

## **CERTIFICATION OF VEHICLE INSPECTORS, SAFETY AUDITORS, AND SAFETY INVESTIGATORS**

### **Preface**

This document prescribes policy and operational procedures for certifying Federal, federally funded State, and local government and private contractor vehicle inspectors, safety auditors, and safety investigators, as required by Section 211 of the Motor Carrier Safety Improvement Act of 1999. The certification process is designed to ensure that all personnel have the proper training and experience to perform the inspection and compliance activities of the Federal Motor Carrier Safety Administration (FMCSA).

FMCSA published an Interim Final Rule to meet the requirement of Section 211 of the Motor Carrier Safety Improvement Act of 1999 (the Act). The Act requires that a certified safety auditor perform any safety audit or compliance review conducted after December 31, 2002. The rule requires certification and maintenance of certification for anyone who performs a motor carrier compliance review, safety audit, or Level I and V inspection.

This document is divided into four parts:

Part 1 - Certification Process

Part 2 - Decertification Process

Part 3 – Temporary Waiver Process

Part 4 - Recertification Process

### **Part 1: Certification Process**

Provides the certification and maintenance of certification requirements for each type of job responsibility: the motor carrier compliance review, safety audit, and Level I and V inspection.

### **Part 2: Decertification Process**

Addresses what circumstances would result in an individual being decertified to perform one or all of the motor carrier compliance review, safety audit, and Level I and V inspection responsibilities conducted by Federal and federally funded State and local government enforcement personnel.

### **Part 3: Temporary Waiver Process**

Describes the process for obtaining a temporary waiver of the requirement to maintain certification.

### **Part 4: Recertification Process**

Describes the procedures for an individual to regain his or her certification following a decertification.

### **Part 1: Certification Process**

Certification is a way for FMCSA to assure its employees, the general public, and the Congress that its enforcement personnel are qualified to perform motor carrier compliance reviews, safety audits, and Level I and V inspections. Certification as required by the Interim Final Rule is a mandatory condition of continued employment for Federal employees required to perform these types of duties on a recurring basis, as described below. Each Division Administrator will ensure that the Federal and federally funded personnel performing motor carrier compliance reviews, safety audits, and Level I and V inspections in his or her State are certified to perform that job function. For Federal employees performing functions subject to certification on a recurring basis, failure to be certified or maintain certification as required by the Interim Final Rule could be a basis for termination of employment. Recurring basis means that those individuals' job responsibilities require them to conduct a minimum of six (6) compliance reviews, twenty-four (24) safety audits, and/or thirty-two (32) Level I and V inspections on an annual (annual shall mean fiscal year) basis. **State MCSAP agencies will certify as part of their commercial vehicle safety plans that MCSAP personnel conducting any of these job functions meet these requirements.**

The requirements for certification will apply to all individuals who conduct motor carrier compliance reviews, safety audits, or Level I and V inspections. However, FMCSA will certify any current Federal or federally funded State or local employee who was fully trained in conducting motor carrier compliance reviews, safety audits, or Level I and V roadside inspections prior to July 17, 2002. FCMSA recommends that the Division Administrators document this certification process for Federal employees through the annual performance appraisal process. These individuals will be certified until September 30, 2003. After this initial certification, they must be certified by one of the following methods.

## Certification to Conduct Motor Carrier Compliance Reviews

### Basic Certification:

Basic Certification will apply to individuals newly appointed or assigned from another government agency to FMCSA positions with motor carrier compliance review responsibilities, and to FMCSA employees occupying or assigned to positions with this responsibility who have not been previously certified to conduct motor carrier compliance reviews. It will also apply to State employees who conduct federally funded motor carrier compliance reviews. The requirements of basic motor carrier compliance review certification are as follows:

#### Federal:

- Successfully complete the FMCSA Safety Investigator Academy; and
- Satisfactorily participate in thirty (30) Level I or V inspections under the direction and control of a person certified to conduct Level I and V inspections; **or**

#### Non-Federal:

- Successfully complete the FMCSA North American Standard Level I, General Hazardous Materials, and Compliance Review courses, and
- Satisfactorily participate in thirty (30) Level I or V inspections under the direction and control of a person certified to conduct Level I and V inspections.

### Maintenance of Certification:

Each individual certified to conduct motor carrier compliance reviews (including those conducting compliance reviews as of July 17, 2002) must meet the following requirements to remain certified:

- Complete six (6) motor carrier compliance reviews annually (for purposes of certification, annually shall mean every fiscal year); and
- Complete thirty-two (32) Level I and/or V inspections annually (for purposes of certification, annually shall mean every fiscal year); and
- Successfully complete any FMCSA required refresher or in-service training; and
- The compliance reviews and Level I and/or V inspections must be conducted in accordance with the FMCSA Field Operations Training Manual and applicable policies.

## Certification to Conduct Safety Audits

### Basic Certification:

Basic Certification will apply to individuals newly appointed or assigned from another government agency to FMCSA positions with safety audit responsibilities, and to FMCSA or federally funded State or local employees occupying or assigned to positions with this responsibility who have not been previously certified to conduct motor carrier compliance reviews or safety audits. The requirements of basic safety audit certification are as follows:

#### Federal and Non-Federal:

- Successfully complete the FMCSA Safety Auditor Academy; and
- Satisfactorily participate in thirty (30) Level I or V inspections under the direction and control of a person certified to conduct Level I and V inspections; **or**
- Have certification to conduct motor carrier compliance reviews.

### Maintenance of Certification:

Each individual certified to conduct safety audits must meet the following requirements to remain certified:

- Meet the requirements to maintain certification to conduct motor carrier compliance reviews; **or**
- Complete twenty-four (24) safety audits annually (for purposes of certification, annually shall mean every fiscal year);
- Complete thirty-two (32) Level I and/or V inspections annually (for purposes of certification, annually shall mean every fiscal year);
- Successfully complete any FMCSA required refresher or in-service training; and
- The safety audits and level I and/or V vehicle inspections must be conducted in accordance with the FMCSA Field Operations Training Manual and applicable policies.

## Certification to Conduct Level I and V Inspections

### Basic Certification:

Basic Certification will apply to individuals newly appointed or assigned from another government agency to FMCSA positions with Level I and V inspection responsibilities, and to FMCSA or federally funded State or local employees occupying or assigned to positions with this responsibility who have not been previously certified to conduct Level I and V inspections. The requirements for the basic certification to conduct Level I and V inspections are as follows:

#### Federal and Non-Federal:

- Successfully complete the FMCSA Inspector Academy; **or**
- Successfully complete the FMCSA North American Standard Level I Course; and
- Satisfactorily participate in thirty (30) Level I or V inspections under the direction and control of a person certified to conduct Level I and V inspections; and
- Meet the minimum documented quality levels in the Level I and V inspection process.

### Maintenance of Certification:

Each individual certified to conduct Level I and V inspections (including those individuals conducting Level I or V inspections as of July 17, 2002) must meet the following requirements to remain certified:

- Complete thirty-two (32) Level I and/or V inspections annually (for purposes of certification, annually shall mean every fiscal year); and
- Successfully complete any FMCSA required refresher or in-service training; and
- Meet the minimum documented quality levels in the Level I and V inspection process.

### Duration of Certification

Each initial certification or maintenance of certification described above will be valid through the last day of the next complete fiscal year after the date the requirement was met. For example: If an individual successfully completed the FMCSA Safety Investigator Academy in fiscal year 2003, that person would be certified to conduct compliance reviews until September 30, 2004. If an individual conducted six quality compliance reviews in fiscal year 2003, that

person would be certified to conduct compliance reviews until September 30, 2004. This applies to each type of certification.

## **Part 2: Decertification Process**

Any Federal or federally funded individual who is certified to perform motor carrier compliance reviews, safety audits, or Level I and V inspections shall be decertified if he or she fails to meet any of the established requirements for maintaining certification within the applicable fiscal year (October to September for Federal employees). However, a person who is decertified to conduct compliance reviews may continue to conduct safety audits and/or Level I and V inspections if that person meets the certification requirements for the safety audit and/or Level I and V inspections. For example, if a person certified to conduct compliance reviews conducts 3 compliance reviews and 24 safety audits in a fiscal year, that person would lose certification to conduct compliance reviews but retain certification to conduct safety audits. Decertification shall be automatic for anyone who does not meet the requirements of the certification process. For example, if a person is certified to conduct compliance reviews until September 30, 2003, but fails to conduct six compliance reviews before that date, that person would be decertified to conduct compliance reviews on October 1, 2003.

It shall be the Division Administrator's responsibility to ensure that all individuals (both Federal and federally funded State and local) performing compliance reviews, safety audits, or Level I and V inspections within their state are certified. Federal employees whose positions require certification shall be provided no more than 180 days from the date of decertification to obtain recertification, unless the employee obtains a waiver as described in Part 3 below. **For federally funded State and local employees, each MCSAP agency will be required to certify that the federally funded employees in that State are certified to perform the applicable job function(s) (compliance reviews, safety audits, Level I or V inspections).**

## **Part 3: Temporary Waiver Process**

A Federal employee who has been decertified to conduct motor carrier compliance reviews, safety audits, or Level I and V inspections may apply for a temporary waiver from decertification. This request shall be made through the Division Administrator of the State where the person will be conducting compliance reviews, safety audits, and/or Level I and V inspections to the Associate Administrator for Enforcement and Program Delivery as the deciding official. A waiver can only be granted to a person who has previously been certified and subsequently decertified due to reasons beyond his or her control, or reasons not related to misconduct. For example, an employee who was certified to perform compliance reviews, but failed to maintain certification due to a management-directed temporary assignment in another office or illness, would be allowed to apply for a waiver. A person who was certified, but failed to maintain certification because of misconduct, or whose compliance reviews are not of minimum acceptable quality, shall not be allowed to apply for a waiver. **State employees may also apply for a waiver from decertification, but that request should be made to the head of**

**the MCSAP lead agency or that person's designated official.**

A waiver can only be granted for a period of time commensurate with the reason the employee was unable to obtain certification (e.g., the duration of the temporary assignment or illness). For example, a person certified to perform compliance reviews is hospitalized for 6 months and fails to maintain his or her certification. That person could apply for a waiver from the decertification process, and if that waiver were granted, he or she would be given a maximum of 6 months to meet the maintenance or basic requirements for certification. After the waiver period has expired, the employee must meet the requirements for recertification within 180 days. If a waiver is not granted, the requirements for recertification must be met within 180 days of decertification.

#### **Part 4: Recertification Requirements**

A Federal employee who fails to maintain certification may request recertification. The request must be made to the Division Administrator of the State where the person plans to conduct motor carrier compliance reviews, safety audits, and/or Level I and V inspections. If the request is granted, the Division Administrator shall determine which requirements below will be utilized for recertification, and whether the person has satisfactorily completed the recertification requirements.

State employees should make the request for recertification through the head of the MCSAP lead agency or that person's designated official.

#### **Recertification to Conduct Compliance Reviews**

The person must:

- Satisfactorily complete the FMCSA North American Standard Level I, General Hazardous Materials, and Compliance Review courses; and
- Satisfactorily participate in thirty (30) Level I or V inspections under the direction and control of a person certified to conduct Level I and V inspections; **or**
- Satisfactorily complete the final examination for each course listed above; and
- Satisfactorily participate in thirty (30) Level I or V inspections under the direction and control of a person certified to conduct Level I and V inspections.

#### **Recertification to Conduct Safety Audits**

The person must:

- Meet the recertification requirements to conduct motor carrier compliance reviews; **or**
- Satisfactorily complete the FMCSA Safety Auditor course; and
- Satisfactorily participate in thirty (30) Level I or V inspections under the direction and control of a person certified to conduct Level I and V inspections; **or**
- Satisfactorily complete the final examination for the FMCSA Safety Auditor course.

#### Recertification to Conduct Level I and V Inspections

The person must:

- Satisfactorily complete the FMCSA Inspector course; **or**
- Satisfactorily complete the FMCSA North American Standard Level I course; **or**
- Satisfactorily complete the final examination for one of the courses listed above; and
- Satisfactorily participate in thirty (30) Level I or V inspections under the direction and control of a person certified to conduct Level I and V inspections.

After being decertified, any Federal employee whose position requires certification for continued employment shall be given only one opportunity to obtain recertification.