

NEBB

Operational Procedures



Thirteenth Edition

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1.0 CHAPTERS

1.1 Formation of Chapters

- 1.1.1 The NEBB Board of Directors approves charters for regional domestic and international Chapters to accomplish NEBB's objectives.
- 1.1.2 The NEBB Board of Directors has a right to revoke the charter of any Chapter when it finds that a Chapter is not fulfilling its duties as specified below or when the continued operation of the Chapter is deemed to be prejudicial to the best interests of NEBB.
- 1.1.3 The boundaries of each Chapter will be established by NEBB and may be modified by the NEBB Board of Directors from time to time, as appropriate.
- 1.1.4 Chapter names must be approved by NEBB's Board of Directors and should relate to a Chapter's geographical territory.
- 1.1.5 Applications for a charter for a new Chapter may be submitted by NEBB Certified Firms that agree to support the objectives of NEBB and must include a description of the territory to be covered, interim officers (and directors if a corporation is contemplated), initial Certified Firm applicants, a pro forma showing anticipated financing, and proposed bylaws.
- 1.1.6 Chapter bylaws must be consistent with the current model bylaws issued by NEBB from time to time. Chapter bylaws are subject to NEBB's review and approval. The Chapter bylaws shall provide for the following governance and administration:
 - Board of Directors
 - Chapter Coordinator
 - President
 - Technical Committee Chairman
 - Secretary/Treasurer
- 1.1.7 Applications for a charter for a new Chapter must include remittance of applicable fees to NEBB.
- 1.1.8 All refundable fees received by NEBB in connection with a new Chapter application will be returned promptly, in the event the Board of Directors does not approve the new Chapter.

1.2 Chapter Financing & Taxes

- 1.2.1 Each Chapter must be financially self-supporting.
- 1.2.2 Chapter and/or NEBB Fees may not be used as a means of unfairly excluding or deterring applications of companies otherwise eligible to apply for Certified Firm status.
- 1.2.3 Each Chapter must collect NEBB fees as directed by NEBB and forward these fees to NEBB within 30 days.

1.2.4 Domestic Chapters shall apply to the IRS for, and maintain, tax exempt status as a 501(c)(6) nonprofit organization.

1.3 Chapter Duties

1.3.1 Each Chapter shall promote NEBB, its programs, the Procedural Standards for NEBB disciplines, and NEBB objectives.

1.3.2 Each Chapter shall abide by the provisions established in the latest editions of NEBB's Bylaws and Operational Procedures.

1.3.3 Each Chapter shall receive, evaluate, and process applications from firms, professionals and technicians for certification and recertification, using criteria published by NEBB in its current Operational Procedures. The result of this process will be a recommendation that is reported to NEBB within 45 days of receipt of application. NEBB retains final authority for all decisions related to applications.

1.3.4 Each Chapter shall conduct or sponsor seminars or refresher courses not less than annually for the Continuing Education of NEBB Certified Professionals and NEBB Certified Technicians.

1.3.5 Each Chapter shall conduct examinations of Applicant Professionals and Applicant Technicians.

1.3.6 All practical exam facilities for Applicant Professionals and Applicant Technicians are subject to NEBB's approval.

1.3.7 Each Chapter shall, through the Technical Committee Chair, conduct objective investigations after receiving written instructions from NEBB relative to a Certified Firm's, Certified Professional's or Certified Technician's failure to comply with applicable NEBB Procedural Standards and/or NEBB Operational Procedures. The Chapter must report all investigatory findings and recommendations to NEBB within a timeframe directed by NEBB.

1.3.8 Each Chapter shall undertake and discharge such actions as directed by NEBB pursuant to the NEBB Quality Assurance Program, as that Program is established and published from time to time by NEBB on its official website.

1.4 Chapter Administration

1.4.1 Board of Directors. Each Chapter shall have a Board of Directors made up of NEBB Certified Professionals employed by NEBB Certified Firms affiliated with the Chapter. There shall be no more than two Directors from any one Firm. Except as otherwise required by law, each Chapter's Board of Directors shall meet a minimum of twice a year, face-to-face and or telephonically.

- 1.4.2 Chapter Coordinator. Each Chapter shall employ a Chapter Coordinator to oversee the administrative affairs of the Chapter, which include, but are not limited to, the following:
- 1.4.2.1 Collection of dues and fees due NEBB and/or the Chapter.
 - 1.4.2.2 Coordination of certification examinations.
 - 1.4.2.3 Coordination of Continuing Education seminars.
 - 1.4.2.4 Handling other administrative matters, including, but not limited to, preparing administrative and financial reports, processing applications for NEBB certification and processing biennial recertification of Certified Firms, Certified Professionals and Certified Technicians.
 - 1.4.2.5 Disbursement of funds to satisfy the Chapter's financial obligations.
 - 1.4.2.6 Communication and coordination between NEBB and the Chapter and between NEBB and Firms, Professionals and Technicians affiliated with the Chapter.
 - 1.4.2.7 Facilitating the evaluation of, and reporting by, NEBB Certified Firms on probation, as directed by NEBB.
 - 1.4.2.8 Representation of the Chapter, personally or by designated representative, at NEBB's annual Chapter Coordinators meeting.
- 1.4.3 President. Each Chapter will have a president who shall perform duties as specified in the Chapter's bylaws and as otherwise required or permitted by law.
- 1.4.4 Technical Committee Chair. Each Chapter shall appoint a Technical Committee Chair, who shall have responsibilities specified in the Chapter's bylaws and in these Operational Procedures, which include, but are not limited to, the following:
- 1.4.4.1 Review applications for certification and recertification and forward to NEBB, within 45 days from the date of its receipt, each application, with a recommendation by the Chapter to approve or not approve the application or making no recommendation. NEBB shall be notified by the Chapter by the 45th day of receipt of any application that is incomplete, yet considered in process, which is preventing the Chapter from forwarding the application with a recommendation to approve or no recommendation.
 - 1.4.4.2 Investigate complaints against NEBB Certified Firms, NEBB Certified Professionals and NEBB Certified Technicians, as directed by NEBB.
 - 1.4.4.3 Administer the terms of disciplinary or administrative actions for NEBB Certified Firms, NEBB Certified Professionals, and NEBB Certified Technicians, as directed by NEBB.
- 1.4.5 Secretary/Treasurer. Each Chapter shall appoint a Secretary/Treasurer who will be responsible for all finances and financial reporting activities, as required by NEBB and the Chapter's bylaws.

2.0 CERTIFIED FIRMS

2.1 Definitions

- 2.1.1 Certified Firms are those companies, however legally constituted, that have met all NEBB requirements for certification and have been awarded a certification number by NEBB.
- 2.1.2 Applicant Firms are those firms that have applied to NEBB and are in the process of working toward certification but have not yet been awarded a certification number by NEBB.

2.2 Applicant Firm Status

- 2.2.1 A company must establish Applicant Firm status prior to attaining NEBB certification.
- 2.2.2 An Applicant Firm must become certified not later than three (3) years from the date of its initial application for certification. If the Applicant Firm does not attain certification within the 3 year period, the company must reapply as a new Applicant Firm, paying all then current and applicable dues and fees.
- 2.2.3 Upon application and thereafter, Applicant Firms must pay NEBB and Chapter dues and fees to maintain Applicant Firm status.
- 2.2.4 Prior to achieving NEBB certification, an Applicant Firm may not:
 - 2.2.4.1 Represent, directly or indirectly, the Applicant Firm as being NEBB Certified or any Applicant Professional or Applicant Technician as holding NEBB certification or applicant status.
 - 2.2.4.2 Use the NEBB name or logo on letterhead, business cards, brochures or other promotional materials and advertising.

2.3 General Firm Certification Requirements

- 2.3.1 An Applicant Firm must have operated continuously as a legal entity for a minimum period of 12 months prior to submitting an application for certification.
- 2.3.2 An Applicant Firm must submit a minimum of six (6) letters of endorsement from architects, engineers, contractors, or building owners, attesting to the firm's reputation for integrity and business ethics. These letters must reference the Applicant Firm, not any Applicant or Certified Professional. No more than one letter may be from a contractor. NEBB and the Chapter of application reserve the right to review and communicate with any person or firm regarding information on the background, integrity and ethics of the Applicant Firm.
- 2.3.3 An Applicant Firm must confirm in its application that it will comply with NEBB requirements for instrumentation for each discipline in which certification is sought.

- 2.3.4 The Applicant Firm must employ a Designated Certified Professional in each discipline for which Firm certification is sought. A Certified Professional may serve as the Designated Certified Professional for more than one discipline, but not more than one Certified Firm or more than one office of the Firm, so long as the Professional is certified in each discipline that is applicable. The Designated Certified Professional shall be a management level employee and responsible for ensuring that the NEBB Certified Firm and all other NEBB Certified Professionals and Technicians in the office the Designated Certified Professional serves perform services in accordance with all NEBB Procedural Standards and comply with these Operational Procedures.
- 2.3.5 The Applicant Firm must affiliate with and pay all NEBB fees and dues and Chapter fees and dues of their assigned NEBB chapter. Firms affiliated with a Chapter that gives up its NEBB charter or has that charter revoked will be assigned by NEBB to Chapters geographically adjacent to the eliminated Chapter. The NEBB Board of Directors may re-assign firm affiliations that are affected by Chapter boundary modifications.
- 2.3.6 The Applicant Firm must possess the current edition of the NEBB Procedural Standards applicable to the discipline for each certification sought.
- 2.3.7 The Applicant Firm must submit a NEBB “Agreement to Arbitrate” and “Code of Ethics,” each executed by an appropriate officer or owner in the Firm authorized to bind the Firm.
- 2.3.8 An Applicant Firm’s application may, but will not necessarily, be denied if an owner, partner, shareholder, Certified Professional, director or officer in the Applicant Firm has previously been decertified by NEBB or was employed in or held a similar position with a Firm previously decertified by NEBB.
- 2.3.9 NEBB certification in a given discipline is open to any Applicant Firm that meets the requirements for that NEBB discipline.

2.4 Requirements for Firm Recertification

- 2.4.1 A Certified Firm must apply for recertification every two years.
- 2.4.2 In connection with each recertification application, the NEBB Chapter to which a Firm is assigned shall verify continued compliance with NEBB certification requirements for the subject Firm, as follows:
 - 2.4.2.1 The Firm must confirm in writing that, for each Discipline in which the Firm is certified, its Designated NEBB Certified Professional remains employed at the Firm and is in good standing with NEBB, including satisfying the established requirements for the Certified Professional’s recertification.
 - 2.4.2.2 The Firm must continue to meet the instrument requirements of the Procedural Standards for each discipline certification it holds.
 - 2.4.2.3 The Firm shall submit a re-executed “Code of Ethics” and “Agreement to Arbitrate” as part of the recertification application, signed by an appropriate officer or owner in the Firm authorized to bind the Firm.

- 2.4.2.4 Each of the firm's Certified Professionals will acknowledge reading and being bound by the current edition of NEBB's Operational Procedures by separate signature in the Firm's recertification application.

2.5 Requirements for Firms with Multiple Offices

- 2.5.1 Certification by NEBB of one or more offices of a NEBB Certified Firm, each in accordance with 2.5.2, does not constitute certification of other offices of the Firm, for which there has not been full compliance with 2.5.2. NEBB certified services performed by the certified office must be done in accordance with the applicable NEBB discipline Procedural Standard.
- 2.5.2 After the certification of the first office of a NEBB Certified Firm, any other office of the Firm that is publicly held out or promoted as an office through which NEBB certified services are performed must comply with the following requirements:
 - 2.5.2.1 For each NEBB discipline as to which an office is publicly held out or promoted as providing NEBB services, a NEBB Designated Certified Professional must be employed from and primarily serve the office. The same Professional certified in more than one discipline may satisfy this requirement for the disciplines in which the Professional is certified.
 - 2.5.2.2 Each office must comply with the instrumentation requirements set forth in the applicable Procedural Standards for each discipline as to which an office is publicly held out or promoted as providing NEBB services.
 - 2.5.2.3 Each office must affiliate with the NEBB Chapter having jurisdiction in the geographical area in which the office is located, including payment of Chapter and NEBB dues and fees.
 - 2.5.2.4 Additional offices are not required to be in business for a year and are not required to submit letters of endorsement in order to become certified.
- 2.6 Certified Firms found to be holding out or promoting an additional office without complying with the letter and spirit of the requirements of 2.5 will be subject to Administrative or Disciplinary Actions by NEBB, including Decertification.

3.0 *CERTIFIED PROFESSIONALS*

3.1 Requirements for Certified Professional Status

- 3.1.1 An applicant for Certified Professional status ("Applicant Professional") must be employed by only (one) Certified Firm office or only (one) Applicant Firm.
- 3.1.2 An Applicant Professional shall demonstrate proficiency in the Applicant's chosen discipline(s) by passing written and practical exams, as specified and administered from time to time by NEBB directly or through its Chapters.
- 3.1.3 An Applicant Professional shall meet the minimum requirements for work experience and education stated in the applicable discipline Procedural Standard.

- 3.1.4 An Applicant Professional shall submit an executed NEBB “Code of Ethics” and “Agreement to Arbitrate” with the Applicant’s application.
- 3.1.5 An Applicant Professional shall agree to abide by and support NEBB’s policies, Procedural Standards, and Operational Procedures.
- 3.1.6 An Applicant Professional must not directly or indirectly claim NEBB Certified Professional status or as holding any NEBB status.

3.2 NEBB Certified Professional Examinations

- 3.2.1 An Applicant Professional must successfully pass the written and practical examinations required for certification within a three (3) year period starting from the date, after application, of the first available examination required of the Applicant Professional. Those Applicants not successful during the three (3) year period may reapply after a two (2) year wait period, in which additional training and experience shall be acquired, by submitting a new application and paying all fees and dues then due NEBB and the Chapter.
- 3.2.2 An Applicant Professional may test at any NEBB approved testing site.

3.3 NEBB Certified Professional Recertification

- 3.3.1 In order to maintain certification, each Certified Professional is required to submit an application for recertification every two years and successfully complete twelve hours of continuing education in the two years preceding application for recertification. The continuing education hours may be earned at the NEBB Annual Meeting, any NEBB Chapter sponsored Continuing Education seminar, or any NEBB sponsored discipline education seminar. A successful completion certificate shall be submitted with the application for recertification.
- 3.3.2 Chapters with members located outside of the continental United States may submit a request on behalf of their members to the Executive Vice President for approval of continuing education hours for any other industry education seminar or training. The Executive Vice President shall consult with the appropriate technical committee for the continuing education hours being requested, based upon the discipline(s) for which the Certified Professional is seeking alternative education. In all cases of approved alternative education, a successful completion certificate shall be submitted with the application for recertification.
- 3.3.3 Each NEBB Certified Professional is required to sign and submit the “Code of Ethics” and “Agreement to Arbitrate” as part of the application for recertification.
- 3.3.4 Each NEBB Certified Professional is required to acknowledge in the application for recertification reading and being bound by NEBB’s current Bylaws, Operational Procedures and Procedural Standards.
- 3.3.5 NEBB Certified Professionals no longer employed by a NEBB Certified Firm must earn continuing education as described above to maintain their inactive status.

3.4 NEBB Certified Professional Employment, Responsibilities and Certification Stamps

- 3.4.1 A Certified Professional must be employed by only one (1) NEBB Certified Firm office, in order for the Certified Professional's status to remain active. If a Certified Professional becomes unemployed by a Certified office or is only employed by a firm that is not NEBB Certified, then the Certified Professional's status is inactive.
- 3.4.2 The Certified Professional and Certified Firm will report any change in employment to the NEBB Chapter within (15) fifteen days of a change in employment status. The Chapter will in turn report this employment change to NEBB within (15) days of receiving the notice.
- 3.4.3 The proper use, management and safekeeping of NEBB certification stamps are the responsibility of the Certified Professionals to whom they are issued. In particular, but without limitation:
 - 3.4.3.1 A Certified Professional shall return all NEBB stamps to the Chapter with which the Professional has been affiliated within fifteen days of decertification or a change in the Professional's status to inactive.
 - 3.4.3.2 Paper Certified Report: For manual certifications, the ink stamp issued by NEBB to the Professional with an original signature or ink signature stamp of the Professional shall be applied to the certification page of a NEBB report. The signature and date shall not obscure the Certified Professional's name or Certified Firm's number in the stamp.
 - 3.4.3.3 Electronic Certified Report: An electronic version of the NEBB-issued stamp (digital representation) shall be applied to the certification page of a NEBB report in electronic form, along with an electronic version of the Certified Professional's signature. This allows the Certified Professional to affix a computer-generated stamp and an electronic signature to a NEBB report in electronic form.
 - 3.4.3.4 Stamp Security: Certified Professionals shall take appropriate measures to ensure security of their ink stamp, electronic stamp, ink signature stamp, and electronic signature. The security and use of ink stamp, electronic stamp, ink signature stamp, or electronic signature are the responsibility of the Certified Professional.
- 3.4.4 A Certified Professional and Certified Firm will have to apply for a certification transfer from one Certified Firm to another Certified Firm. The Certified Professional and Certified Firm shall submit a certification transfer application and pay a transfer fee within thirty (30) days of the change. The certification transfer will not be official until approved by NEBB. The Certified Professional status will be inactive during the certification transfer process and will be reinstated only when the transfer is approved by NEBB.
- 3.4.5 A Certified Professional not employed by a Certified Firm and who does not submit a certification transfer application within (30) days of a change in employment is in inactive status. The inactive Certified Professional must fulfill all inactive status requirements in order to be eligible for reinstatement from inactive status. The inactive Certified

Professional must submit a reinstatement application and pay a reinstatement fee. The reinstatement will not be official until approved by NEBB.

- 3.4.6 A Certified Professional or Certified Firm cannot publish or claim the Certified Professional's NEBB certification while the Certified Professional's status is inactive. The Certified Professional's certification can only be published or claimed once the transfer or reinstatement process is approved by NEBB.
- 3.4.7 Failure of any NEBB Certified Professional or Firm to comply with the above requirements may result in Administrative or Disciplinary Actions which could include, but are not limited to, Continuing Education requirements, Probation, Mentoring, NEBB Administrative Charges, and Decertification for the Certified Professional and Certified Firm in the manner prescribed in these Operational Procedures.

3.5 Inactive NEBB Certified Professionals

- 3.5.1 A Certified Professional no longer employed by a Certified Firm with respect to a discipline in which the Professional is certified is in inactive status with respect to that discipline. The inactive Certified Professional must fulfill all inactive status requirements for a discipline, in order to be eligible for reinstatement from inactive status in the discipline. The inactive Certified Professional must submit a reinstatement application and pay a reinstatement fee. The reinstatement will not be effective until the application for reinstatement is approved by NEBB.
- 3.5.2 A Certified Professional or Certified Firm cannot promote or otherwise use the inactive Certified Professional's NEBB certification in a NEBB discipline while the Certified Professional's status is inactive in that discipline. The Certified Professional's certification in the discipline can only be promoted or utilized once the transfer or reinstatement process is approved by NEBB.
- 3.5.3 The inactive Certified Professional must satisfy the Continuing Education requirements for the Certified Professional's discipline(s) during any period of inactive status, in order to be eligible for reinstatement in active status with respect to the discipline(s) without retaking written and practical exams.
- 3.5.4 Successful completion certificates shall be submitted with the application for reinstatement, demonstrating compliance with Continuing Education requirements for the discipline(s) for which the Certified Professional is inactive during any period of inactive status. Reporting of Continuing Education requirements shall be to the Chapter in which the inactive Professional resides.
- 3.5.5 An inactive Certified Professional that is unemployed by any NEBB Certified Firm and that moves from one Chapter area to another shall notify both Chapters of the move and register with the new Chapter. All Continuing Education reporting by the Professional shall be to the new Chapter.
- 3.5.6 The inactive Certified Professional shall stay current in all payments of dues and fees to the Professional's Chapter for Continuing Education reporting and to NEBB, in order to maintain the Professional's inactive Certified Professional status in a discipline and be eligible for reinstatement in active status in that discipline.

- 3.5.7 A Certified Professional who has not maintained inactive status in a NEBB discipline as required in these Operational Procedures and who wishes to attain NEBB Certified Professional status in that discipline will be required to retake and pass all applicable examinations for the discipline.

4.0 *CERTIFIED TECHNICIANS*

4.1 Requirements for Certified Technician Status

- 4.1.1 An applicant for Certified Technician status (“Applicant Technician”) shall be employed by only one NEBB Certified Firm or Applicant Firm.
- 4.1.2 An Applicant Technician shall demonstrate proficiency in the Technician’s chosen NEBB discipline by passing practical and written exams, as specified from time to time and administered by NEBB.
- 4.1.3 An Applicant Technician must meet the minimum requirements for work experience and education stated in the Procedural Standards for the Technician’s chosen discipline.
- 4.1.4 An Applicant Technician shall submit an executed NEBB “Code of Ethics” and “Agreement to Arbitrate” with the Applicant’s application.
- 4.1.5 An Applicant Technician shall agree to abide by NEBB’s policies, Procedural Standards, and Operational Procedures by so stating in the Applicant’s application.

4.2 NEBB Certified Technician Examinations

- 4.2.1 An Applicant Technician for a NEBB discipline must successfully pass the appropriate examination(s) for the Procedural Standards applicable to that discipline. Those persons not successful in passing the required examination(s) during the three (3) year period from the date of application submission may reapply by submitting a new application and paying all current applicable fees.
- 4.2.2 An Applicant Certified Technician may test at any NEBB approved testing site.

4.3 NEBB Certified Technician Recertification

- 4.3.1 In order to maintain certification in a NEBB discipline, a Certified Technician must successfully complete the requirements contained in the Procedural Standards applicable to the discipline and submit a signed “Code of Ethics” and “Agreement to Arbitrate” with the Technician’s application for recertification.
- 4.3.2 Certified Firms are required to submit Certified Technicians for recertification every two years.

4.4 Certified Technician Employment and Inactive Status

- 4.4.1 A Certified Technician can only be employed by one (1) NEBB Certified Firm in order for the Certified Technician's status to be active. If the firm is not NEBB Certified then the Certified Technician's status is inactive.

- 4.4.2 The Certified Technician and Certified Firm will have to report any change in employment to the Chapter within fifteen (15) days of a change in employment status. The Chapter will in turn report this employment change to NEBB within fifteen (15) days of receiving the notice.
- 4.4.3 A Certified Technician and Certified Firm will have to apply for a certification transfer from one Certified Firm to another Certified Firm. The Certified Technician and Certified Firm will have to submit a certification transfer application and pay a transfer fee within thirty (30) days of the change. The certification transfer will not be official until approved by NEBB.
- 4.4.4 A Certified Technician not employed by a Certified Firm and who does not submit a certification transfer application within thirty (30) days of a change in employment is in inactive status. The inactive Certified Technician must fulfill all inactive status requirements set forth below, in order to be eligible for reinstatement from inactive status. The inactive Certified Technician must submit a reinstatement application and pay a reinstatement fee. The reinstatement will not be official until approved by NEBB.
- 4.4.5 A Certified Technician or Certified Firm cannot promote or otherwise use the inactive Certified Technician's NEBB certification while the Certified Technician's status is inactive. The Certified Technician certification can only be promoted or otherwise used once the transfer or reinstatement process is approved by NEBB.
- 4.4.6 Failure to comply with the above requirements may result in Administrative or Disciplinary Actions, including, but not limited to, Continuing Education, Probation, Mentoring, NEBB Administrative Charges, and Decertification for the Certified Technician and Certified Firm in the manner prescribed in these Operational Procedures.

4.5 Inactive NEBB Certified Technicians

- 4.5.1 A NEBB Certified Technician's status is listed as inactive when the Technician is no longer employed by a NEBB Certified Firm. Certified Technician status may be reinstated upon submitting a Reinstatement Application to NEBB provided that a former Certified Technician who has not worked for a NEBB Firm within the last 36 months and wishes to reactivate NEBB Certified Technician status will be required to retake and pass the applicable examinations for the discipline(s).

5.0 ADMINISTRATIVE GUIDELINES

5.1 NEBB Stamps and Certificates

- 5.1.1 NEBB issues a certificate to each Certified Firm, Certified Professional, and Certified Technician. The certificate will state the Firm's name, the Individual's name, discipline of certification, and certification expiration date.
- 5.1.2 NEBB issues a stamp(s) in the applicable NEBB discipline to Certified Firms for each Certified Professional that is its employee and who has satisfied the certification/recertification process. The stamp bears the title of the applicable discipline, the name of the Certified Firm and the name of the Certified Professional employed by the Firm. Each stamp bears an expiration date that coincides with the date of the Firm's biennial recertification.

- 5.1.2.1 Each stamp is discipline, Firm and Professional specific. A NEBB stamp may not be used to validate work in a discipline other than the one embossed on the stamp itself or for Firm's or Professional's not embossed on the stamp.
- 5.1.2.2 Obsolete or expired stamps may not be used for any purpose.
- 5.1.2.3 NEBB Certification Stamps are the property of NEBB. The stamp cannot be used by the Certified Firm whose name it bears without the consent of the Certified Professional whose name it bears. The stamp cannot be used by the Certified Professional without the consent of the Certified Firm whose name it bears.

5.2 Required Limitations for Disclosure of Information

- 5.2.1 Except as provided below, neither NEBB nor any Chapter, will in any manner, publicize the certification status of a NEBB Certified Firm, a NEBB Certified Professional or a NEBB Certified Technician. Certification status shall be updated monthly and electronically published on the NEBB.org website, to which a Chapter, Firm, Professional or Technician may refer any inquiry regarding NEBB certification status.
- 5.2.2 Upon specific inquiry from a person having a reasonable business purpose to know specific information, NEBB or a Chapter may disclose the following:
 - 5.2.2.1 That a person's application for becoming a NEBB Certified Professional or NEBB Certified Technician is pending and the NEBB discipline that is the subject of the application.
 - 5.2.2.2 That a firm's application for becoming a NEBB Certified Firm is pending and the NEBB discipline that is the subject of the application.
 - 5.2.2.3 That, with respect to a specified NEBB discipline, a person is or is not an active NEBB Certified Professional or active NEBB Certified Technician.
 - 5.2.2.4 That, with respect to a specified NEBB discipline, a Firm is or is not NEBB certified. A Chapter or NEBB may not state or disclose that a Firm was certified but is on probation or has had its certification terminated.
 - 5.2.2.5 If a Certified Professional whose certification is inactive desires to have the Professional's certification listed as inactive in NEBB publications, the inactive Certified Professional must notify NEBB in writing of the Professional's wishes. The inactive Certified Professional's name will not appear on any NEBB notices or publications until this written request is received by NEBB.
 - 5.2.2.6 If a Firm whose NEBB certification is suspended desires to have the Firm's certification listed as not certified in NEBB publications, an authorized representative of the Firm must notify NEBB in writing of the Firm's wishes. The suspended Firm's name will not appear on any NEBB notices or publications until this written request is received by NEBB.

5.3 Purchase or Acquisition of a NEBB Certified Firm

- 5.3.1 A NEBB Certified Firm seeking to transfer NEBB Certified Status through a purchase, acquisition, merger, divesture, spinoff or other transfer of ownership or control, must submit an application to NEBB for approval and comply with the certification requirements of this section.
- 5.3.2 NEBB may approve NEBB Certified status for a newly created or controlled Firm if NEBB determines that the new Firm, including any Firm absorbing an existing NEBB Certified Firm, satisfies the certification requirements of this section.
- 5.3.3 A NEBB Certified Firm may transfer its NEBB affiliation through a transfer of the Firm or that portion of the company's overall operations which perform NEBB Certified work.
- 5.3.4 NEBB may grant certified status to a firm that seeks, through transfer to it, such status, so long as the new firm satisfies the requirements of this section, and NEBB determines that the Firm's proposed management team has had recent and significant experience with managing and providing service to clients in the NEBB Discipline(s) for which the Firm seeks certification.

5.3.5 Certification Requirements of this section:

- 5.3.5.1 Transferring Firm and Certified Professional(s) (active/inactive) are in good standing with NEBB.
- 5.3.5.2 Transferring Firm and new Firm make application and pay all required fees.
- 5.3.5.3 The new Firm undertakes to comply with and is in compliance with NEBB requirements for instrumentation for each discipline in which certification is sought.
- 5.3.5.4 The new Firm will employ a Designated Certified Professional in each discipline for which Firm certification is sought.
- 5.3.5.5 The new Firm will Affiliate with and pay all NEBB fees and dues and Chapter fees and dues of their assigned NEBB chapter.
- 5.3.5.6 The new Firm will possess the current edition of the NEBB Procedural Standards applicable to the discipline for each certification sought.
- 5.3.5.7 The new Firm will submit a NEBB "Agreement to Arbitrate" and "Code of Ethics," each executed by an appropriate officer or owner in the Firm authorized to bind the Firm.

6.0 COMPLIANCE AND ENFORCEMENT

6.1 Compliance

- 6.1.1 A Certified Firm, Certified Professional, or Certified Technician that does not perform in accordance with all applicable NEBB Procedural Standards, Operational Procedures, and policies is subject to Administrative or Disciplinary Actions that may include, but are

not limited to, the following: Continuing Education, Mentoring, Probation, NEBB administrative charges, Suspension, and/or Decertification.

6.2 Administrative Actions

6.2.1 Following consultation with the Chapter Affairs Committee, the NEBB Executive Vice President may prescribe continuing education and/or mentoring actions for Certified Firms, Certified Professionals and Certified Technicians. Administrative Actions are subject to appeal by the affected persons to the Executive/Finance Committee.

6.3 Disciplinary Actions

6.3.1 Disciplinary Actions that include NEBB administrative charges, Probation, Suspension, and/or Decertification can only be imposed by the NEBB Board of Directors.

6.4 Definitions

6.4.1 Administrative Action Period: A time period imposed by NEBB on Certified Firms, Certified Professionals, and Certified Technicians to take actions prescribed to increase their knowledge of NEBB Procedural Standards, Operational Procedures, and policies.

6.4.2 Continuing Education: Successful completion of programs, courses, and/or seminars approved and prescribed by NEBB to enhance knowledge of NEBB Procedural Standards, Operational Procedures, and policies.

6.4.3 Decertification: The loss of NEBB Certified Firm, Certified Professional, or Certified Technician status, which cannot be changed except by application for a new certification in the manner and to the extent provided by these Operational Procedures.

6.4.4 Mentoring: NEBB approved entities working with Certified Firms, Certified Professionals, and Certified Technicians to monitor and enhance their knowledge of NEBB Procedural Standards, Operational Procedures, and policies.

6.4.5 NEBB Administrative Charges: Charges imposed by the NEBB Board of Directors related to the administrative costs associated with the investigation, implementation, and completion of a compliance or enforcement action.

6.4.6 Probation Period: A time period imposed by NEBB on Certified Firms, Certified Professionals, and/or Certified Technicians to allow them to increase their knowledge of NEBB Procedural Standards, Operational Procedures, and policies and/or demonstrate adequate knowledge of the same.

6.4.7 Suspension: A defined period of time when a Certified Firm, Certified Professional, or Certified Technician is not authorized to perform NEBB certified services, represent that NEBB certified services are being performed, or claim any NEBB association or status.

6.5 Suspension

6.5.1 A Certified Firm's, Certified Professional's, or Certified Technician's certification in a discipline will automatically be suspended and be in the inactive status when the Certified Firm, Certified Professional or Certified Technician no longer meets NEBB's certification requirements for the discipline. Certification in a discipline is automatically

terminated after a one year Suspension, unless an extension of the Suspension is granted by the NEBB Board of Directors at its sole discretion.

6.5.2 A Certified Firm's, Certified Professional's, or Certified Technician's certification is automatically suspended and will be in the inactive status if the current year's NEBB and Chapter fees and dues and/or previous year's recertification documents are not received by the Chapter by March 31st. An extension of time for payment or filing for recertification may, if requested ahead of the applicable deadline, be granted, in their sole discretion, by the NEBB Board of Directors.

6.5.2.1 The certification of a NEBB Certified Firm that fails to employ a Designated NEBB Certified Professional shall be immediately suspended in the relevant NEBB discipline. For project(s) in progress and requiring NEBB certification, the suspended Firm shall secure the services of another NEBB Certified firm to complete the project, unless the Firm timely employs another Designated NEBB Certified Professional in the relevant NEBB discipline.

6.5.2.2 Except as provided in 6.5.2.1, a NEBB Certified Firm that has lost the services of a Designated NEBB Certified Professional in a NEBB discipline shall not perform work as a NEBB Certified Firm in that discipline until the Firm is reinstated by NEBB.

6.5.3 Certified Firms, Certified Professional's, or Certified Technician's that have had their certification suspended in a discipline may not perform work as a NEBB Certified Firm, Certified Professional or Certified Technician in that discipline, or in any way represent themselves or the work that they are performing as being NEBB certified in that discipline.

6.5.4 Firms, Professionals and Technicians that misrepresent their status while suspended may be subject to Administrative or Disciplinary Actions, including Decertification in accordance with these Operational Procedures.

6.6 Decertification of Certified Firms, Professionals and Technicians

6.6.1 A Firm's, Professional's or Technician's failure to pay all required NEBB and Chapter fees and due and meet all other applicable recertification requirements on or before June 30th will result in decertification in all NEBB disciplines. An extension of this deadline may be granted by the NEBB Board of Directors at its sole discretion. If a Firm, Professional or Technician so decertified wishes to regain certification, that person must make application, pass applicable exams and pay fees as required for Applicant Firms, Professionals and Technicians and as provided for below.

6.6.2 Except as provided in 6.5.1 (suspension) and 6.6.1(failure to pay dues and fees), termination of any NEBB certification will proceed and be affected as follows:

6.6.2.1 If NEBB has reason to believe that a Certified Firm, Certified Professional, or Certified Technician has taken action or failed to take action that may constitute grounds for termination of NEBB certification in a discipline, NEBB will refer the matter to its Chapter Affairs Committee for investigation. The Committee may obtain pertinent information from available sources, obtain reports from consultants or experts, and otherwise engage in any fact finding activity relating to the matter, all in a manner and to the extent deemed by NEBB to be

appropriate in the circumstances. The results of such inquiry shall be reported to the Board of Directors, which may, by a 2/3rds vote of a quorum of the Board, determine that continued certification in a discipline may be prejudicial to the best interests of NEBB. Upon such a determination, NEBB will provide the Certified Firm, Certified Professional, or Certified Technician with written notice of the determination, the grounds for the determination, and the opportunity to submit information relative to those grounds and/or be heard by the Board or an ad hoc hearing panel appointed by the Board to make findings and recommendations to it. Any such information shall be submitted by the Firm, Professional or Technician in writing to the Board or its designated hearing panel no later than thirty (30) days from the date of the notice. In any such submission and only in any such submission, the Certified Firm, Certified Professional, or Certified Technician may request a hearing on the matter before the Board (or a hearing panel that the Board appoints) on a date no later than thirty (30) days after the submission of a written response. If no written response is received within thirty (30) days from the date of notice, the Board's determination will automatically become final, and the Certified Firm, Professional or Technician will be decertified in the NEBB discipline at issue. The Certified Firm, Certified Professional, or Certified Technician may be represented by counsel during any phase of this procedure, except that meetings of the Board of Directors or its hearing panel are not open to a party or the party's counsel.

6.6.2.2 After consideration of any written information submitted by the Certified Firm, Certified Professional, or Certified Technician or by NEBB, information presented at a hearing (if any), reports from consultants or experts (if any and provided they are disclosed to all parties) and reports, findings or recommendations (if any) from any panel designated by the Board to conduct the fact finding process and make recommendations, the Board of Directors may, by a 2/3rds vote of a quorum of the Board, make a final determination that continued certification is not in the best interests of NEBB and terminate the certification(s) in question. By the same vote, a quorum of the Board may terminate the process of decertification and may direct any Administrative or Disciplinary Action as the Board deems appropriate in its sole discretion. ANY FINAL DETERMINATION OF THE NEBB BOARD OF DIRECTORS PURSUANT TO THIS PROVISION IS NOT SUBJECT TO FURTHER REVIEW WITHIN NEBB OR IN ANY JUDICIAL OR ADMINISTRATIVE FORUM, EXCEPT ARBITRATION IN ACCORDANCE WITH THE NEBB "AGREEMENT TO ARBITRATE."

6.6.2.3 If any member of the NEBB Board of Directors or Chapter Affairs Committee was or is involved in the actions or projects that gave rise to any inquiry that could lead to the decertification or disciplinary action of a Certified Firm, Certified Professional, or Certified Technician, such member will not participate on behalf of NEBB in any Chapter Affairs Committee deliberation, Board deliberation or vote on the question of decertification or discipline. Notwithstanding the foregoing, all Chapter Affairs Committee or Board members may provide information in the course of the fact finding process. Further, no member of the NEBB Board of Directors or Chapter Affairs Committee shall participate under parts 6.6.2.1 and 6.6.2.2 above in any Board deliberation or vote on decertification or Administrative or Disciplinary Actions, if the subject Certified Firm, Certified Professional, or Certified Technician is in the same Chapter with which the Board member or Committee member is affiliated.

- 6.6.3 Upon written notice of Decertification, a Firm or Professional shall return all NEBB stamps for the discipline of decertification to the Chapter of the Firm or Professional within ten (10) calendar days of the date of notice. Decertified Firms, Professionals, and Technicians will no longer represent themselves or their work as NEBB Certified in the discipline of decertification.
- 6.6.4 The following policies and procedures govern treatment of Firms, Professionals and Technicians subsequent to decertification.
- 6.6.4.1 Other than in circumstances of a decertification involving a final civil judgment or criminal conviction for fraud or fraudulent intent, a felony conviction, or a conviction of a crime of moral turpitude, a Firm, Professional or Technician previously decertified pursuant to the provisions of 6.6.2 may reapply for certification no less than one (1) year from the date of written notice of its prior decertification. Re-application for certification may be denied in the circumstances stated herein at NEBB's sole discretion.
- 6.6.4.2 Subject to 6.6.4.3, a firm, professional or technician previously decertified pursuant to the provisions of 6.6.2 and reapplying for certification shall be treated as a new applicant, except that the original and three (3) copies of all materials required to apply for certification shall be submitted to the relevant Chapter. The Chapter will forward the information to NEBB within 30 days of application submission.
- 6.6.4.3 In addition to the materials that a certification applicant is required to submit, applicants previously decertified pursuant to the provisions of 6.6.3 shall submit materials sufficient in detail and substance to convincingly demonstrate that the conduct that led to the applicant's decertification and the circumstances of its operations that contributed to that conduct have been corrected. The Chapter Affairs Committee or a subcommittee that it designates shall review the application package to determine whether the conduct that led to decertification and the circumstances of its operations that contributed to that conduct have been corrected. In connection with making its determination, the Committee or its designee may require further specified submissions from the applicant and conduct its own investigation.
- 6.6.4.4 Upon reaching a decision, in its sole discretion, as to whether or not satisfactory correction to the decertified Firm's, Professional's or Technician's conduct and operations has occurred, the Committee will forward the application to the NEBB Board with a recommendation. The Board will make the final determination, in its sole discretion, as to whether the application may continue to be processed.

7.0 DEVELOPING AND UPDATING THE OPERATIONAL PROCEDURES

7.1 Board of Directors Approval

- 7.1.1 All changes to these Operational Procedures must be submitted to and approved by the NEBB Board of Directors.

7.2 Updates and Recommendations

- 7.2.1 NEBB's Executive Vice President will record any and all NEBB Board of Directors actions that require updates to the Operational Procedures. Additionally, the Executive Vice President will forward to the Board of Directors any change recommendations that are submitted to NEBB, whether by a NEBB Certified person or a Chapter.

7.3 Chapter Affairs Committee

- 7.3.1 The Chapter Affairs Committee may be utilized by the Executive Vice President or NEBB Board of Directors for administrative, technical, and formatting changes to the Operational Procedures, notwithstanding the requirement that all changes are approved by Board of Directors action.

7.4 Publication and Distribution

- 7.4.1 Once approved by the Board of Directors, notice of any and all changes to these Operational Procedures, as well as any changes to the NEBB Bylaws, shall be provided in written form to all NEBB Chapters and posted on the NEBB website.
- 7.4.2 Any change to these Operational Procedures or the NEBB Bylaws as to which notice has been provided in at least the manner prescribed herein shall be binding on all NEBB Chapters and all NEBB Certified Firms, Professionals and Technicians.