

DOCKETED

Docket Number:	13-ATTCP-01
Project Title:	Acceptance and Training Certification
TN #:	211956-14
Document Title:	8.2 Appendix F NITC Certification Handbook 06 17 2016.pdf
Description:	N/A
Filer:	Rachel Shuman
Organization:	International Training Fund
Submitter Role:	Applicant
Submission Date:	6/23/2016 11:27:19 AM
Docketed Date:	6/23/2016

VERSION 1.2



June 17, 2016

California Code of Regulations 2013/2016
Title 24, Part 1, Sections 10-102-103-B
and Part 6, Section 120.5

CERTIFICATION HANDBOOK FOR:
CONTRACTORS
TECHNICIANS

MECHANICAL ACCEPTANCE TEST TECHNICIAN

PURPOSE AND OVERVIEW

Acceptance requirements specify targeted inspection procedures and functional performance test procedures that serve to determine whether specific building mechanical systems conform to the criteria set forth in the California Building Energy Efficiency Standards.

For code compliance the 2013/2016 Building Energy Efficiency Standard (Nonresidential) mandates Acceptance Tests to insure that the mechanical equipment that was specified is installed and operating as intended. Acceptance Tests can only be performed by Acceptance Test Technicians (ATT), who are building specialists trained and certified by an Acceptance Test Technician Certification Provider (ATTCP). They are hired by Acceptance Test Employers (ATT Employers) to conduct the required test, and submit the results and certificates to enforcement agencies. These employers are also required to have specialized training by an ATTCP.

The intention of the National Inspection Testing Certification (NITC) accreditation is to establish that NITC certified technicians are skilled craftsmen proficient in successful completion of the Mechanical Acceptance Tests mandated by the Standards.

In addition, the National Inspection Testing Certification (NITC) accreditation is to establish that NITC certified contractors will adhere to the policies required for proper administration of hiring and dispatching certified technicians, reporting certified acceptance test results to the enforcement authority having jurisdiction, and maintaining adequate records to satisfy the quality assurance procedures outlined in the Standards.

The ATT and the ATT Employer shall agree to the guidelines of this document and the 2013/2016 Building Energy Efficiency Standard. Acceptance testing is not intended to take the place of commissioning or test and balance procedures that a building owner may incorporate into a building project. Acceptance testing is an adjunct process focusing only on demonstrating compliance with the Standards.

RESPONSIBILITIES

According to the 2013/2016 Nonresidential Compliance Manual, published in June 2014, the following roles and responsibilities apply in general to the Acceptance Tests of new mechanical equipment and systems installed in either new construction or retrofit applications:

Field Technician

The *Field Technician* is responsible for performing and documenting the results of the acceptance procedures on the Certificate of Acceptance forms. The *Field Technician* must sign the Certificate of Acceptance to certify that the information he/she provides on the Certificate of Acceptance is true and correct. It is important to note that the *Field Technician* is not required to be licensed as a contractor, architect, or engineer.

Responsible Person

A Certificate of Acceptance must be signed by a licensed *Responsible Person* who is eligible under Division 3 of the Business and Professions code in the applicable classification, to take responsibility for the scope of work specified by the Certificate of Acceptance document. The *Responsible Person* can also perform the field testing and verification work, and if this is the case, the *Responsible Person* must complete and sign both the Field Technician's signature block and the *Responsible Person's* signature block on the Certificate of Acceptance form. The *Responsible Person* will assume the responsibility for the acceptance testing work performed by his/her *Field Technician* agent of employee.

Enforcement Agency

The Certificate of Acceptance must be submitted to the *Enforcement Agency* (generally the building department or fire official) in order to receive the final Certificate of Occupancy. Enforcement agencies shall not release a final Certificate of Occupancy unless the submitted Certificate of Acceptance demonstrates that the specified systems and equipment have been shown to be performing in accordance with the applicable acceptance requirements. The *Enforcement Agency* has the authority to require the *Field Technician* or *Responsible Person* to demonstrate competence to its satisfaction.

ROLES

The installing contractor, engineer of record, owner's agent, or the person responsible for certification of the acceptance testing on the Certificate of Acceptance (*Responsible Person*) must perform a construction inspection prior to testing.

A *Field Technician* shall take responsibility for performing the required acceptance requirements procedures. All of the required acceptance tests for a project need not be performed by the same Field Technician. However, for each acceptance test performed, the *Field Technician* who performs the test is responsible for identifying all performance deficiencies, ensuring that they are corrected, and if necessary, he must repeat the acceptance requirement procedures until the specified systems and equipment are performing in accordance with the acceptance requirements. The *Field Technician* who performs the testing must sign the Certificate of Acceptance to certify the information he has provided to document the results of the acceptance procedures is true and correct.

A licensed contractor, architect, or engineer (*Responsible Person*), who is eligible under Division 3 of the Business and Professions Code in the applicable classification, must take responsibility for the scope of work specified by the Certificate of Acceptance, and must review the test results from the acceptance requirement procedures provided by the *Field Technician*, and sign the Certificate of Acceptance to certify compliance with the acceptance requirements. Regardless of who performs the test, a *Responsible Person* must review the forms and sign off on them. Enforcement agencies shall not release a final Certificate of Occupancy until all required Certificates of Acceptance are submitted.

ELIGIBILITY

Field Technician

The *Field Technician* is eligible for the Acceptance Test Technician Certification if he/she is a journey level worker in good standing with the United Association (UA).

In addition, shall comply with the following training requirements:

- Completion of the five year UA Apprenticeship program, Mechanical Equipment Service program or equal as recognized by the United Association.
- Pass the STAR HVACR Mastery Exam.
- Agree to the terms of this document.

Responsible Person

A *Responsible Person* who is eligible under Division 3 of the Business and Professions code in the applicable classification, to take responsibility for the scope of work specified by the Certificate of Acceptance document.

In addition, shall comply with the following:

- Signatory as a contractor to a United Association collective bargaining agreement.
- Current with all financial obligations under the UA collective bargaining agreement.
- Agree to the terms of this document.

OBLIGATIONS

Field Technician

Once certified in accordance to the 2013/2016 Building Energy Efficiency Standard and the terms of this document the *Field Technician* shall agree to the following requirements:

- Be employed by an ATT Employer that is signatory to a United Association collective bargaining agreement.
- Retrain and/or recertify when California Energy Commission (CEC) releases a new or revised Energy Efficiency Building Standards Code or mandates any other code change.
- Agree to have their work reviewed according to the NITC quality assurance program.
- Only perform acceptance test procedures while employed by an authorized ATT Employer.
- Pay an annual maintenance fee to NITC.

Responsible Person

Once certified in accordance to the 2013/2016 Building Energy Efficiency Standard and the terms of this document the *Responsible Person* shall agree to the following requirements:

- Employ only Acceptance Test Technicians who are in good standing with the United Association.
- Record essential project information for all projects that require Mechanical Acceptance Testing.
- Utilize internal quality control procedures to ensure consistent delivery and performance according to the Standard.
- Maintain records for a period of three years.
- Participate in the NITC quality assurance program.

- Ensure that they have the necessary serviceable, calibrated tools, equipment and instruments available for conducting acceptance testing work.
- Retrain and/or recertify when CEC releases a new or revised Energy Efficiency Building Standards Code or mandates any other code change.
- Pay all fees to NITC for certification and quality assurance as described in this document.
- Implement the Data Registry software, when available and accepted, to promote accurate and efficient record keeping as mandated by the Building Energy Efficiency Standard.

QUALITY ASSURANCE

Audits of both the ATT Employer and the ATT will be required for appropriate quality assurance according to the 2013/2016 Nonresidential Compliance Manual. All Employers will agree to annual audits of each ATT's Acceptance Forms to be administered by NITC on behalf of the California State Pipe Trades. Employers will be required to grant auditors access to the building plans, the Certificate of Compliance forms, Certificate of Installation and other documents necessary to complete the audit.

Quality Assurance will be implemented in the following manner:

Employer

The *ATT Employer* is a person or entity who employs an ATT and is certified by an authorized ATTCP. The *ATT Employer* is responsible for receiving completed Certificate of Acceptance forms from their certified Field Technicians and entering them into the approved Data Registry software.

Every year each certified *ATT Employer* will have a number of their Field Technician's mechanical acceptance forms subjected to a random desk audit. Audits will be conducted by NITC on behalf of the California State Pipe Trades. Auditors employed by NITC will have a minimum of five years in the field working on mechanical systems and mechanical controls.

During the *ATT Employer's* first year of certification NITC will randomly audit 5% of the registry forms, with a minimum of five (5) for each type acceptance test form submitted by authorized technicians employed by that firm, not to exceed 10 forms of each type. Note that, on occasion, it may be necessary to follow up the desk audit with a site visit in order to investigate the deficiency.

If three (3) of the audited forms reveal deficiencies as determined by the NITC investigation, the *ATT Employer's* certification will be suspended for one month. A suspension means that the *ATT Employer* cannot perform any employer duties for any certified technician during the suspension period. Removal of suspension is possible after the penalty period has passed if the employer demonstrates that internal processes have been corrected and are once again in compliance with the Standards.

If the *ATT Employer* completes their first year with no suspensions, audit frequency will drop to a 1% random audit per Code cycle for each employed technician as long as all ATTs employed by the company remain suspension-free.

If, in the audit process, it is determined that an *ATT Employer* has intentionally falsified or participated in the falsification of an Acceptance Form, NITC shall revoke the employer's certification indefinitely. An appeal of the revocation can be filed by the ATT Employer using a process that is outlined in Section XIV. EXAM QUESTION CHALLENGES, APPEALS PROCEDURES, COMPLAINTS. The decision of the Executive Committee of NITC as to whether to permit reinstatement will be final.

Field Technician

The certified *Field Technician* (ATT) is responsible for the accuracy of the Certificate of Acceptance forms. While employed by an ATT Employer each ATT will have 5% of their completed mechanical forms Acceptance Forms randomly audited by NITC in a desk audit.

Inconsistencies or discrepancies identified by NITC during an annual desk audit will be investigated and may result in a one month suspension and/or (where the deficient area can be identified) a requirement to retake the related training course. A second suspension will result in a three month suspension. A suspension means that the ATT cannot perform any acceptance testing during the suspension period. A third discrepancy will result in revocation of certification. To re-certify the technician must attend the Certification course and pass the Certification exam.

If, in the audit process, it is determined that an ATT has intentionally falsified an Acceptance Form, NITC shall revoke the technician's certification indefinitely. An appeal of the revocation can be filed by the ATT Technician using a process that is outlined in Section XIV. EXAM QUESTION CHALLENGES, APPEALS PROCEDURES, COMPLAINTS. The decision of the Executive Committee of NITC as to whether to permit reinstatement will be final.

Complaints

NITC and the California State Pipe Trades expects that customer complaints will be resolved between the customer and the ATT Employer. Customer complaints which are brought to the attention of NITC will result in investigation and potentially site visits or site audits by NITC with a view to resolving the issue.

CORE COMPETENCIES

Reference materials:

- HVAC and Refrigeration Systems Training Manual
- Start Test and Balance Manual
- Energy Audit Manual
- GPRO Fundamentals and Mechanical

CERTIFICATION PROCEDURES

I. STATEMENT OF PURPOSE

The purpose of the NITC Personnel Certification Program is to advance the profession of certain crafts, inspectors and businesses in the construction industry by providing (a) a mechanism by which individuals can demonstrate their knowledge of model codes, standards, industry practices, and (b) a

mechanism by which stake holders in the construction industry can readily assess a minimum level of competency for such categories.

NITC is non-discriminatory in accepting applications and issuing certifications to candidates in regards to membership in any trade, association, union, etc., and is in compliance with Federal and State ADA regulations. Since NITC’s work is highly important to the construction industry as well as the public at large, NITC has devised processes to insure that it practices impartiality, manages conflict of interest issues, and ensures objectivity in carrying out its certification activities. Such processes are outlined in this document.

II. CERTIFICATIONS ADMINISTERED BY NITC

Medical Gas Installer	IAPMO Plumbing Inspector
Medical Gas Instructor	IAPMO Mechanical Inspector
Medical Gas Inspector	IAPMO Plumbing Plans Examiner
Medical Gas Verifier	IAPMO Mechanical Plans Examiner
Medical Gas Maintenance	IAPMO Accessibility Inspector
Medical Gas Specialist	IAPMO Journeyman Plumber
Brazing Processes	STAR Plumber Mastery
Journey Level Plumber	STAR Pipefitter Mastery
Journey Level Pipefitter / Steamfitter	STAR HVACR Mastery
Journey Level HVAC	STAR Fire Sprinklerfitter Mastery
UPC Master Level Plumber, Includes Gas	STAR Commercial Refrigeration Mastery
UPC Journey Level Plumber, Includes Gas	STAR Residential-Light Commercial HVACR Mastery
UMC Master Level Mechanical	Cal-Osha Confined Space / Competent Person
UMC Journey Level Mechanical	West Virginia Journeyman Fire Sprinklerfitter
NBOPE Journeyman Plumber	Instrument Technician (Proctor Only)
NBOPE Master Plumber	L.A. City Fire Sprinklerfitter Inspector
NBOPE POOL PLUMBING SPECIALIST	Energy Auditor
Assorted Welding Processes	Green Plumbers USA

III. SCOPE OF EXAMINATIONS

Certification examinations are designed to test for knowledge of applicable model codes and/or standards, and may also test for general installation practices related to the code(s) or industry.

IV. BASIS OF EXAMINATIONS, CONSTRUCTION, VALIDATION AND SECURITY

1. Basis of Examinations

Examinations shall be based on the “Applicable Model Codes” and may include standards and industry practices related to the particular certification. Examinations may be written, open and/or closed book, traditional paper and pencil or via electronic means (computer testing).

2. Construction of Examinations

Construction of examinations shall be performed by specific sub committees constituted of recognized experts in the particular certification field or specialty. A method based on an accepted educational standard shall be used to “validate” the examination construction/content as adequate to determine a minimum level of competency.

3. Validation

Validation of examinations will be conducted by a recognized psychometrician. (See the list of validated certifications or contact NITC at (887) 477-6482 or visit our website at www.nationalitc.com.)

4. Security

Examinations shall be kept in security and shall not be accessible to anyone who is not involved in the examination process. All individuals involved in the examination process at any point shall sign the required confidentiality declaration.

V. MAINTAINING AND UPDATING EXAMINATIONS

1. Maintaining the Examinations

The internal audit procedure per the NITC ISO Quality Management Process shall be conducted in a manner that ensures all examinations will be maintained to the highest possible standard of quality in accuracy, validity, clarity of print, grammar and proper font size. Any and all complaints, inquiries, input, appeals (pending or resolved), requests for interpretation, challenges etc. will be reviewed during the internal audit. NITC Staff will be consulted to ensure that their input is recognized.

2. Updating of Examinations

NITC Certification Examinations will be updated as a result of changes in codes/standards, industry procedures and any/all technical advancements that may affect safety and health conditions, and specific client requirements, etc. NITC Staff will notify the chairperson and the appropriate certification scheme / subcommittee members of scheduled changes / required changes and forward the necessary materials for technical changes and amendments to be made.

The updated examinations will be triple checked for accuracy, and then the certification subcommittee will be polled for approval.

The Size and scope of technical changes/amendments may require the submission of updated examinations for a validation process.

VI. APPLICATION PROCEDURES AND FEES

1. Applications for certifications, together with the necessary fees, are received by U.S. mail, e-mail or facsimile at the NITC offices in Los Angeles. For a complete listing of examinations, schedules, and fees, contact the NITC office or visit www.nationalitc.com.

2. Fees for initial certifications, re-certification of existing certifications, and costs of proctors shall be established by the NITC Board of Directors.

3. Applications for the re-certification of an existing certification shall be in accordance with Section XII (if necessary).

VII. SCHEDULE OF COSTS

For a copy of the Certification Price List contact the NITC office or visit www.nationalitc.com.

VIII. EXAMINATION SCHEDULING

Examinations conducted and proctored by NITC shall be scheduled and administered at locations and dates deemed appropriate by NITC, or as specifically required by clients

Requests for special/emergency examinations will be accommodated if possible by NITC.

IX. CORRECTION OF MATERIAL AND/OR TECHNICAL ERRORS IN EXAMINATIONS

Informal requests for interpretations of questions, or formal challenges to questions should be directed to NITC by means of telephone, facsimile, e-mail, and correspondence received from proctors, instructors and candidates will be recorded with the NITC Staff and addressed as soon as possible.

Requests for informal interpretations shall be routed to the appropriate staff member. If interpretations are answered satisfactorily to the inquiring source no corrective actions will be necessary.

When staff encounters a material/technical error that cannot be satisfactorily answered, the NITC Quality Manager and Executive Vice President shall be notified. The quality manager and/or executive vice president shall investigate the issue and determine if a material/technical error exists. If the Quality Manager or the Executive Vice President determines that an error exists and that the error is not so technical that it can be readily corrected by NITC staff, or in cases when the error is typographical, grammatical, mathematical, etc; NITC staff shall make the necessary corrections. No consensus of the scheme or subcommittee is required in these situations.

When in the judgment of the Quality Manager or Executive Vice President the errors are so technical as to require interpretation or a correction from the appropriate subcommittee, and then NITC shall notify the chairperson of the scheme committee and forward the error(s) to the chairperson of the appropriate subcommittee. All material/technical errors submitted to a subcommittee and subsequently corrected must be approved by the certification scheme committee. Upon such approval, NITC staff shall immediately implement the approved correction. Any material/technical errors that may have affected a candidate's pass/fail score will be immediately addressed by NITC Staff in the following manner:

When NITC staff or the certification Scheme Committee finds that any question(s) are materially incorrect and/or technically incorrect, a “correct score” will be recorded on that question(s) on that examination for all the individuals who took that particular examination.

X. NOTIFICATION TO CERTIFIED PERSONNEL AND STAKEHOLDERS OF UPDATED CERTIFICATIONS AND NEW CERTIFICATIONS

NITC shall notify the certified personnel and stakeholders of new certifications, updates to existing certifications, and any other updated certification information by the following procedures:

Upon approval by the NITC certification scheme committee of updated and/or new certifications notifications of the updated/ new certification(s) shall be communicated to certified personnel and stakeholders via at least two of the following methods: U.S. mail, e-mail, facsimile, and website posting.

XI. EXAMINATION PROCESS

An application shall be completed by the applicant(s) or client(s) and forwarded to the NITC office via U.S. mail, e-mail, facsimile or electronic means.

NITC shall schedule examinations at locations and dates of its choice and/or its client’s choice. All rules, scheduling, procedures and guidelines as set forth by NITC shall be followed. Proctoring shall be administered by persons that meet the guidelines set forth by the NITC Certification Scheme Committee and approved by the NITC Board of Directors.

Candidates failing to achieve a passing score will be eligible for re-examination as soon as the next examination is scheduled. Candidates may take examinations at the NITC offices. Re-examination may require the submittal of a new application and the payment of a new fee as set forth in Section IV.

Completed examinations shall be returned to the NITC offices as soon as possible by the proctor.

Examination scores will be divulged in writing only to the examinee, or to the appropriate source.

It is the policy of NITC that information as to whether or not an individual is or is not certified is a matter of public record, provided the individual has first been notified.

XII. ISSUANCE OF CERTIFICATION CARDS AND WALL CERTIFICATES

Upon successfully completion of the NITC Certification Program examination, an 8 -1/2” x 11” wall certificate and a wallet-sized certification card attesting to this fact will be issued. Certification shall be valid for the period applicable to the particular certification. For brazing and welding re-certifications that are required every six months, only the wallet certification card will be issued. A fee, as set forth in the schedule of fees and charges, will be assessed for those requesting a duplicate or copy of either the wall certificate or wallet certification card.

XIII. RE-CERTIFICATIONS: (MAINTENANCE OF CERTIFICATION)

1. The re-certification examination shall be based on the most current edition of the “Model Codes” and or “Applicable Standards.” Examinations may be written, closed or open book, proctored or not proctored. Upon payment of the applicable fee(s) and achieving a passing score on the prescribed re-certification examination(s), the certificate shall be renewed from the recertification examination date and a wallet certification card attesting to this fact will be issued.
2. NITC typically notifies certificate holders in writing when a certificate is due 120 days before expiration. This may vary depending upon the certification and specific client requirements. It is the obligation of the certificate holder to notify NITC of any changes of address.
3. Failure to renew a certification by the expiration date will result in the expiration of the certification. Subsequent applications for re-certification may require successful passage of a re-certification examination or retaking the initial certification examination for that particular certification.
4. Individuals who fail to pass the initial re-certification examination shall be permitted to retake another examination as soon as an examination can be scheduled. Failure to pass a re-certification examination may result in NITC requiring that the candidate take a ‘refresher course’ or other type of training before taking the exam a third time.

XIV. EXAM QUESTION CHALLENGES, APPEALS PROCEDURES, COMPLAINTS

Any examinee may challenge, in writing, upon any ground, any examination administered by NITC in which an examinee participated. The challenge shall be submitted to and reviewed by the certification staff of NITC. There will be an investigation hearing conducted by the certification staff on the challenge. If the challenge of question or appeal is rejected, the examinee may then appeal, pursuant to the rules stated herein, to have the matter heard by the NITC Certification Scheme Committee. If the appeal is denied by the Certification Committee, the examinee’s final right of appeal shall be to a Hearing Officer appointed by the Executive Committee of NITC.

Any examinee or interested party may file a complaint with NITC for problems that arise which are unrelated to the content of the examination. This would include issues related to the examination location and/or staff, proctor concerns, and such matters.

1. Procedure for Challenge of Question to Certification Staff of NITC.

All challenges to the NITC certification staff shall be governed by the following rules of procedure:

- a. Time Limit for Challenge to Certification Staff. All challenges shall be filed in writing and received via U.S. mail, facsimile, or e-mail no later than 30 days from the receipt of examination score. Any challenge bearing a postmark date later than a 30 day period from the date of the receipt of examination score will not be considered. If the last day to appeal falls on a Saturday, Sunday or National legal holiday, challenges bearing a postmark date of the next business day will be considered timely filed.
- b. Format of Challenge of Question. At the conclusion of the examination, there shall be a challenge form available for each examinee. Any examinee may file a challenge at a later time so long as it is in writing, contains a separate and complete statement of each ground

upon which the challenge is based, is postmarked within the above time limits and sent by First Class U.S. Mail, e-mail, or facsimile to:

NITC

501 Shatto Place, Suite 201, Los Angeles, Ca 90020

Fax: (213) 382-2501

- c. Determination of Challenge by NITC Certification Staff. Each challenge shall be deemed denied if no action is taken by the certification staff within 30 calendar days from the date the challenge is received by the certification staff, or the date of postmark on the challenge, whichever is earlier. If the challenge is granted by the certification staff, written notification thereof to the examinee shall be provided within said 30-day period. In addition the staff may deny the challenge by providing the examinee written notice thereof prior to the expiration of the 30-day period.

2. Procedure for Appeal to the NITC Certification Scheme Committee

All Appeals to the NITC Certification Scheme Committee shall be governed by this procedure:

- a. Time Limit for Appeal to NITC Certification Scheme Committee. If the examinee's challenge to the certification staff is denied, the examinee may appeal this denial to the NITC Certification Scheme Committee. This appeal must be in proper format and filed within 30 days from the date the challenge is deemed denied or the date the examinee receives written notice of denial of challenge by staff, whichever is earlier. The written appeal shall not be considered if it bears a postmark date beyond the 30-day appeal period. If the last day to appeal falls on a Saturday, Sunday of National legal holiday, appeals bearing a postmark date of the next business day will be considered timely filed. The appeal must be directed to the NITC Certification Scheme Committee and mailed to the same address where the challenge was mailed to the certification staff of NITC.
- b. Grounds for Format of Appeal. The appeal to the NITC Certification Scheme Committee shall be in the same written format and upon the same grounds as the challenge filed with the NITC certification staff.
- c. Hearing before the NITC Certification Scheme Committee. If at the time of filing the appeal, the examinee requests a hearing before the NITC Certification Scheme Committee, the committee shall schedule a hearing within 60 days to nine months from the date the appeal is filed with the committee. The committee will provide the examinee with a minimum of 30 days prior written notice of the date, time and place of the hearing. At the hearing, the examinee, at their own expense, shall have the right to present any documentary or oral evidence he or she chooses. All hearings shall be recorded and the examinee will be entitled to a copy or transcript upon payment of the costs to copy or transcribe the recording.
- d. Determination of Appeal. The NITC Certification Scheme Committee shall conduct a full review of all grounds for appeal raised by the examinee in his or her initial challenge to the certification staff. In addition, the NITC Certification Scheme Committee has the discretion to consider other issues or grounds. The NITC Certification Scheme Committee shall prepare and provide the examinee with written findings of its decision within 60 days from the date of the hearing or within 60 days from the date of the next meeting of the

NITC Certification Scheme Committee if a hearing is not requested by the examinee, whichever is later.

3. Procedure for Appeal to the NITC Board of Directors.

All appeals to the NITC Board of Directors shall be governed by the following rules of procedure:

- a. **Time Limit for Appeal to the NITC Board of Directors.** If the examinee's appeal is rejected by the NITC Certification Scheme Committee, the examinee may appeal the decision to the NITC Board of Directors, who shall appoint a Hearing Officer to hear the appeal. The appeal must be in writing and filed within 30 days from the date of the written decision by the NITC Certification Scheme Committee. The appeal will not be considered if it bears a postmark beyond the 30-day appeal date. If the last day to appeal falls on a Saturday, Sunday or National holiday, appeals bearing a postmark date of the next business day will be considered timely filed. The appeal must be directed to the "NITC Board of Directors" and mailed to the same address as the challenge to the education staff.
- b. **Grounds and Appeal Format.** The appeal to the NITC Board of Directors shall be limited to a review of the findings and written decision reached by the NITC Certification Scheme Committee. Upon the request by the examinee, the NITC Board of Directors may, but is not required to, consider new evidence not presented before the NITC Certification Scheme Committee or new grounds for appeal not received by the NITC Certification Scheme Committee. The appeal shall be in writing and shall clearly specify each and every portion of the written findings reached by the NITC Certification Scheme Committee upon which the appeal is based.
- c. **Hearing before the NITC Board of Directors.** If a request for a hearing of the appeal before the NITC Board of Directors is made, the NITC Board of Directors shall appoint a Hearing Officer and schedule the hearing to be held within 60 days to six months from the date the appeal is filed. The Hearing Officer shall provide the examinee with 30 days prior within written notice of the date, time and place of the hearing.
- d. **Determination of Appeal.** In determining the appeal, the Hearing Officer may, within his or her sole discretion, take any of the following actions:
 1. Affirm the findings and decision rendered by the NITC Certification Scheme Committee
 2. Reverse the decision rendered by the NITC Certification Scheme Committee, and enter the decision accordingly; or
 3. Order the matter is returned to the NITC Certification Scheme Committee for further hearing and determination of specific issues enunciated by the NITC Board of Directors. Unless the appeal is returned to the NITC Certification Scheme Committee for further hearing, the action by the Hearing Officer appointed by the NITC Board of Directors will be final. The decision of the Hearing Officer shall be rendered either at the conclusion of the hearing before the Officer or within 30 days from the date of the hearing, whichever is later. The examinee will be notified in writing of the decision by the Secretary of the NITC Board of Directors.

4. Procedure for Filing a Written Complaint to NITC.

Any party to the examination process may file a complaint with the NITC Certification Scheme Committee. Complaints must be in writing and must be received not later than 30 days from the occurrence. The committee will review written complaints during the next scheduled meeting and make decisions on any necessary actions.

XV. GUIDELINES FOR USE OF CERTIFICATION MARK

NITC Certified individuals may use the NITC certification mark on letterheads, business cards...anywhere to emphasize NITC Certification.

These guidelines must be followed when using the NITC certification mark. The certification mark may not be revised or altered in any way. It must be displayed in the same form as produced by NITC and cannot be reproduced unless such reproduction is identical to the certification mark provided by NITC.

- The NITC certification mark may be used only on business cards, stationary, forms of certificate holders, letterhead, inspection tags, and similar documents on which names and addresses of businesses are prominently displayed.
- The NITC certification mark may be used as a decal on the door or window of a business, on the cab of a delivery truck, or on the window of a personal vehicle.
- The NITC certification mark may not be used in any manner that detracts from the high ideals of NITC or from the values, particularly certification values, espoused by NITC.
- The certification mark may not be used in any manner which would tend to imply a connection between NITC and the certification which, in fact, may not exist. This includes any use of the certification mark that the public might construe as an endorsement, approval or sponsorship by NITC of a certification holder's business, or which might be taken to support or encourage a certification holder's sale of a product, process, or installation. You are allowed to print the certification mark on an advertisement or product literature. Without limiting the foregoing restrictions, the certification mark may in no case be shown larger than 4 inches or 100 centimeters in size on a full page or proportionally on a smaller page.
- No person gains any rights whatsoever in the logo or its use; it remains the property of NITC. NITC reserves the right in its sole discretion to require the certification mark's removal from any location or thing NITC feels does not comply with these guidelines, or which could or does discredit NITC. Use of the NITC certification mark is prohibited if your NITC Certification is expired.

It is understood and acknowledged that use of NITC's certification mark is a privilege. Permission to use NITC's certification mark is granted at the discretion of NITC's, Board of Directors, or its designee, for permissible uses only. Those persons who have been granted permission to use the certification mark do so pursuant to the rules and guidelines established by NITC's Board of Directors. Persons granted permission to use NITC's certification mark must familiarize themselves with the established

rules and guidelines for use and must execute approved agreements setting forth NITC's rules and guidelines for use.

NITC retains the right, at its sole discretion, to suspend or revoke any person's permission to use its certification mark. In most circumstances, when NITC is informed that a person is misusing the certification mark, NITC will provide the person notice of the misuse and a reasonable opportunity to comply with NITC's rules and guidelines. However, NITC retains the right to suspend or revoke privileges without notice and an opportunity to correct, particularly when the violation is of a gross nature and more immediate action is necessary to stop misuse.

Actions by NITC to suspend or revoke use of the certification mark will be communicated in writing to the person whose privileges are being suspended or revoked and to all other persons affected by the decision. NITC may also publicize its actions on its website and/or any other of its publications. Should any person continue use of NITC's certification mark after notice of suspension or revocation, NITC shall seek full equitable and/or legal remedies through a court of competent jurisdiction.

XVI. NITC POLICY AND GUIDELINES FOR TESTING PERSONS WITH DISABILITIES

A. Introduction – NITC is strongly committed to the goal of equity in certification assessment of people with disabilities. NITC makes reasonable efforts to accommodate the needs of such people, considering the interest of these individuals and the contributions they can make to the construction industry.

1. Characteristics of Disabled People. According to Section 504 of the Rehabilitation Act of 1973 (Department of Health, Education and Welfare, 1977a) a disabled person is defined as follows: any person i. has a physical or mental impairment which substantially limits one or more major life activities, ii. has a record of such impairment, or iii. is regarded as having such impairment. (Federal Register, 42, 22676-22702)

2. Four disability categories historically have been accommodated with testing programs.

- a. Learning disability;
- b. Hearing impairment;
- c. Visual Impairment
- d. Physical Disability (including temporary impairments due to accident or illness).

B. NONSTANDARD TESTING FOR DISABLED CANDIDATES

1. Section 84.13 of the Rehabilitation Act (a Nondiscrimination statute), relates to occupational testing which receives federal funding. This act does not require that every person with a disability be given accommodation. Rather, the basis for accommodation is whether the

disability produces a dysfunction which is directly related to actual job performance. If it does not, then the test should be adopted to accommodate the dysfunction.

2. Specifically, the rehabilitation Act prohibits employers from using tests of other selection criteria that screen out or tends to screen out individuals with disabilities unless: (1) the employer can show that the tests or criteria are job related; and (2) the Director of the Office for Civil Rights is unable to identify alternative tests or criteria that do not have a tendency to screen out disabled applicants. It also requires an employer to consider whether a given test is actually measuring an individual's impediment rather than the person's aptitude or ability to perform a job. (Federal Register, 42, 22676-22702)
3. The American Psychological Association Standards for Educational and Psychological tests, (1999) lists specific psychometric considerations in the administration of nonstandard tests to disabled individuals.
4. The Americans with Disabilities Act (Public Law 101-336, Federal Register, February 28, 1991, page 8553) has been adopted, extending the Rehabilitation Act of 1973, to all activities of state and local governments, including those that do not receive federal financial assistance, such as the NITC Certification Program. The Americans with Disabilities Act specifically prohibits discrimination in such programs in a manner that subjects qualified individuals with disabilities to discrimination on the basis of their disability, under the following restrictions:

A public entity shall make reasonable modifications in policies, practices, or procedure when the modifications are necessary to avoid discrimination on the basis of disability unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. (Federal Register, Sec. 35.130(b) (7)).

C. NITC ADMINISTRATIVE PROCEDURES FOR DISABLED CANDIDATES

The NITC Certification Program shall comply with the following provisions:

1. Use of Accessible Facilities

NITC examinations shall be administered in handicap-accessible facilities whenever practicable. Proctors who arrange for sites will be provided with a checklist of accessibility requirements, and prior to site confirmation, shall notify NITC whenever all these requirements cannot be met.

2. Notification of Policy on Test Applications. The examination Candidate Bulletin shall contain the following statement:

Special Requests for Taking the Test

Requests for special/emergency examinations will be accommodated by NITC if possible. Candidates that have a disability that restricts their ability to take an examination under the standard conditions may request special testing arrangements. Such requests must accompany the application, and must be received by the normal application closing date. The request must

indicate the nature of the disability and the special accommodations needed. Verification of both the disability and the need for special accommodations by a licensed medical professional is required.

3. Processing of Applications
 - a. Requests for special arrangements will be considered on a case-by-case basis, and judged against the guidelines previously listed.
 - b. At the discretion of the NITC certification Staff, candidates may be asked to provide documentation confirming both disability, and the need for special accommodations.
 - c. When the NITC certification staff determines that special testing accommodation are deemed necessary, NITC will pay for such reasonable costs, subject to approval by the NITC Board of Directors.

XVII. PROCTOR INFORMATION

A. PROCTOR'S AGREEMENT

(The following is an example of a proctor agreement. Please contact NITC for an actual proctor agreement.)

This Proctor's Agreement ("Agreement") is made this ___ day of _____, 20___ ("NITC") and _____ ("Proctor"). In consideration of the mutual covenants set forth in this Agreement, NITC and Proctor agree as follows:

PROCTOR'S SCOPE OF WORK: During the Term of this Agreement, Proctor shall provide NITC with professional proctoring services as requested from time to time by NITC, at such place or places as may be designated by NITC.

PAYMENT: For services by Proctor under this Agreement, NITC shall pay Proctor according to the following schedule:

Fees In addition to Reimbursable Expenses, if any, Proctor shall be paid a proctor's fee.

The proctor's fee shall be agreed to, prior to the scheduling of the first proctor's assignment.

Proctor fees start when the proctor arrives at the testing location (one-half hour prior to the exam start time) and ends one-half hour after the proctor announces to the examinees that "time is up."

REIMBURSABLE EXPENSES:

Travel Expenses: NITC shall reimburse Proctor for mileage of transportation, lodging and subsistence incurred in Proctor's performance of services under this Agreement, provided that such travel expenses are authorized in advance by NITC.

The NITC policy for reimbursement of mileage:

Mileage shall be reimbursed after the first fifty (50) miles of the round trip at a rate of \$.585 cents per mile.

Other Expenses: NITC shall reimburse Proctor for all other reasonable actual expenses incurred by Proctor which are incidental to Proctor's services, provided that such expenses are approved by NITC in advance.

Terms of Payment: NITC's payment to Proctor for Fees and Reimbursable Expenses will be made 15 days after receipt of Proctor's billing statement for the same. All expenses require receipts.

No Other Benefits: Except for Proctor's Fees and Reimbursable Expenses, Proctor shall not be entitled to any other compensation or benefits, including without limitation, insurance, profit sharing or pension plans whether now or hereafter offered by NITC or by its' employees.

TERM AND TERMINATION: This Agreement commences on the date written above. The Agreement shall be automatically extended for additional periods of one year. Either party may terminate this Agreement at any time by giving written notice to the other party.

PATENTS AND PROPRIETARY DATA:

Ownership: Proctor agrees that NITC shall have sole ownership and all legal and equitable right, title and interest in any data, drawings, graphs, reports, physical property and all other items or concepts in connection with Proctor's providing these services.

No limited License: Nothing herein shall be construed as an implied license to Proctor under any patent, trademark, invention, copyright or other intangible now owned or hereafter acquired by NITC.

PROCTOR'S COMPLIANCE WITH LAWS: Proctor shall, in performing his/her obligations, comply and conform with all applicable laws, ordinances and regulations.

PROCTOR'S INDEMNITY: Proctor shall defend, indemnify and hold harmless NITC, and its' shareholders, officers, directors, employees, and agents from and against any liability or other claim or demand arising out of Proctor's performance of these obligations.

SUBCONTRACTING: Proctor will not subcontract or assign any of his/her Proctor's rights or obligations without prior written approval from NITC.

PROCTOR AS AN INDEPENDENT CONTRACTOR: Proctor shall provide services under this Agreement as an independent contractor to NITC, and accordingly, in compensating Proctor, NITC will not withhold Proctor's income taxes or other employment taxes. Proctor shall make appropriate filings and make all payments required by any taxing authority with respect to any taxes due in connection with Proctor's Fees, including without limitation, income tax, social security and SDI payments.

In the event that Proctor's status as an independent contractor to NITC is challenged or otherwise not recognized by any taxing authority, Proctor shall defend, indemnify and hold harmless NITC from and against all claims made by any taxing authority for unpaid taxes, including any interest, assessments or penalties thereon. This Agreement shall not be deemed to create a partnership, joint enterprise or employment relationship between Proctor and NITC.

INTERPRETATION: This Agreement may not be changed except in writing, signed by the Proctor and an authorized officer of NITC. The validity, performance, construction and effect of this Agreement shall be governed by the laws of the State of California.

ATTORNEY'S FEES: In the event that any proceeding or action is brought by either NITC or Proctor against the other in connection with any matter arising out of or pertaining to this Agreement, including any and all appeals or petitions there from, the prevailing party shall recover all of its' reasonable attorney's fees and costs incurred, from the other party.

ENTIRE AGREEMENT: This Agreement contains the entire agreement and understanding between Proctor and NITC with regard to the subject matter hereof, and supersedes and replaces all prior negotiations or agreements, whether written or oral.

B. PROCTOR STATEMENT OF CONFIDENTIALITY AND FOR CONFLICT OF INTEREST

The following is an example of a Proctor Statement of Confidentiality and for Conflict of Interest. Please contact the NITC office for an actual Statement of Confidentiality and for Conflict of Interest.

I understand the importance of NITC maintaining the highest level of standards and impartiality in its testing and certification programs. To insure that the process is fair and impartial to all testing applicants, I agree to the following policies with regard to confidentiality and conflicts of interest:

CONFIDENTIALITY

1. All testing and/or certification materials, including but not limited to, test questions, testbooklets, answer sheets, and testing procedures shall be considered confidential materials.
2. Testing and/or certification materials shall not be distributed to third parties unless such distribution is allowed under the testing procedures or is authorized by a representative of NITC.
3. Testing and/or certification materials and/or testing and/or certification information shall not be discussed with any third party unless such disclosure is allowed under the testing procedures or is authorized by a representative of NITC.
4. Maintain all confidential materials in a safe and secure place and take all reasonable steps to protect against inadvertent disclosure or theft of the information.
5. Upon request, promptly return any and all testing materials to NITC using secure and reliable methods for returning the materials.

Conflict of Interest

1. Maintain the fairness and integrity of testing by not engaging in any activities that would give certain applicants an advantage or an appearance of an advantage in taking the tests. Such activities might include, but not be limited to, teaching the courses in the certification areas, coaching test participants, developing training materials relative to the tests, or working for other organizations with a direct pecuniary interest in the test results.
2. Not exploiting for personal benefit, or allowing others to improperly use for their benefit, materials or information gained by reason of involvement in the testing and/or certification procedures.

C. Instructions to Proctors for Conducting Examinations

- a. Proctor Instructions may vary per examination. Please contact the NITC office for specific instructions for all examinations. Current instructions are mailed to the proctor with each examination session.

D. Instructions to Proctors for "Walk-In" Candidates

- a. Instructions for Walk-In Candidates (Form # 720-44) are mailed to the proctor for each examination session.

E. Procedure for Proctors to Address Prohibited Behavior During Examinations

These Instructions are for Proctors when obvious prohibited behavior, such as copying another student's answers, prohibited discussion between candidates, use of prohibited devices, use of prohibited materials, or when any other suspicious behavior is observed.

1. Double check your suspicions, be sure of the activity.

2. Immediately stop the candidate(s) and ask him/her/they to step to a quiet location; do not leave the room!

3. Upon making a judgment about the behavior in question to the best of your ability, you may allow the candidates to resume the examination process or you may immediately terminate the process, excuse the candidate and confiscate the examination. You must inform the candidate(s) that he/she/they are being disqualified for prohibited activity.

4. Inform the disqualified candidate(s) that he/she/they may challenge and appeal the disqualification by contacting NITC.

5. At no time, if you believe a candidate is engaged in prohibited behavior, should you allow the candidate(s) to complete the examination!

6. If you do confiscate an examination and excuse the candidate(s), document in as full detail as possible all relevant information, make copies, keep a copy for yourself and forward your original report with signature to the NITC office as soon as possible. Contact the NITC office by telephone immediately the next day or same day as possible.

XVIII. CONFLICT OF INTEREST AND CONFIDENTIALITY STATEMENTS

A. Committee Member Statement of Confidentiality and for Conflict of Interest

I understand the importance of NITC maintaining the highest level of standards and impartiality in its testing and certification programs. To insure that the process is fair and impartial to all testing applicants, I agree to the following policies with regard to confidentiality and conflicts of interest:

Confidentiality

1. All testing and/or certification materials, including but not limited to, test questions, test booklets, answer sheets, and testing procedures shall be considered confidential materials.

2. Testing and/or certification materials shall not be distributed to third parties unless such distribution is allowed under the testing procedures or is authorized by a representative of NITC.
3. Testing and/or certification materials and/or testing and/or certification information shall not be discussed with any third party unless such disclosure is allowed under the testing procedures or is authorized by a representative of NITC.
4. Maintain all confidential materials in a safe and secure place and take all reasonable steps to protect against inadvertent disclosure or theft of the information.
5. Upon request, promptly return any and all testing materials to NITC using secure and reliable methods for returning the materials.

Conflict of Interest

1. Maintain the fairness and integrity of testing by not engaging in any activities that would give certain applicants an advantage or an appearance of an advantage in taking the tests. Such activities might include, but not be limited to, teaching the courses in the certification areas, coaching test participants, developing training materials relative to the tests, or working for other organizations with a direct pecuniary interest in the test results.
2. Not exploiting for personal benefit, or allowing others to improperly use for their benefit, materials or information gained by reason of involvement in the testing and/or certification procedures.

B. Employee Statement of Confidentiality and for Conflict of Interest

As an NITC employee, I understand the importance of NITC maintaining the highest level of standards and impartiality in its testing and certification programs. To insure that the process is fair and impartial to all testing applicants, I state that I have read and I agree to follow the established NITC quality system rules and procedures as set forth in the NITC personnel certification program. I further agree to the following policies with regard to confidentiality and conflicts of interest:

Confidentiality

1. All testing and/or certification materials, including but not limited to, test questions, test booklets, answer sheets, and testing procedures shall be considered confidential materials.
2. Testing and/or certification materials shall not be distributed to third parties unless such distribution is allowed under the testing procedures or is authorized by a representative of NITC.

3. Testing and/or certification materials and/or testing and/or certification information shall not be discussed with any third party unless such disclosure is allowed under the testing procedures or is authorized by a representative of NITC.
4. Maintain all confidential materials in a safe and secure place and take all reasonable steps to protect against inadvertent disclosure or theft of the information.
5. Upon request, promptly return any and all testing materials to NITC using secure and reliable methods for returning the materials.

Conflict of Interest

1. Maintain the fairness and integrity of testing by not engaging in any activities that would give certain applicants an advantage or an appearance of an advantage in taking the tests. Such activities might include, but not be limited to, teaching the courses in the certification areas, coaching test participants, developing training materials relative to the tests, or working for other organizations with a direct pecuniary interest in the test results.
2. Not exploiting for personal benefit, or allowing others to improperly use for their benefit, materials or information gained by reason of involvement in the testing and/or certification procedures.

C. Vendor Statement of Confidentiality and for Conflict of Interest

The undersigned vendor of NITC acknowledges the importance of maintaining the highest levels of standards and impartiality in the testing and certification programs administered by NITC. Through its relationship with NITC, the undersigned vendor will have access to materials used in NITC's testing and certification program. To insure the integrity of the testing and certification procedures, the undersigned vendor agrees to the following policies with regard to confidentiality and conflict of interest.

1. All testing and/or certification materials in the possession of the vendor shall be considered confidential and treated by the vendor as confidential materials.
2. Confidential materials shall not be shared with other third parties unless NITC has authorized its sharing with others.
3. All employees of the vendor who have access to the confidential materials shall be informed by the vendor of its designation as "confidential materials" and the restrictions regarding disclosure to other parties.'
4. Information regarding the testing and/or certification procedures shall not be disclosed to others unless such disclosure is authorized by a representative of NITC.

5. All confidential materials and/or information shall be maintained in a safe and secure place and all reasonable steps shall be taken to protect against inadvertent disclosure or theft of the materials and/or information.
6. Vendor shall disclose to NITC any business activities, financial interests, organizational interests or other customers that present a conflict of interest, potential conflict of interest, or the appearance of a conflict of interest.

XIX. CANDIDATE BULLETINS

The Candidate bulletins for each certification can be found (along with other information such as fees, passing grade, and duration) on NITC’s website www.nationalitc.com. Find a PDF version of the Candidate Bulletin on the web page for that certification.

XX. REISSUANCE OF LOST CERTIFICATION CARDS

Certified Persons requesting replacement certification card and/or certificate must complete the Form # 720-36 (see example below). Form #720-36 can be downloaded from the NITC website www.nationalitc.com.

**AFFIDAVIT FOR A DUPLICATE
NITC CERTIFICATION CARD AND/OR CERTIFICATE**

I, being duly sworn upon oath depose and say: That I am a card-carrying member of the National I.T.C. Corporation Certification Program and have met all the necessary requirements to qualify for a certification card and or certificate. On or about the _____ day of _____ I lost or misplaced my N.I.T.C. certification card and/or certificate. I swear under oath that I have not transferred, loaned or sold said N.I.T.C. certification card and/or certificate to any person or organization, and I herewith request the National I.T.C. Corporation to issue a duplicate N.I.T.C. certification card and/or certificate. The fee is \$15.00 each; please make payable to NITC.

Certification Type: _____ Certification Number: _____
 Print First Name: _____ Print Last Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Residence Phone Number: _____ Cell Phone Number: _____
 Signature: _____ Date: _____

XXI. NITC CERTIFICATION SCHEME COMMITTEE

The NITC Certification examinations are made available by the NITC Certification Scheme Committee.

The Chairperson of the NITC Board of Directors shall appoint a chairperson to the certification scheme committee, who shall then appoint industry experts consisting of labor representatives, management representatives, governmental representatives, and other stakeholders as the Chairperson determines are necessary and in order to satisfy the ISO/IEC 17024 standard. The chairperson shall strive to maintain a balance between labor, management, government, and other stakeholder interests.

The NITC Certification Scheme Committee is empowered by the NITC Board of directors to establish the following:

Final decision, scope, content, validation, maintenance and re-certification of certification examinations, process, rules, procedures, appeals, revocation, issuance, suspension and appointment of the certification sub-committee members for the purpose of formulating, amending, maintaining certifications, and any other requirement in order to fulfill the ISO/IEC 17024 standard.

The Certification Scheme Committee shall meet at minimum four times annually, with additional meetings called as necessary by the Chairperson. In lieu of meetings, the chairperson may direct NITC staff to e-mail / fax poll scheme committee members on changes, amendments, etc.

The Chairperson may designate NITC Staff to execute any provisions necessary in regards to: administration, notification of changes, initial material / technical correction of errors, issuance of certifications and any other actions that may become necessary to administer the NITC Certification program in accordance with the ISO/IEC 17024 standard.

A simple majority vote of the Scheme Committee shall be deemed as approval of any matter.

The NITC staff shall notify the Scheme Committee members by writing, e-mail and/or fax of meetings, changes in certifications, maintenance of certifications, etc.

All members of the Certification Scheme Committee, subcommittee and any other individuals that may perform any function including but not limited to educational assessment, consulting, and/or special assignments shall sign the appropriate NITC declaration of quality, confidentiality, and conflict of interest statement.

All members of the Certification Scheme Committee shall become familiar with the NITC ISO 9001:2008 Quality Management System and the ISO/IEC 17024 standard.
