

VIRGINIA DEPARTMENT OF TRANSPORTATION

MATERIALS DIVISION

MEMORANDUM

GENERAL SUBJECT: Section 114 Materials Certification Schools Program	NUMBER: MD 423-19
SPECIFIC SUBJECT: Revision of Section 114.07 Suspension of Certification in Chapter I General Instructions of the Manual of Instructions	DATE: December 30, 2019
	SUPERSEDES:
APPROVED:	Charles A. Babish, PE State Materials Engineer Approved: _____

EFFECTIVE DATE

- This memorandum is effective January 1, 2020
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PURPOSE/NEED/SCOPE/REQUIREMENTS

- Revise Section 114.07 to provide greater clarity and detail to the Suspension of Certification guidelines.
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Changes are **Shaded**

PROCEDURES

- Delete the current Section 114.07 and replace with:

Sec. 114.07 Suspension of Certification

Certification is deemed to be a privilege that has been earned by an individual and may be suspended at any time if, in the opinion of the VDOT Technician Certification Review Board, an individual is thought to have knowingly committed acts that are detrimental to the integrity of the Certification Program or to the industry in general. The VDOT Technician Certification Review Board will be comprised of the following:

- The District Materials Engineer or designee (from District in which the incident occurs)
- The District Construction Engineer or designee (from District in which the incident occurs)
- The Materials Certification Schools Program Manager or designee

Any suspected inappropriate actions by an individual should be reported to the District Materials Engineer (DME) in the District in which the incident occurs. The DME will determine if the action is a case of “Negligence” or “Abuse” and if the action rises to a level of seriousness that the VDOT Technician Certification Review Board will be convened. VDOT employees who are found to have committed infractions which may constitute misconduct under the Commonwealth’s Standards of Conduct may be subject to further disciplinary action.

- “Negligence” or “Negligent Action” is unintentional failure to follow required standards and procedures.
- “Abuse” or “Abusive Action” is intentional failure to follow required standards and procedures.

A Negligent Action or Negligence may include but is not limited to:

- Failure to perform specified duties
- Failure to follow appropriate testing or sampling procedures

An Abusive Action may include but is not limited to:

- Display of any dishonest behavior such as cheating on examinations during the certification process
- Falsification of field or quality control tests results and/or records
- Submitting false information that can be used for field or quality control test results
- Repeated negligent actions

The DME has the authority to place an individual on probation in the event a minor negligent action does not arise to a level of seriousness required to convene the VDOT Technician Certification Review Board. Probation will typically involve additional supervision during testing or other means of ensuring the original issue has been corrected. Actions that may warrant probation include improperly filled out header information on report forms, improper sample handling, uncalibrated equipment, etc.

The DME also has the authority to temporarily suspend an individual’s certification pending review by the VDOT Technician Certification Review Board. The DME will notify the Materials Certification Schools Program Manager, who will convene the VDOT Technician Certification Review Board.

The Board will meet to review the incident as soon as practical. The individual will appear before the Board at that time. The VDOT Technician Certification Review Board will then make the final decision.

The Board may suspend the individual’s certification for a definitive amount of time and the individual will be required to successfully complete the Certification course and examination prior to reinstatement. Suspensions will typically be for 6 months to one year. Actions that may warrant suspension include negligence such as improper certification level, improper test equipment or lack of equipment, failure to supply required paperwork, improper sample

frequency, repeated probations etc.

Notice of any disciplinary suspension of a certification issued pursuant to this Section 114.07 will be sent by certified mail to the individual and the Corporate Head of the company employing the individual; and by electronic mail to all District Materials Engineers.

An individual has the right to appeal any disciplinary action which results in suspension of a certification by responding in writing, to the State Materials Engineer within 10 calendar days after receiving notification of the disciplinary action. Failure to appeal within the time specified will result in the waiver of all future appeal rights regarding the disciplinary action taken. The individual will not be allowed to perform duties associated with the certification during the appeals process.

The State Materials Engineer will hear the appeal and make a decision within 7 days of hearing the appeal. The decision of the State Materials Engineer shall be final and sent in writing to the individual.

Suspension of one Certification may be considered grounds for suspension of all Certifications held by the Technician. Further, any suspension of a Technician's Certification in any other jurisdiction may result in the VDOT Technician Certification Review Board taking the same or other action, against a Technician's Certification in Virginia.

NOTES

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REFERENCES

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COPY DISTRIBUTION:

Deputy Chief Engineer
Division Administrators
District Administrators
District Location & Design Engineers
District Construction Engineers
District Maintenance Engineers
District Bridge Engineers
District Traffic Engineers

VDOT Resident Engineers
Federal Highway Administration
Virginia Ready Mix Association
Precast Concrete Association of Virginia
Virginia Transportation Construction Alliance
Virginia Asphalt Association
American Concrete Paving Association Mid-Atlantic Chapter
Old Dominion Highway Contractors Association