

CERTIFICATION OF SAFETY INSPECTORS, SAFETY INVESTIGATORS, NEW ENTRANT SAFETY AUDITORS, COMMERCIAL ENFORCEMENT SPECIALISTS SAFETY INVESTIGATORS WHO PERFORM CARGO TANK FACILITY REVIEWS, AND OTHER EMPLOYEES WHO MAINTAIN CERTIFICATION

I. Initial Certification

Personnel subject to certification must complete the requirements for initial certification within 12 months including, as applicable:

- 1) Graduation from the FMCSA Academy; OR
- 2) Completion of the FMCSA North American Standard Level I, General Hazardous Materials, and Investigative Safety Analysis courses; OR
- 3) Completion of the classroom portion of a training session specific to the certification(s) sought

Completing the initial requirements could bridge performance years. Initial certification requirements completed after the beginning of the performance year would also count towards that year's requirement for maintenance of certification.

For example: A FMCSA employee graduates from the Safety Investigator Academy on April 1, 2017. The employee has 12 months from that date, or until March 31, 2018, to fulfill the field portion of the certification. Inspections and/or investigations conducted during the time period of June 1, 2017 through March 31, 2018, will count for both, initial certification and the recertification inspections and investigations for that performance year that would conclude on May 31, 2018.

Specialized certifications are only required for certain FMCSA employees, designated at the discretion of the supervisor, and based on the safety concerns and needs of the Division Office. Specialized proficiency driver/vehicle inspection certifications in the Commercial Vehicle Safety Alliance's (CVSA) Operational Policy 4 - Inspector Training and Certification (Attachment A) include: Advanced Level I, Hazardous Materials/Transportation of Dangerous Goods, Cargo Tank, Other Bulk Packaging, Passenger Vehicle, North American Standard Level VI, and Performance-Based Brake Testing (PBBT) Inspections. Specialized investigation and audit certifications addressed in this attachment also include: Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists, and Safety Investigators who perform Cargo Tank Facility Reviews. For specialized activities not described in this policy, the Regional Field Administrator will determine certification requirements.

II. Maintenance of Certification

To maintain certification, each person must meet the maintenance requirements annually.

For FMCSA employees, supervisors must document, in conjunction with the end-of-cycle performance appraisal process, the completion of the certification requirements. Supervisors will use Attachments C – Acknowledgement of Initial Certification Completion and Maintenance Requirement, and D – Employee Certification Status to document certification. Supervisors are advised to routinely monitor Gotham and other activity tracking systems to ensure that the minimum employee performance requirements are met. In addition, to encourage consistent data quality and skill maintenance, it is suggested that supervisors promote the completion of assignments evenly throughout the performance year.

Non-FMCSA entities must follow their agency's policies and procedures for documentation of certification requirements.

III. Documentation of Certification

Once initial certification is successfully completed, the individual has through the end of the employee performance appraisal cycle to complete all necessary requirements to maintain certifications.

Any initial certification activity conducted during a performance year counts toward the annual maintenance certification.

IV. Certification Processes

A. Certification to Conduct Level I, II, III, IV or V Driver/Vehicle Inspections

FMCSA employees are certified to conduct Level I driver/vehicle inspections. This certifies employees to also conduct Level II, III, IV, and V driver/vehicle inspections.

Initial Certification: The employee must meet the certification requirements specified in the CVSA Operational Policy 4 - Inspector Training and Certification (See Attachment A) except:

- FMCSA employees may not challenge the test to meet any of the initial certification requirements;
- FMCSA employees must successfully complete and pass academy curriculum established by the National Training Center (NTC).
- Successfully complete at least 32 North American Standard Level I Inspections with a certified inspector, field-training officer, or coach who will evaluate the inspector for knowledge of the regulations and proficiency in the inspection process. These inspections should be completed as soon as practicable, but no later than six months after passing the written exam(s).

Maintenance of Certification: To maintain certification, employees must meet the certification requirements specified in the CVSA Operational Policy 4 - Inspector Training and Certification (See Attachment A) except:

- Until such time as FMCSA establishes annual in-service training, as required by CVSA Operational Policy 4, or until June 1, 2018, whichever occurs first, FMCSA inspectors are excepted from this provision.

B. Certification to Conduct Specialized Proficiency Driver/Vehicle Inspections

Initial Certification: The inspector must meet the certification requirements specified in the CVSA Operational Policy 4 - Inspector Training and Certification (See Attachment A), except:

- FMCSA employees obtaining the Passenger Vehicle Inspection certification must conduct at least 4 of the 8 North American Standard Level I passenger vehicle inspections on motorcoaches.

Maintenance of Certifications: To maintain each of the specialized inspection certifications, inspectors must meet the certification requirements specified in the CVSA Operational Policy 4 Inspector Training and Certification (See Attachment A), except:

- FMCSA employees maintaining Passenger Vehicle Inspection certification must conduct at least 4 of the 8 North American Standard Level I and/or Level V passenger vehicle inspections on motorcoaches.

C. Certification to Conduct Safety Audits

Initial Certification:

- Either be currently certified to conduct investigations; or successfully complete North American Standard Part A and Part B, General Hazardous Materials, and the New Entrant Safety Auditor course, including any pre- and/or post-training requirements;
- Successfully complete a minimum of 24 safety audits, with a person certified to conduct safety audits; and
- Be certified to conduct Level I driver/vehicle inspections.
 - **For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.**

Maintenance of Certification:

- Successfully complete any required in-service or refresher training;
- Either successfully complete a minimum of 24 safety audits of which a minimum of 6 must be onsite safety audits; or must meet the certification standards to conduct comprehensive investigations; and
- Maintain Level 1 driver/vehicle inspection certification.

- **For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.**

D. Certification to Conduct Investigations

The certification to conduct investigations includes the certification to conduct comprehensive investigations, onsite focused investigations, and offsite investigations.

Initial Certification:

- Successfully complete the FMCSA Safety Investigator Academy, including any pre- and/or post-Academy training requirements; or for non-FMCSA employees successfully complete the North American Standard Part A and Part B, General Hazardous Materials; and, Investigative Safety Analysis courses, including any pre- and/or post training requirements;
- Successfully complete a minimum of 6 comprehensive investigations with a person certified to conduct compliance investigations; and
- Be certified to conduct Level I driver/vehicle inspections.
 - **For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.**

Maintenance of Certification:

- Successfully complete any required in-service or other training;
- Successfully complete a minimum of 6 investigations of which 3 may be focused; and
- Maintain Level I Inspection certification.
 - **For non-FMCSA employees, be certified to conduct driver/vehicle inspections to the highest level required by the employing entity.**

E. Certification to Conduct Commercial Enforcement Investigations

The following criteria must be met to conduct Commercial Enforcement Investigations and Consumer Protection Reviews. A Commercial Enforcement Investigation is an investigation of the commercial regulations.

Initial Certification:

FMCSA Employees must:

- Successfully complete the Household Goods (HHG)/Commercial Enforcement Basic Course;
- Successfully complete 3 reviews of compliance with the commercial regulations with a person certified to conduct Commercial Enforcement Investigations; and
- Be certified to conduct investigations.

Non-FMCSA Employees from agencies with MOAs with FMCSA must:

- Successfully complete the HHG/Commercial Enforcement Basic Course and successful completion of the Supplemental Course for State HHG Enforcement Partners;

- Successfully complete 3 reviews of compliance with the commercial regulations with a person certified to conduct Commercial Enforcement Investigations; and
- Be certified to conduct investigations.

Additional Certification Requirements for Commercial Enforcement Specialists:

FMCSA employees designated in their position description or performance plan as Commercial Enforcement Specialists and who are dedicated full time to commercial enforcement must complete the Commercial Enforcement Investigation Certifications and meet these additional requirements:

Initial Certification:

- Successfully complete two courses relating to leadership and/or the leading of teams and groups; and
- Successfully complete 12 reviews of compliance with the commercial regulations.

Maintenance of Certification:

- Maintain investigations certification to include 3 reviews of compliance with the commercial regulations.

F. Certification to Conduct Cargo Tank Facility Reviews

Initial Certification:

- Successfully complete the NTC Cargo Tank Facility Review Course;
- Successfully complete a minimum of 3 cargo tank facility reviews with a person who is certified to conduct cargo tank facility reviews;
- Be certified to conduct investigations; and
- Be certified to conduct Cargo Tank and HM driver/vehicle inspections.

Maintenance of Certification:

- Conduct a minimum of 3 cargo tank facility reviews;
- Maintain Cargo Tank and HM driver/vehicle inspection certification; and
- Maintain investigation certification.

V. Decertification Process

Inspectors, Investigators, and Auditors who are certified in accordance with this policy will be decertified if he or she fails to meet any of the established requirements for maintenance of certification within the applicable time period. For example, except in cases where initial certifications span more than one certification year, if a FMCSA employee certified to conduct investigations fails to conduct the required minimum of 6 investigations by May 31, he or she is decertified to conduct investigations on June 1.

However, a person who is decertified from any one certification area may continue to perform functions of the remaining certification areas, if that person meets the certification requirements for those areas. For example, a person certified to conduct investigations fails to conduct the required 6 investigations, but completes 24 safety audits during the 12-month performance

appraisal period, this individual would lose certification to conduct investigations, but retain certification to conduct safety audits.

Decertification for driver/vehicle inspections will follow the procedures specified in CVSA's Operational Policy 4 - Inspector Training and Certification (See Attachment A).

An FMCSA employee who becomes decertified and whose position requires certification will be provided no more than 180 days, from the date of decertification, to obtain recertification, unless the appropriate training course(s) are not available or the employee obtains a waiver, as described below in VI: Temporary Waiver Process. Employees, whose position descriptions require certification, but who fail to obtain recertification within 180 days from the date of decertification, and who are not reassigned to another position, are subject at the discretion of the Agency to demotion, removal, and/or termination.

FMCSA employees who become decertified, but whose position does not require certification may request recertification at any time.

VI. Temporary Waiver Process

FMCSA Employees:

At the discretion of the Agency, a waiver will only be granted to a person who was previously certified and subsequently became decertified due to reasons beyond his or her control.

For example, an employee who was certified to conduct Level I driver/vehicle inspections, but failed to complete the required minimum of 32 Level I driver/vehicle inspections due to a management-directed temporary assignment, medical condition, or National Guard or Military Reserves duty is eligible to apply for a waiver. A person who was certified, but failed to maintain certification because of an employee-related disciplinary action, is not eligible for a waiver.

Waiver applications should be done in advance of becoming decertified. Generally, a waiver may be granted for up to 12 months. Except in extraordinary cases, and at the discretion of the Agency, no waiver shall be granted in excess of the period of time needed to meet the certification requirements.

If an employee wishes to request additional time beyond the approved waiver period, he or she must reapply prior to the expiration of the waiver period.

Waiver requests must be made in writing by the employee's supervisor. The Associate Administrator for Field Operations is the Deciding Official in all field certification waiver requests.

Any request for a waiver under this policy that is based on medical issues must include original copies of documentation from a medical or healthcare practitioner, signed in ink and on the medical practitioner's letterhead, providing the following information:

- 1) Employee's name;

- 2) The medical condition that precludes the employee from conducting certification requirements;
- 3) How the above medical condition precludes the employee from conducting certification requirements;
- 4) Beginning and ending dates of the above medical condition and prognosis for recovery;
- 5) The date(s) the employee was treated or examined for the above medical condition; and
- 6) The physician's or medical practitioner's name, address, and phone number.

The documentation must be sufficient in detail so that:

- 1) The supervisor and Deciding Official can understand the medical basis for the request, and, if necessary, the information can be provided to a physician for his or her advice; and
- 2) The information can be used to determine whether any reasonable accommodation can be taken to facilitate the completion certification requirements.

The supervisor or Deciding Official may request additional medical or other documentation (e.g., National Guard or Military Reserve Duty orders). The Deciding Official will advise the employee, in writing, of the decision on the waiver request.

If, however, a waiver is not granted or the waiver period expires, the FMCSA employee must meet the recertification requirements within 180 days of the initial date of decertification.

The supervisors of FMCSA Safety Inspectors, Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists, and Safety Investigators who perform Cargo Tank Facility Reviews, and other employees who maintain certifications must document the employee's Initial Certification Period, Maintenance of Certification Period, and the Decertification and Recertification processes using the Employee Certification Status Forms. (Refer to Attachments C and D)

Non-FMCSA Employees:

Non-FMCSA employees may apply for an extension of time to achieve driver/vehicle inspection certification as specified in the CVSA Operational Policy 4 - Inspector Training and Certification Policy (See Attachment A). The waiver request must be made to the State's MCSAP Lead Agency Head, or designee.

Non-FMCSA employees may request a waiver from all other certifications through FMCSA by following the same steps listed above for FMCSA employees. The request for waiver should be submitted to the Division Administrator or his/her designee of the State in which the Non-FMCSA employee is employed. In these cases, the DA or designee is the Deciding Official.

VII. Recertification Process

An FMCSA employee who is decertified may request recertification. The request must be made to the employee's supervisor. Before granting a recertification request, it is the responsibility of the supervisor to determine that the employee has satisfactorily completed the recertification requirements. Recertification is only necessary in the functional area in which the employee was decertified. For example, if an employee was decertified in conducting investigations because he or she did not complete the required minimum of 6 investigations, but the employee did successfully complete the requirements to maintain Level 1 driver/vehicle inspection certification, the employee would only be required to be recertified to conduct investigations.

Non-FMCSA employees funded through MCSAP and/or who upload data into FMCSA systems, must make the request for recertification to the State MCSAP Lead Agency Head, or designee.

In order for a person to be recertified in driver/vehicle inspections or specialized proficiency driver/vehicle inspections they must meet the recertification requirements specified in the CVSA Operational Policy 4 - Inspector Training and Certification Policy (See Attachment A) except:

- FMCSA Safety Auditors and Safety Investigators may count Level V inspections toward the 32 Level I inspections required for recertification when the Level V inspections are conducted during an audit or investigation; and
- FMCSA employees seeking Passenger Vehicle Inspection recertification must conduct at least 4 of the 8 North American Standard Level I and/or Level V passenger vehicle inspections on motorcoaches.

In order for a person to be recertified in the following functions, that person must:

A. Safety Audits:

- Either complete the recertification requirements to conduct comprehensive investigations; or
- Successfully complete the FMCSA New Entrant Safety Auditor and General Hazardous Materials courses, including any pre- and/or post-training requirements; or successfully "pass the course final examinations (test) with a minimum score of 80% without taking the class;
- Successfully complete a minimum of 24 safety audits, with a person certified to conduct safety audits; and
- Be certified to conduct Level I driver/vehicle inspections.

B. Investigations:

- Successfully complete the FMCSA Investigative Safety Analysis, North American Standard Parts A and Part B, and General Hazardous Materials courses, including any pre- and/or post-training requirements; **or** successfully pass the course final examinations with a minimum score of 80% without taking the class;
- Successfully complete a minimum of 6 investigations with a person certified to conduct investigations; and
- Be certified to conduct Level I driver/vehicle inspections.

C. Cargo Tank Facility Reviews:

- Successfully complete the FMCSA Cargo Tank Facility Review course, including any pre- or post-training requirements; **or** successfully pass the course final examination with a minimum score of 80% without taking the class;
- Conduct a minimum of 3 cargo tank facility reviews with a person certified to conduct cargo tank facility reviews;
- Be certified to conduct Cargo Tank driver/vehicle inspections; and
- Be certified to conduct Hazardous Materials driver/vehicle inspections.

D. Commercial Enforcement Investigations

- Successfully complete the Household Goods/Commercial Enforcement Basic Course; and
- Conduct a minimum of 3 commercial enforcement investigations with a person certified to conduct commercial enforcement investigations.

Attachment B Amended
January 2017

ATTACHMENT C

U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Subject: Acknowledgement of Initial Certification
Completion and Maintenance Requirement

Date:

From: XXXXXX XXXXXX
Employee Supervisor
XXXXXXX Division

In Reply Refer To:

To: Employee Name

To ensure that all personnel have the proper training and experience to perform the inspection and investigation activities, the Federal Motor Carrier Safety Administration (FMCSA) requires certification for any individual conducting driver/vehicle inspections, investigations, new entrant safety audits, commercial enforcement investigations, and cargo tank facility reviews.

This is to inform you that as a result of satisfactory completion of the initial certification requirements, you are currently certified to conduct *(insert either Level I driver/vehicle inspections, investigations, and/or safety audits)*. This initial certification will expire on May 31, 20XX. Starting on June 1, 20XX, and every subsequent 12-month performance appraisal cycle thereafter, you must maintain certification consistent with FMCSA requirements.

Certification is a mandatory condition for continued employment for FMCSA Safety Inspectors, Safety Investigators, New Entrant Safety Auditors, Commercial Enforcement Specialists, Safety Investigators who perform Cargo Tank Facility Reviews, and other personnel who maintain certification. Failure to maintain your certification may result in termination of your employment with FMCSA.

Should you have any additional questions, please contact your immediate supervisor within X days.

Acknowledgement

I acknowledge receipt of this memorandum. I understand that: 1) certification consistent with FMCSA requirements is a mandatory condition for continued employment; and 2) failure to maintain certification may result in termination of my employment with FMCSA.

Acknowledgement: _____

Name

Date

ATTACHMENT D

Employee Certification Status

Employee Name:

Position:

Office:

This form is used to document the initial certification, maintenance of certification, decertification, and recertification of the listed employee for purposes of driver/vehicle inspections, investigations, new entrant safety audits, commercial enforcement investigations, and cargo tank facility reviews.

☐ **1. Initial Certification Period:** This must be completed no later than the last day of the next performance cycle. Completing the initial requirements below could bridge performance years. Initial certification requirements completed after the beginning of the performance year would also count towards that year's requirement for maintenance of certification.

The employee's initial certification is effective as of _____.
The employee is certified for the period _____ through _____
_____ to conduct:

- ☐ Level I, II, III, IV, and V Driver/Vehicle Inspections;
- ☐ Level I, II, and V Hazardous Materials Driver/Vehicle Inspections;
- ☐ Level I, II, and V Cargo Tank Driver/Vehicle Inspections;
- ☐ Level I, II, and V Other Bulk Package Inspections;
- ☐ Level I, II, and V Passenger Carrying Vehicle Driver/Vehicle Inspections;
- ☐ Level VI Highway Route Controlled Quantities (HRCQ) of Radioactive Material: RAM inspections;
- ☐ Onsite Safety Audits;
- ☐ Offsite Safety Audits;
- ☐ Investigations;
- ☐ Commercial Enforcement Investigations;
- ☐ Cargo Tank Facility Reviews;

☐ **2. Maintenance of Certification Period:** This must be updated each 12-month performance cycle to reflect the current certification period (e.g. after initial certification, maintenance of certification, or recertification, if decertified).

The employee is certified for the period _____ through _____ to conduct:

- ☐ Level I, II, III, IV, and V Driver/Vehicle Inspections;
- ☐ Level I, II, and V Hazardous Materials Driver/Vehicle Inspections;
- ☐ Level I, II, and V Cargo Tank Driver/Vehicle Inspections;
- ☐ Level I, II, and V Other Bulk Package Inspections;
- ☐ Level I, II, and V Passenger Carrying Vehicle Driver/Vehicle Inspections;
- ☐ Level VI HRCQ RAM inspections;
- ☐ Onsite Safety Audits;
- ☐ Offsite Safety Audits;
- ☐ Investigations;
- ☐ Commercial Enforcement Investigations;
- ☐ Cargo Tank Facility Reviews;

☐ **3. Decertification:** Taking into account any waivers granted, the employee has not completed the requirements for maintenance of certification during the performance period in Number 2 (Maintenance of Certification Period) above and is currently not certified to conduct:

- ☐ Level I, II, III, IV, and V Driver/Vehicle Inspections;
- ☐ Level I, II, and V Hazardous Materials Driver/Vehicle Inspections;
- ☐ Level I, II, and V Cargo Tank Driver/Vehicle Inspections;
- ☐ Level I, II, and V Other Bulk Package Inspections;
- ☐ Level I, II, and V Passenger Carrying Vehicle Driver/Vehicle Inspections;
- ☐ Level VI HRCQ RAM inspections;

☐ Onsite Safety Audits;

☐ Offsite Safety Audits;

☐ Investigations;

☐ Commercial Enforcement Investigations;

☐ Cargo Tank Facility Reviews;

☐ **4. Recertification:** The employee has ☐ has not ☐ completed the requirements for recertification during the period in Number 2 (Maintenance of Certification Period) above and is ☐ is not ☐ currently certified to conduct:

☐ Level I, II, III, IV, and V Driver/Vehicle Inspections;

☐ Level I, II, and V Hazardous Materials Driver/Vehicle Inspections;

☐ Level I, II, and V Cargo Tank Driver/Vehicle Inspections;

☐ Level I, II, and V Other Bulk Package Inspections;

☐ Level I, II, and V Passenger Carrying Vehicle Driver/Vehicle Inspections;

☐ Level VI HRCQ RAM inspections;

☐ Onsite Safety Audits;

☐ Offsite Safety Audits;

☐ Investigations;

☐ Commercial Enforcement Investigations;

☐ Cargo Tank Facility Reviews;

If applicable, the new certification period will be documented in Number 1, above. If the employee is not recertified, a plan of action must be determined by the supervisor as soon as practicable.

Employee Signature

Supervisor Signature

Date

Date