessary to the planning, progress, and completion of any engineering services”.

Section 330-X-6-.01, of the Board's *Administrative Code*, establishes considerations to be used by the Board when evaluating experience offered as qualifying experience under Alabama Code, Section 34-11-4 (1) and (2) (1975) with regards to requirements for licensure as a professional engineer.

Section 330-X-6-.01(k) of the Board's *Administrative Code* indicates that in order for “construction supervision” to qualify as experience under this Section, it must include use of engineering skills in assuring compliance with specifications and design.

Section 330-X-6-.02 of the Board's *Administrative Code*, further defines the type of experience which is considered non-qualifying experience and states;

- (1) Experience must not have been obtained in violation of the Licensure Law
- (2) The Board will not accept the mere execution as a contractor of work designed by a licensed professional engineer, or the supervision of the construction of such work as a foreman or superintendent as qualifying engineering experience.

The August 2009 NCEES Model Rules for Experience Evaluation Section 230.20(11) states that “experience in construction, to be creditable must demonstrate the application of engineering principles. . .”

CONCLUSION

The Practice of Engineering as defined in Alabama Code § 34-11-1(7) includes “the review of construction or other design products for the purpose of monitoring compliance with drawings and specification”. The current definition of qualifying engineering experience contained in the *Administrative Code* as it relates to construction is based on discussions with experts in the construction industry and the engineering profession.

The Board determined there is no substantial difference in the language contained in the August 2009 NCEES Model Rules and its current Law and Code that would impact the manner in which it evaluates qualifying engineering experience obtained in the construction industry.

Furthermore, changes to the Board's current law or *Administrative Code* would be considered a separate issue and is not addressed in this ruling. Any changes to the administrative code would require additional discussions with the appropriate experts in the construction industry and engineering profession.

QUESTION TWO

Whether the Board will recognize the professional activities and knowledge characterized by the *ASCE Construction Institute Guide to Professional Engineering Licensure for the Construction Engineer* for the purposes of qualifying experience for Civil Engineering professional

engineer applicants to be licensed by examination of the Civil construction Depth Module

FACTS, LAW, AND ANALYSIS

According to Alabama Code, Section 34-11-1(7) the definition of Practice of Engineering is "Any professional service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering science to such services or creative work as consultation, investigation, evaluation planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction or other design products for the purpose of monitoring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment of a control, communications, computer, mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health, or property; and including other professional services necessary to the planning, progress, and completion of any engineering services".

Section 330-X-6-.01 of the Board's *Administrative Code*, establishes considerations to be used by the Board when evaluating experience offered as qualifying experience under Alabama Code, Section 34-11-4 (1) and (2) (1975) with regards to requirements for licensure as a professional engineer.

Section 330-X-6-.02 of the Board's *Administrative Code*, further defines the type of experience which is considered non-qualifying experience and states;

- (3) Experience must not have been obtained in violation of the Licensure Law
- (4) The Board will not accept the mere execution as a contractor of work designed by a licensed professional engineer, or the supervision of the construction of such work as a foreman or superintendent as qualifying engineering experience.

CONCLUSION

The Board has not adopted the professional activities and knowledge characterized by the *ASCE Construction Institute Guide to Professional Engineering Licensure for the Construction Engineer* for defining qualifying experience for Civil Engineering professional engineer applicants seeking licensure by the Civil Construction Depth Module examination. To the extent that the Guide complies with the Alabama Code and the Board's *Administrative Code*, the professional activities and knowledge characterized by the Guide may be considered by the Board.


William C. Ulrich, Jr., P.E.
Chair