

DOCKETED

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|-------------------------|--|
| Docket Number: | 13-ATTCP-01 |
| Project Title: | Acceptance and Training Certification |
| TN #: | 214346-3 |
| Document Title: | Third Amendment - Application for Approval of NLCAA as Lighting Controls Acceptance Test Technician Provider |
| Description: | N/A |
| Filer: | Patty Paul |
| Organization: | NLCAA |
| Submitter Role: | Public |
| Submission Date: | 11/2/2016 2:30:03 PM |
| Docketed Date: | 11/1/2016 |

THIRD AMENDMENT

NOTE: ... to the *APPLICATION FOR APPROVAL OF NLCAA, (THE NATIONAL LIGHTING CONTRACTORS ASSOCIATION OF AMERICA), AS A LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIAN PROVIDER. (Rev 04)*

... Consists of changes to the following APPLICATION Pages:

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Appendix 3

Attachment 14

To:

The California Energy Commission
1516 Ninth Street
Sacramento, California

From:

NLCAA
3301 E. Hill Street, Suite 408
Signal Hill, California

TITLE

APPLICATION FOR APPROVAL OF NLCAA, (THE NATIONAL LIGHTING CONTRACTORS ASSOCIATION OF AMERICA), AS A LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIAN CERTIFICATION PROVIDER.

DESCRIPTION

Submission to the California Energy Commission to Certify NLCAA, (The National Lighting Contractors Association of America), as a LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIAN CERTIFICATION PROVIDER as defined in section § 10-102 DEFINITIONS, per The 2013 Building Energy Efficiency Standards, per § 10-103-A; as required to train persons for duties described in § 130.4 (c), and to further provide certification of individuals to meet the definitions of § 10-102 ACCEPTANCE TEST TECHNICIAN, LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIAN and § 10-102 ACCEPTANCE TEST EMPLOYER, LIGHTING CONTROLS ACCEPTANCE TEST EMPLOYER and to further certify LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIANS as FIELD TECHNICIANS as defined by § 10-102 DEFINITIONS.

§ 10-103-A (a) Scope.

NLCAA recognizes and verifies that as a Certification Provider it must abide by the requirements of: § 10-103-A; (and/or as required by § 10-103.1, [of the 2016 Building Energy Efficiency Standards])

§ 10-103-A (b) 2. Industry Coverage by Certification Providers – “... certification costs ...”

NOTICE: NLCAA reserves the right to reduce or waive any charges specified by this document or shown in Appendix 3: Fee Summary.

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~~§ 10-103 A (c) F.~~ § 10-103.1 (c) 3. F. **Quality Assurance and Accountability**

“... accountability measures, such as ... visits to building site(s) where certified technicians are completing acceptance tests ...”

The “Field Inspection¹” procedure is summarized below and found in Appendix 2 of this application. The requirement for a “Field Inspection¹” will be imposed upon AT Technician(s) and/or ATT Employer(s) due to a variety of circumstances:

“Audit Procedure Field Inspection”, (Attachment 5), due to unsatisfactory results of Audit Procedure;

The Complaint Procedure, (Attachment 7), due to disciplinary action of NLCAA directors;

~~Quality Assurance “Scheduled Field Inspection⁴”, scheduled as summarized below;~~

“Random Field Inspection¹”, scheduled due to ongoing “1% Random Sampling¹”

All of the above are “Field Inspections¹”, and vary as to whether they apply to a future site to undergo Acceptance Testing by Field Technicians, or as noted below.

In brief: A “**Field Inspection¹**” is a “(visit) to (a) building site where certified technicians are completing acceptance tests”, [§ 10-103.1 (c) 3. F.]. This site visit shall be arranged by an Acceptance Test Technician Employer for the Field Technician under inspection. This “Field Inspection¹” should occur on the next possible occasion after the Employer has been notified by First Class Mail – (and telecommunications¹, when convenient for NLCAA). A “Field Inspection¹” will consist of a minimum 2-hour site visit during which the Field Technician performing acceptance testing will be observed and interviewed. In addition: any or all of the following may occur; verification of acceptance tests completed, observation of acceptance testing methods, testing of lighting controls by NLCAA or their agent(s), testing of additional lighting controls not sampled by the Acceptance Test Technician(s) performing acceptance tests.

An “**Audit Procedure Field Inspection¹**” is a “Field Inspection¹” as described above;

A “**Random Field Inspection¹**” is a “Field Inspection¹” as described above, ~~EXCEPT it is performed at a visit to a site that has been previously tested.~~ A “Random Field Inspection¹” requirement is generated by the 1% Random Selection process, (Attachment 14). A Random Field Inspection¹ should be completed at the selected Field Technicians’ next Acceptance Testing job, within 24 hours of acceptance testing completion at a site if feasible.

~~A “**Scheduled Field Inspection⁴**” is a “Field Inspection⁴” as described above;~~

A “**Complaint Procedure Field Inspection¹**” is a “Field Inspection¹” as described above – EXCEPT it is performed at a visit to a site that produced an acceptance testing complaint. A “Complaint Procedure Field Inspection¹” requirement is only generated by the Complaint Procedure, Attachment 7.

§ 10-103-A(e)F. § 10-103.1(c)3.F. **Quality Assurance and Accountability**

Continued ...

A ~~“Scheduled Field Inspection³”~~ system has been devised to satisfy the requirements of CEC staff. The schedule for requiring a ~~“Scheduled Field Inspection³”~~ is thus:

After an Acceptance Test Technician has completed 11 acceptance testing assignments, the NLCAA database manager software will produce a “flag³” indicating that the Field Technician has reached the required number of acceptance tests to demand a “Field Inspection⁴”. The employer of record for this 11th job shall receive a notification, (as described under ‘In brief: A “Field Inspection³”, (above)). Should the results of this “Field Inspection³” prove satisfactory – the Field Technician in question will have their “Scheduled Field Inspection³” schedule shifted to every 25th acceptance testing job – otherwise, NLCAA will generate a Complaint Procedure against the Field Technician in question, and the scheduling criteria will remain: every 12th acceptance testing job.

Should the results of the Field Technicians’ ‘every 25th acceptance testing jobs “Field Inspection³” be satisfactory then the ‘every 25th job’ scheduling criteria will be increased to ‘every 50th job’; otherwise: complaint generated by NLCAA and scheduling criteria remains the same.

Should the results of the Field Technicians’ ‘every 50th acceptance testing jobs “Field Inspection³” be satisfactory then the ‘every 50th job’ scheduling criteria will be increased to ‘every 100th job’; otherwise: complaint generated by NLCAA and scheduling criteria remains the same.

Thereafter, every 100th acceptance testing job for the Field Technician shall require a Field Inspection⁴.

A “Random Field Inspection¹” is a “Field Inspection¹”.

“**Random Field Inspections¹**” will apply to each Field Technician under certification. A “Random Field Inspection¹” trigger¹ will be placed in the NLCAA database manager when a NLCAA Certified AT Technician has completed training and certification ~~20 acceptance testing jobs~~. A flag¹ will be produced by the NLCAA database manager at the ~~this point~~ determined by ~~and~~ two rolls of a ten-sided die that have been ~~will be~~ cast to determine which of the first next 100 jobs scheduled for the Field Technician will undergo a Random Field Inspection¹. Should the results of this inspection be deemed unsatisfactory by NLCAA or its’ agent; NLCAA reserves the right to increase the sampling rate to two inspections out of 100 jobs and will initiate, at their discretion, Complaint Proceedings. Should the results of this Random Field Inspection¹ be deemed unsatisfactory by NLCAA or its’ agent; NLCAA will begin, at their discretion, Complaint Proceedings against the Field Technician and ATT Employer involved – with a recommended finding of a “Complaint Procedure Field Inspection¹” and one or more Audit Procedures. Trigger(s)¹ will be inserted and flag(s)¹ produced as described above by the NLCAA database manager ~~at~~ within the first 100 ~~120~~ jobs and for each subsequent 100 jobs – and this process shall be repeated.

NLCAA Random Selection Process

The Random Selection process for both “Random Form Reviews¹” and “Random Field Inspections¹” differ in that there is an initial 2% criterion for “Random Form Review¹” sampling, and an initial 1% criterion for “Random Field Inspection¹” sampling. Additionally – a Field Technicians first acceptance testing assignment after certification will undergo a “Random Form Review¹”.

There is a 1% criterion for “Random Field Inspection¹” sampling. This procedure is commenced when a NLCAA certified AT Technician has completed ~~his 20th acceptance testing assignment~~ their certification.

The 2% criteria; for Form Reviews:

Beginning with the 20th job for a Field Technician, the NLCAA database management software will generate a flag¹ indicating that two 10-sided RPG, (role playing game), die must be cast twice, (once for 10’s place and once for 1’s place), to determine which 2 of the next 100 acceptance testing jobs for the Field Technician will be selected for a “Random Form Review¹”, ~~(or “Random Field Inspection¹”, if applicable)~~. Triggers¹ will then be inserted into the NLCAA database management software to flag¹ a human operator that the next randomly selected job just completed should be inspected within 24 hours if feasible. Acceptance Testing job for the specified Field Technician must have a Form Review.

Examples: (Roll 1 - Die 1) = 2 => 10 to 20 Range

(Roll 1 - Die 2) = 1 => 11th next job selected

The 1% criteria; for Random Field Inspections:

Beginning with the 20th ~~job for a certification of a~~ certification of a Field Technician, ~~the NLCAA database management software will generate a flag¹ indicating that a~~ 10-sided RPG, (role playing game), die must be cast twice, (once for 10’s place and once for 1’s place), to determine which of the next 100 acceptance testing jobs for the Field Technician will be selected for a “Random Field Inspection¹”. A trigger¹ will then be inserted into the NLCAA database management software to flag¹ a human operator that the next randomly selected job just completed should be inspected within 24 hours for a Field Technician must be inspected if feasible.

Examples: (Roll 1) = 5 => 40 to 50 Range

(Roll 2) = 3 => 43rd next job selected

When an Acceptance Test Technician is selected for “Random Form Review¹” or a “Random Field Inspection¹”, the Field Technicians’ last Employer of record will be informed by first class mail that they must remit the fee, (if not waived), for a “Form Review¹” or “Random Field Inspection¹”, and that the applicable process will commence for the Field Technicians’ ~~last job of record~~ next anticipated job.

Disciplinary Training

Intensive training generated by a Complaint Procedure Finding. This retraining and/or evaluation may include: Repeating the NLCAA Acceptance Test Technician Training Course in part or in full, demonstrating acceptance testing proficiency using additional laboratories or mock-ups, verbal question and answer tests, or challenge tests in actual areas with lighting controls installed, or any combination of the proceeding.

Field Inspections, (types of ...)

Field Inspection

A "Field Inspection¹" will consist of a minimum 2-hour site visit during which the Field Technician performing acceptance testing will be observed and interviewed. In addition: any or all of the following may occur; verification of acceptance tests completed, observation of acceptance testing methods, testing of lighting controls by NLCAA or their agent(s), testing of additional lighting controls not sampled by the Acceptance Test Technician(s) performing acceptance tests.

Audit Procedure Field Inspection

A Field Inspection generated by the Audit Procedure and not requiring a Complaint Form

Complaint Procedure Field Inspection

A Field Inspection generated by a Complaint Procedure Finding, for the site in question

Random Field Inspection

A Field Inspection that is initiated "Randomly", for a ~~previously tested~~ site

~~Scheduled Field Inspection~~

~~A field inspection generated by the scheduling process~~

Disciplinary Field Inspection

A "Disciplinary Field Inspection" shall be a visit to a building site where certified technicians are completing acceptance tests, or have previously completed acceptance tests. This building site shall be the building site identified in the Complaint Procedure. The Acceptance Test Technician Employer shall arrange with the building owner(s) of the property shown on the complaint in question to allow NLCAA or their agents to enter the property in question to perform testing to verify the Acceptance Testing results. This retesting may encompass anything up to and including a complete retest of any or all lighting controls installed at the property in question. This retesting should be arranged to occur within 60 calendar-days of notification that an inspection is required.

NLCAA FEE SCHEDULE

The charge for the NLCAA Lighting Controls Acceptance Test Technician Certification course of instruction is: \$1500.⁰⁰

The charge for the NLCAA Lighting Controls Acceptance Test Technician Employer Certification course of instruction is: \$650.⁰⁰

The charge for Recertification Training and examination shall be \$400.⁰⁰

The charge for Acceptance Code Update Training shall be \$110.⁰⁰

The charge for Repeat Training is: up to \$650.⁰⁰ for ATT Employers, up to \$1500.⁰⁰ for AT Technicians

The charge for Disciplinary Training is: \$2000.⁰⁰

The charge for Refresher Training is: \$0

The charge for an Audit Procedure Process is: \$0

The charge for an Audit Procedure Form Review is: \$0

The charge for a Random Form Review is: \$75.⁰⁰

The charge for a Complaint Procedure Form Review is: \$150.⁰⁰

The charge for a Disciplinary Form Review is: \$200.⁰⁰

The charge for a Complaint Procedure Field Inspection is: ~~\$400.⁰⁰~~ \$500.⁰⁰

The charge for an Audit Procedure Field Inspection is: ~~\$400.⁰⁰~~ \$500.⁰⁰

The charge for a Random Field Inspection is: ~~\$400.⁰⁰~~ \$500.⁰⁰

~~The charge for a Scheduled Field Inspection is: \$400.⁰⁰~~

The charge for a Disciplinary Field Inspection is: \$1500.⁰⁰ per day

The charge* for the use of NLCAA Acceptance Testing Data Entry Software is: \$200.⁰⁰

*Note: The charge for the use of NLCAA Acceptance Testing Data Entry Software is based on each Building Permit issued where Lighting Controls Acceptance Testing is required for that project.

Note: NLCAA Reserves the right to reduce or waive any fees shown.

To:

The California Energy Commission
1516 Ninth Street
Sacramento, California

From:

NLCAA
3301 E. Hill Street, Suite 408
Signal Hill, California

TITLE

APPLICATION FOR APPROVAL OF NLCAA, (THE NATIONAL LIGHTING CONTRACTORS ASSOCIATION OF AMERICA), AS A LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIAN CERTIFICATION PROVIDER.

DESCRIPTION

Submission to the California Energy Commission to Certify NLCAA, (The National Lighting Contractors Association of America), as a LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIAN CERTIFICATION PROVIDER as defined in section § 10-102 DEFINITIONS, per The 2013 Building Energy Efficiency Standards, per § 10-103-A; as required to train persons for duties described in § 130.4 (c), and to further provide certification of individuals to meet the definitions of § 10-102 ACCEPTANCE TEST TECHNICIAN, LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIAN and § 10-102 ACCEPTANCE TEST EMPLOYER, LIGHTING CONTROLS ACCEPTANCE TEST EMPLOYER and to further certify LIGHTING CONTROLS ACCEPTANCE TEST TECHNICIANS as FIELD TECHNICIANS as defined by § 10-102 DEFINITIONS.

§ 10-103-A (a) Scope.

NLCAA recognizes and verifies that as a Certification Provider it must abide by the requirements of: § 10-103-A; (and/or the requirements of § 10-103.1, [of the 2016 Building Energy Efficiency Standards])

§ 10-103-A (b) 2. Industry Coverage by Certification Providers – “... certification costs ...”

NOTICE: NLCAA reserves the right to reduce or waive any charges specified by this document or shown in Appendix 3: Fee Summary.

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§ 10-103.1 (c) 3. F. **Quality Assurance and Accountability**

“... accountability measures, such as ... visits to building site(s) where certified technicians are completing acceptance tests ...”

The “Field Inspection¹” procedure is summarized below and found in Appendix 2 of this application. The requirement for a “Field Inspection¹” will be imposed upon AT Technician(s) and/or ATT Employer(s) due to a variety of circumstances:

“Audit Procedure Field Inspection”, (Attachment 5), due to unsatisfactory results of Audit Procedure;

The Complaint Procedure, (Attachment 7), due to disciplinary action of NLCAA directors;

“Random Field Inspection¹”, scheduled due to ongoing “1% Random Sampling¹”

All of the above are “Field Inspections¹”, and vary as noted below.

In brief: A “**Field Inspection¹**” is a “(visit) to (a) building site where certified technicians are completing acceptance tests”, [§ 10-103.1 (c) 3. F.]. This site visit shall be arranged by an Acceptance Test Technician Employer for the Field Technician under inspection. This “Field Inspection¹” should occur on the next possible occasion after the Employer has been notified by First Class Mail – (and telecommunications¹, when convenient for NLCAA). A “Field Inspection¹” will consist of a minimum 2-hour site visit during which the Field Technician performing acceptance testing will be observed and interviewed. In addition: any or all of the following may occur; verification of acceptance tests completed, observation of acceptance testing methods, testing of lighting controls by NLCAA or their agent(s), testing of additional lighting controls not sampled by the Acceptance Test Technician(s) performing acceptance tests.

An “**Audit Procedure Field Inspection¹**” is a “Field Inspection¹” as described above;

A “**Random Field Inspection¹**” is a “Field Inspection¹” as described above. A “Random Field Inspection¹” requirement is generated by the 1% Random Selection process, (Attachment 14). A Random Field Inspection¹ should be completed at the selected Field Technicians’ next Acceptance Testing job, if feasible.

A “**Complaint Procedure Field Inspection¹**” is a “Field Inspection¹” as described above – *EXCEPT* it is performed at a visit to a site that produced an acceptance testing complaint. A “Complaint Procedure Field Inspection¹” requirement is only generated by the Complaint Procedure, Attachment 7.

§ 10-103.1 (c) 3. F. **Quality Assurance and Accountability**

“... accountability measures, such as ... visits to building site(s) where certified technicians are completing acceptance tests ...”

The “Field Inspection¹” procedure is summarized below and found in Appendix 2 of this application. The requirement for a “Field Inspection¹” will be imposed upon AT Technician(s) and/or ATT Employer(s) due to a variety of circumstances:

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NLCAA Random Selection Process

The Random Selection process for both “Random Form Reviews¹” and “Random Field Inspections¹” differ in that there is an initial 2% criterion for “Random Form Review¹” sampling, and an initial 1% criterion for “Random Field Inspection¹” sampling. Additionally – a Field Technicians first acceptance testing assignment after certification will undergo a “Random Form Review¹”.

There is a 1% criterion for “Random Field Inspection¹” sampling. This procedure is commenced when a NLCAA certified AT Technician has completed their certification.

The 2% criteria; for Form Reviews:

Beginning with the 20th job for a Field Technician, the NLCAA database management software will generate a flag¹ indicating that two 10-sided RPG, (role playing game), die must be cast twice, (once for 10’s place and once for 1’s place), to determine which 2 of the next 100 acceptance testing jobs for the Field Technician will be selected for a “Random Form Review¹”. Triggers¹ will then be inserted into the NLCAA database management software to flag¹ a human operator that the Acceptance Testing job for the specified Field Technician must have a Form Review.

Examples: (Roll 1 - Die 1) = 2 => 10 to 20 Range

(Roll 1 - Die 2) = 1 => 11th next job selected

The 1% criteria; for Random Field Inspections:

Beginning with the certification of a Field Technician, a 10-sided RPG, (role playing game), die must be cast twice, (once for 10’s place and once for 1’s place), to determine which of the next 100 acceptance testing jobs for the Field Technician will be selected for a “Random Field Inspection¹”. A trigger¹ will then be inserted into the NLCAA database management software to flag¹ a human operator that the next randomly selected job for a Field Technician must be inspected if feasible.

Examples: (Roll 1) = 5 => 40 to 50 Range

(Roll 2) = 3 => 43rd next job selected

When an Acceptance Test Technician is selected for “Random Form Review¹” or a “Random Field Inspection¹”, the Field Technicians’ last Employer of record will be informed by first class mail that they must remit the fee, (if not waived), for a “Form Review¹” or “Random Field Inspection¹”, and that the applicable process will commence for the Field Technicians’ next anticipated job.

Disciplinary Training

Intensive training generated by a Complaint Procedure Finding. This retraining and/or evaluation may include: Repeating the NLCAA Acceptance Test Technician Training Course in part or in full, demonstrating acceptance testing proficiency using additional laboratories or mock-ups, verbal question and answer tests, or challenge tests in actual areas with lighting controls installed, or any combination of the proceeding.

Field Inspections, (types of ...)

Field Inspection

A "Field Inspection¹" will consist of a minimum 2-hour site visit during which the Field Technician performing acceptance testing will be observed and interviewed. In addition: any or all of the following may occur; verification of acceptance tests completed, observation of acceptance testing methods, testing of lighting controls by NLCAA or their agent(s), testing of additional lighting controls not sampled by the Acceptance Test Technician(s) performing acceptance tests.

Audit Procedure Field Inspection

A Field Inspection generated by the Audit Procedure and not requiring a Complaint Form

Complaint Procedure Field Inspection

A Field Inspection generated by a Complaint Procedure Finding, for the site in question

Random Field Inspection

A Field Inspection that is initiated "Randomly", for a site

Disciplinary Field Inspection

A "Disciplinary Field Inspection" shall be a visit to a building site where certified technicians are completing acceptance tests, or have previously completed acceptance tests. This building site shall be the building site identified in the Complaint Procedure. The Acceptance Test Technician Employer shall arrange with the building owner(s) of the property shown on the complaint in question to allow NLCAA or their agents to enter the property in question to perform testing to verify the Acceptance Testing results. This retesting may encompass anything up to and including a complete retest of any or all lighting controls installed at the property in question. This retesting should be arranged to occur within 60 calendar-days of notification that an inspection is required.

NLCAA FEE SCHEDULE

The charge for the NLCAA Lighting Controls Acceptance Test Technician Certification course of instruction is: \$1500.⁰⁰

The charge for the NLCAA Lighting Controls Acceptance Test Technician Employer Certification course of instruction is: \$650.⁰⁰

The charge for Recertification Training and examination shall be \$400.⁰⁰

The charge for Acceptance Code Update Training shall be \$110.⁰⁰

The charge for Repeat Training is: up to \$650.⁰⁰ for ATT Employers, up to \$1500.⁰⁰ for AT Technicians

The charge for Disciplinary Training is: \$2000.⁰⁰

The charge for Refresher Training is: \$0

The charge for an Audit Procedure Process is: \$0

The charge for an Audit Procedure Form Review is: \$0

The charge for a Random Form Review is: \$75.⁰⁰

The charge for a Complaint Procedure Form Review is: \$150.⁰⁰

The charge for a Disciplinary Form Review is: \$200.⁰⁰

The charge for a Complaint Procedure Field Inspection is: \$500.⁰⁰

The charge for an Audit Procedure Field Inspection is: \$500.⁰⁰

The charge for a Random Field Inspection is: \$500.⁰⁰

The charge for a Disciplinary Field Inspection is: \$1500.⁰⁰ per day

The charge * for the use of NLCAA Acceptance Testing Data Entry Software is: \$200.⁰⁰

*Note: The charge for the use of NLCAA Acceptance Testing Data Entry Software is based on each Building Permit issued where Lighting Controls Acceptance Testing is required for that project.

Note: NLCAA Reserves the right to reduce or waive any fees shown.