

DISCIPLINARY ACTION CRITERIA

AMPP/SSPC QP 1, QP 2, QP 3, QP 6, QP 8, QP 9, QN 1 & QS 1



AMPP™

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**QP 1, 2, 3, 6, 8, 9, QN-1 & QS1 DISCIPLINARY ACTION CRITERIA
PAINTING CONTRACTOR QP ACCREDITATION PROGRAM**

I. INTRODUCTION

A. Background

At a meeting on March 12, 1996, the Painting Contractor Certification Program (PCCP) Advisory Committee (now the AMPP Accreditation Program Committee) voted to set up a Task Group to draft new Disciplinary Action Criteria (DAC) for certified contractors and procedures for administering disciplinary actions. The committee members felt that new and more stringent Disciplinary Action Criteria and administrative procedures were needed to supplement the annual and unannounced technical audits used prior to the DAC as the sole method for determining whether a contractor obtains and retains accreditation status.

The Disciplinary Action Criteria and administrative procedures are intended to strengthen the reputation of the AMPP Accreditation Program Committee (replacing the legacy SSPC PCCP) and thus make accreditation more valuable. Contractors who maintain accreditation standards benefit from the increased recognition and opportunities that come with being part of a program with high standards.

The Disciplinary Action Criteria and administrative procedures establish procedures and rules for: issuing warnings to certified contractors; putting firms on probation; conducting special unannounced audits; suspending, revoking, or denying accreditation of contractors about whom critical faults in safety, environmental compliance, quality/service, or ethical practice have been reported and verified.

B. Scope and Use

This procedure defines the process for disciplining contractors for critical faults incurred under the AMPP/SSPC Contractor Accreditation Program. This procedure is used by AMPP/SSPC when a critical fault is suspected. It is also used by contractors to respond to and appeal disciplinary actions assessed by AMPP/SSPC.

The procedure includes the following topics:

1. Definitions of critical faults and disciplinary actions
2. Steps in the process
3. Enforcement
4. Special Provisions & Notes

II. DEFINITIONS OF CRITICAL FAULTS

General

Critical faults are actions associated with contractor activities that violate the requirements of the DAC. Critical faults are classified as **Serious**, **Very Serious**, **Severe**, and **Very Severe**.

A. Types of Critical Faults

1. Serious - A Serious fault can result from the following events:

A. Safety

1. A pattern of substantiated, reliable, unsolicited reports (e.g., published accounts; documentation by the owner or its designated representative) of safety violations. A pattern is defined, in this instance, as three separate instances in an 18-month period.
2. A single serious "lost-time" accident on a painting job site or in relation to an active job site resulting in the hospitalization of the injured worker or workers for more than 48 hours for other than observation.

B. Environmental

A pattern of substantiated, reliable, unsolicited reports (e.g., published accounts; documentation by the owner or its designated representative) of environmental compliance specification or governmental regulatory agency violations, excluding unauthorized releases or spills. A pattern is defined, in this instance, as three separate instances in an 18-month period.

C. Quality of Work/Service

Failure to meet overall project work schedule in the absence of mitigating circumstances as documented by facility owner or designated representative.

D. Workers Compensation Experience Modification Rate (EMR)

(Interstate or Intrastate) exceeding 1.10 averaged over a 3-year period, or a single change in EMR (Interstate or Intrastate) exceeding 1.25 during the same 3-year period.

Note: A contractor can request an exemption from disciplinary action due to a change in EMR per [D above] if the contractor can document that:

- (1) the change in EMR is due to a non-job operation "loss," such as an offsite accident involving a company vehicle or
- (2) the loss is not related to coating work or
- (3) the contractor experienced no losses, or
- (4) the contractor can document that the change in EMR is not an indicator of a change in the contractor's overall safety performance as confirmed by OSHA (or equivalent agency) reports (e.g., OSHA 300 log) or the contractor's OSHA (or equivalent agency) lost-time incident rates or
- (5) the contractor can document that the change in EMR is attributable to administrative adjustments by the insurance carrier

2. Very Serious - A Very Serious fault can result from the following events:

A. Safety

A second single serious accident as described in A.1.2 above within a 5-year period.

B. Environmental

Affirmed violations of U.S. EPA (or equivalent agency outside of the U.S.) regulations or state or municipal authority regulations or violation of the owner's specification or contract for unauthorized releases or spills.

C. Quality of Work/Service

Failure to meet overall project work schedule on 2 or more projects within a 3-year period, in the absence of mitigating circumstances, as documented by facility owner or designated representative.

3. Severe - A Severe Fault can result from the following events:

A. Safety (Pattern of OSHA Violations)

A pattern of OSHA violations for serious, repeat, or willful violations. A "pattern" is defined in this instance as affirmed serious, repeat, or willful violations as a result of three separate, unrelated (see note below) OSHA inspections over an 18-consecutive-month period; or any two affirmed repeat or willful violations during an 18-consecutive-month period.

Note 1: With the exception of events described in Note 2 below, when a contractor is cited for serious, repeat, or willful violations on the same project, violations are considered (by AMPP/SSPC) to be "unrelated" if the initial site visit that reveals such violations was conducted on the same job site at least two months after the contractor received written notification of the results from the previous inspection. Affirmed violations at other job sites are also considered

to be “unrelated.” Further, to qualify for a pattern, any affirmed, serious, or repeat violations must be ≥ \$10,000 (USD) in fines paid per inspection.

Note 2 - Exceptions to Note 1:

Any OSHA or other regulatory body or governmental agency inspection triggered by one or more of the following, as defined by US OSHA;

- a. “imminent danger situation;”
- b. “fatalities and catastrophes;”
- c. “complaints;”
- d. “referrals;”

is considered an “unrelated” inspection, regardless of:

- a. the job site location,
- b. any other OSHA inspection that was previously conducted, at the job site, and
- c. when the previous OSHA or governmental agency inspection(s) occurred.

B. An affirmed willful or repeat OSHA (or equivalent authority outside the US) violation, resulting from an OSHA inspection triggered by a work site incident or fatality.

C. Environmental

Affirmed environmental violations that expose employees or the public to significant hazards in conjunction with work done on a specific project. Examples would include but not be limited to the illegal disposal or the illegal storage of hazardous materials or the pollution of areas at or surrounding the work site.

D. Quality of Work/Service

Deliberate or unresolved violations of specification or contract requirements, as documented by facility owner or representative. Documentation may include but is not limited to official correspondence; third party reports; photographs or video; audit reports; inspection reports; contractor performance evaluations; non-conformance reports; judgments and contract termination for cause.

E. Two or more suspensions or revocations of AMPP/SSPC accreditation within a 3-year (36-consecutive-month) period.

F. Suspension, Debarment or Disqualification by a facility owner or government entity from bidding coating contracts.

4. Very Severe - A Very Severe fault can result from the following events:

A. Ethical Practice

Criminal conviction of the owner, officers, directors or managing agents of the contracting firm or affiliated corporation, company, or entity for any felony in connection with operation of the firm or in connection with surface preparation and/or coating application operations, whether the conviction arises by a finding of guilty by a judge or jury, plea of guilty or plea of nolo contendere.

B. Criminal conviction

Criminal conviction of the contracting firm or corporation or affiliated corporation, company, or entity in connection with surface preparation and coating application operations, whether the conviction arises by a finding of guilty by a judge or jury, a plea of guilty, or a plea of nolo contendere.

C. Illegal business practices

Illegal or unethical business practices of the contracting firm or corporation or affiliated corporation, company, or entity, such as, but not limited to, administrative actions, falsification of certified payroll, or systematic violation of labor or tax laws.

D. A pattern (three separate instances in a 12-month period) of substantiated, reliable, unsolicited reports of ethical practice violations by any representative of the firm’s

management on a project (e.g., company officer, production supervisor, foreman, superintendent, quality control representative, or safety representative).

E. Fraud, as documented

F. Altering any reports, documents, or test results on a project, as documented by a facility owner or representative or AMPP/SSPC

G. Misrepresentation or non-disclosure of information that is required to obtain, renew or maintain accreditation, as documented by AMPP/SSPC

Note: For purposes of this document, affiliated company is defined as: Business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly: (1) either one controls or has the power to control the other, or (2) a third-party controls or has the power to control both. (Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees), (3) Is a business entity organized following the revocation, suspension, or proposed for same of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was subject to revocation or debarred, suspended, or proposed for such.

H. Other

Two severe faults in a one-year period.

III. DEFINITIONS OF DISCIPLINARY ACTIONS

Important Note – Unless the initially assessed disciplinary action is changed as a result of the dispute resolution process, disciplinary actions taken by AMPP/SSPC against a certified contractor affect all supplemental AMPP/SSPC contractor accreditations held by the contractor. For example, if a QP 1 contractor is suspended for violating the DAC, any supplemental accreditations such as QP 2 and QS 1 are also suspended.

Warning: The contractor is notified that critical faults have been reported and have been verified and that additional reports will trigger further disciplinary action. A contractor issued a warning may be subject to one or more audits at any time after the warning has been made, at the contractor's expense. In addition, the Program Administrator or Corporate Accreditation Specialist reserves the right to request a corrective action plan, acceptable to AMPP/SSPC, from a contractor placed on "Warning" for refusal to:

1. Submit to an audit or
2. Cooperate with an auditor during any audit or
3. Cooperate with the Corporate Accreditation Specialist or Program Administrator or
4. Pay expenses

shall result in a 6-month suspension from the program. Reinstatement after the suspension is subject to the contractor's written commitment to cooperate. If AMPP/SSPC chooses to conduct an audit, and the audit is passed, AMPP/SSPC may remove the warning, provided corrective actions, acceptable to AMPP/SSPC, have been submitted, when requested. Otherwise, the warning penalty remains in effect for one year, unless superseded by another AMPP/SSPC disciplinary action.

Probation: The contractor is notified that multiple critical faults have been reported and have been verified. A contractor put on probation is subject to one or more mandatory audits, in addition to the regularly scheduled annual audit, done at the contractor's expense. If AMPP/SSPC chooses to audit a second site as part of the mandatory additional audit requirement, the contractor will bear the cost of an additional site audit. In addition, the Program Administrator or Corporate Accreditation Specialist reserves the right to request an acceptable corrective action plan from a contractor placed on "probation." Refusal to submit to an audit or refusal to cooperate with an auditor during any audit, or refusal to cooperate with the Corporate Accreditation Specialist or Program Administrator or refusal to pay expenses, will result in a six-month suspension from the program. Reinstatement after the suspension is subject to the contractor's written commitment to cooperate. Probation ends after one calendar year from date of issuance unless otherwise determined through the dispute resolution process (e.g., an arbitration panel decision) or superseded by another AMPP/SSPC disciplinary action.

Note: “Audits” for contractors under “warning” or “probation” are not necessarily limited to audits of the items on the accreditation evaluation checklist. A mandatory disciplinary-related audit can also be in the form of a “special” audit to review business practices or other activities not related directly to the accreditation audit checklist such as conditions set as part of a settlement with OSHA or other governmental regulatory agency, or other conditions established as a result of the dispute resolution process.

Suspension: The contractor is notified that, based on the AMPP/SSPC Program Administrator’s verification of reported critical faults, its accreditation will be suspended for a period of six months to two years depending on the number of critical faults and their severity. To be reinstated, the contractor will have to submit a maintenance application and successfully complete an office audit and, if applicable, a field audit, at the contractor’s expense, as well as pay a reinstatement fee equivalent to an initial application administrative fee for the QP accreditations that were suspended. If the contractor’s accreditation term runs out during the suspension period, the contractor must reapply for initial accreditation at the end of the suspension period, pay the required initial application and audit fees as well as a reinstatement fee, and submit to, and pass, an initial audit.

Revocation: The contractor is notified that, based on the AMPP/SSPC Program Administrator’s verification of reported critical faults, AMPP/SSPC shall revoke its accreditation for a minimum of two years. To be reinstated, the contractor will have to submit an initial application, pass an initial audit at the contractor’s expense, and pay a reinstatement fee equivalent to the annual administrative fee in addition to the regular initial application fee. The contractor may submit the initial application 45 days prior to the end of the revocation period. Once reinstated, the contractor will be issued an accreditation, conditional upon the firm passing a follow-up audit, at the contractor’s expense, within the first year of reinstatement, but prior to any planned maintenance audit to retain accreditation status.

Note: Disciplinary actions taken, and penalties assessed may differ for violations noted in special provisions such as “Fatalities,” “CAS Implementation,” and “Job Notification Reporting.”

IV. TRIGGERS FOR DISCIPLINARY ACTIONS

Critical faults in safety, environmental compliance, quality/service, or ethical practice will trigger disciplinary action. “Very severe,” critical faults will, in general, trigger the harshest disciplinary actions, whereas “serious,” faults will trigger milder disciplinary actions. However, the impact of reported critical faults is cumulative, i.e., if many “serious” faults are reported, this will also trigger harsh disciplinary action. If more than one mild disciplinary action is issued in a given time period (e.g., a year), this will trigger harsher disciplinary actions.

Type of Critical Fault	Disciplinary Action
Serious	Warning
Very Serious	Probation
Severe	Suspension
Very Severe	Revocation

V. PROCESS FOR DISCIPLINE

This section delineates the steps for the discipline process, beginning with first receipt of information by AMPP/SSPC through resolution. Not every step is required for every contractor undergoing the discipline process. The normal sequence of steps is:

A. AMPP/SSPC receives the initial information or allegation

From public documents, phone calls, written information, or other means of communication, AMPP/SSPC receives information or allegations that a certified contractor is violating or has violated the Disciplinary Action Criteria. This information will be accepted from anonymous sources. The allegation must be supported with enough information in order for AMPP/SSPC to conduct a preliminary inquiry. Allegations without adequate information will be disregarded.

B. AMPP/SSPC conducts a preliminary inquiry

AMPP/SSPC will attempt to confirm the accuracy of the information. If the allegation cannot be substantiated, it will be disregarded.

C. AMPP/SSPC verifies the accuracy of the information received and confirms the alleged violation

D. AMPP/SSPC notifies the contractor of suspected critical faults and the violation of the DAC

The contractor is notified in writing that a critical fault has occurred and that AMPP/SSPC has issued disciplinary action under the DAC.

E. Contractor right to appeal impending action

Once the contractor has been notified, the contractor may appeal the decision or action of AMPP/SSPC. Within 10 working days of written notification of an impending disciplinary action, the contractor may submit evidence (e.g., settlement documentation; affidavits) in writing to AMPP/SSPC showing that reported critical faults are incorrect. Failure to appeal within the 10-working-day period will result in automatic issuance of the pending disciplinary action.

F. AMPP/SSPC will evaluate a correctly submitted appeal within 30 days of its receipt.

G. Contractor requests informal conference

If AMPP/SSPC rejects the first written appeal, the contractor can continue the appeal process by requesting an informal conference with AMPP/SSPC at AMPP/SSPC headquarters within 15 working days of notification of rejection. At the informal conference, the contractor may present matters in extenuation and mitigation supporting its appeal. AMPP/SSPC retains the sole authority to authorize a change of venue for the setting of this informal conference. Contractors are required to abide by AMPP/SSPC's decision, after both parties agree on a mutually acceptable date and time, regarding where and when the informal conference will take place.

H. AMPP/SSPC responds to informal conference

AMPP/SSPC may find in favor of the contractor, deny the contractor's appeal, or propose a modified disciplinary action. AMPP/SSPC will render a decision within 30 calendar days after the informal conference.

I. Arbitration

If the foregoing steps fail to resolve the dispute, a mutually agreed upon arbitration panel, consisting of three persons (one person chosen by the contractor, one by AMPP/SSPC, and one agreed upon by both parties as Chair of the panel) will convene to hear evidence according to "Procedures for Arbitration under the AMPP/SSPC DAC Program" and render a final decision. Both parties must agree to selection of panel members within 15 working days after denial of appeal.

If the parties cannot agree on the selection of the panel Chair within the 15-working-day period after AMPP/SSPC denial, the parties shall select a panel Chair from the list of Alternative Dispute Resolution Neutrals maintained and approved by the United States District Court for the Western District of Pennsylvania. The process for selecting the panel Chair in this circumstance shall be: AMPP/SSPC shall choose three individuals from the neutrals list to submit to the contractor, who shall select one of these individuals as panel Chair. If the contractor fails to choose a panel Chair within the 5-day period, AMPP/SSPC will make the selection. Both parties share the cost of the Neutral, regardless of the outcome of arbitration.

The arbitration panel must convene to render a decision by simple majority no later than 30 working days after selection unless an extension of time is granted by AMPP/SSPC. If the arbitration panel finds for the contractor, that is, vacates AMPP/SSPC's assessed penalty without modification, the cost of all travel and per diem expenses associated with convening of the panel shall be borne by AMPP/SSPC. If the panel makes a decision that does not find in favor of either side, i.e., a compromise decision or change to the initially assessed penalty, the cost of all travel and per diem expenses associated with convening the arbitration panel will be shared equally by the contractor and AMPP/SSPC. If the panel finds in favor of AMPP/SSPC, that is, upholds AMPP/SSPC's initially assessed penalty, the contractor shall be responsible for payment, directly to AMPP/SSPC, of all travel and per diem expenses associated with convening of the panel. If it comes to light that any improprieties occurred prior to or during the arbitration, the arbitration panel results shall be declared null, and void and a new panel convened to arbitrate the dispute.

VI. PROCESS FOR ARBITRATION

A. Initiation of Panel

If AMPP/SSPC and the contractor have failed to resolve the dispute through the normal appeals process, AMPP/SSPC will establish an arbitration panel per DAC Section V.I.

B. Composition of Panel

The panel will consist of three persons who currently or have previously worked in the protective coatings industry for more than 3 years (one person chosen by the contractor, one by AMPP/SSPC, and one agreed upon by both parties to be the Chair of the panel). They will convene to hear evidence and render a final, binding decision. Both parties shall agree to the selection of panel members within 15 working days after denial of appeal. Upon selection, panel members must declare in writing to AMPP/SSPC, at least 10 days before the hearing, that there are no circumstances likely to affect their impartiality, including any bias or any financial or personal interest in the result of the arbitration or any past relationship with the parties or their representatives that could impact their ability to be fair and impartial. Persons who are employees of either of the parties, family members, personal friends, or under contract directly or indirectly to either of the parties in dispute are ineligible to serve on the panel.

Note 1: persons nominated to serve on the panel are required to provide a current resume (CV) to AMPP/SSPC and the appellant and declare in writing that there are no circumstances likely to affect their impartiality, including any bias, financial or personal interest in the result of the arbitration. The nominee shall also disclose any past relationship, excluding counsel, with the parties or their representatives.

Note 2: the parties waive the requirement that the panel Chair have experience in the protective coating industry if they cannot agree on a panel chair and must resort to selection of the Chair of the panel per DAC Section V.I.

Note 3: Honoraria of less than \$10,000USD, given for making a speech or making a presentation at an AMPP/SSPC conference or at a conference or meeting on behalf of AMPP/SSPC or instructing a training course several times a year, are not considered as establishing a contractual relationship.

C. Cooperation

As is the case in all other aspects of the program, if a contractor fails to cooperate with AMPP/SSPC in this process, its certificates may be immediately revoked. In addition, if the appellant withdraws from the process at any stage prior to its completion, AMPP/SSPC shall immediately invoke the initially assessed penalty.

D. Date, Time, and Place of Hearing

AMPP/SSPC, in consultation with the contractor, will decide the date and time for the hearing. AMPP/SSPC will notify all parties at least 10 working days in advance of the hearing confirming the date and time. Only AMPP/SSPC, after consultation with the contractor, can grant a change to the initial date of the hearing. The arbitration panel will convene at the AMPP/SSPC office in Pittsburgh, PA, unless a change in venue is approved by AMPP/SSPC. Unless a delay is agreed to by both parties, the arbitration panel shall convene no later than 30 working days after selection. Once a date is determined, neither party may reschedule unless an emergency arises with one of the panel members or with one of the parties. AMPP/SSPC will be the final decision authority on all items relating to the date, time, and place of the hearing.

E. Participation

1. Representation

Each party shall designate an official representative authorized to present the party's interest. Either party may also be represented by counsel or another authorized representative. A party intending to be so represented shall notify the other party of the name and address of the representative/counsel at least fifteen (15) working days prior to the date set for the hearing. When one party decides to have counsel and the other party's counsel is unavailable, this will constitute grounds for postponement of the hearing. Postponement may be invoked by either party, if other than the appointed representative appears at the hearing without prior approval by AMPP/SSPC. The party causing the postponement shall bear all costs related to the postponement when the postponement occurs at the time of the hearing.

2. Witnesses

Either party may designate up to two witnesses to present information. The party shall notify the other party at least fifteen (15) working days prior to the hearing date regarding the name, affiliation, and purpose of the witness.

Additional witnesses may be submitted by either party for consideration by the panel Chair, who is the ultimate authority as to whether additional witnesses above the two allowed, are permitted to testify. The party requesting the additional witness or witnesses shall provide advance notification (at least 15 working days prior to the hearing date) of its intent to have more than two witnesses at the hearing and shall state in writing the intent of the additional witness(es).

F. Record of Proceedings

AMPP/SSPC will provide a person, not involved in the hearing, to take notes of the proceedings. If the contractor requests a professional stenographic record, the contractor shall pay the cost of that service and the production of that record. If the transcript is agreed by the parties to be the official record of the proceeding, it must be produced no later than 30 calendar days after the hearing.

G. Evidence

To expedite the hearing, AMPP/SSPC, in consultation with the appellant, will send the panel Chair all documents either party believes is relevant to the case. This will be done no later than five (5) working days before the hearing. AMPP/SSPC will provide the contractor with copies of the material presented to the panel Chair. If a piece of material is determined to be missing, it will be immediately sent to the panel Chair by the most expeditious manner. The panel Chair may request offers of proof and may reject items deemed to be unreliable, unnecessary, or of slight value to the determination of the case. Exhibits may be offered by either party but they must be presented to both parties and the panel Chair at least 5 working days prior to the hearing for review. Any documents or exhibits submitted after the five working-day deadline shall be considered inadmissible. The panel Chair determines which documents or exhibits submitted are relevant to the case being heard, and therefore admissible to the arbitrators prior to or at the hearing.

H. Order of Proceedings

The person agreed upon by both parties shall be designated to be the Chair of the panel. That person shall facilitate the proceedings with a view toward expediting the resolution of the dispute.

The standard order of the proceedings is: AMPP/SSPC shall present evidence to support its finding of a violation or violations of the DAC. The contractor shall then present evidence supporting its defense. The arbitration panel may hear witnesses for each party. If there are witnesses, they shall submit to questions or other examination from the panel. The panel has the discretion to vary this procedure but must ensure that each party has been afforded a full and equal opportunity to be heard. In order to expedite the proceedings, the president of the panel may control the order of the proceedings and direct the parties to focus the presentation of their case on the issues at hand.

I. Communication

There shall be no direct communication between the parties and the panel concerning details of the dispute prior to the hearing unless agreed upon in advance by both parties, in writing.

J. Closing

When satisfied that the presentation of both parties is complete, the Chair of the panel shall declare the hearing closed. The panel shall render a binding decision by simple majority as soon as possible, preferably that day, but no later than 10 working days after the hearing. As set forth in the DAC Section V.I, "If the arbitration panel finds for the contractor, that is, the arbitration panel vacates the initially assessed penalty, the cost of per diem and travel expenses associated with convening the arbitration panel shall be borne by AMPP/SSPC. If the arbitration panel finds for AMPP/SSPC, the contractor is responsible for payment of all per diem and travel expenses related to convening of the arbitration panel." AMPP/SSPC and the appellant will share per diem and travel expenses related to convening of the arbitration panel for modified or compromise decisions that change the initially assessed penalty. All other expenses such as staff time, legal counsel, witnesses are borne by the party utilizing the services of these persons.

K. Decisions

All decisions of the panel shall be by majority. The panel's opinion and ultimate decision shall be reflected in writing by the panel Chair and addressed to AMPP/SSPC. The panel may find in favor of the contractor; in favor of AMPP/SSPC; or the panel may decide an alternative action that, in its opinion, maintains the integrity of the program and is fair to all parties. If the panel chooses to modify the initially assessed penalty (i.e., decide an alternative action), the panel must clearly state, in its written decision, the time frame the modified penalty shall be in effect and any actions by the contractor that may occur after the decision is

made that would revert back to the initially assessed penalty or other alternative. The panel shall not render a disciplinary action that exceeds those published in the DAC.

L. Dispute Resolution

The panel shall be the sole and exclusive decision-maker concerning the existence, nature and extent of its jurisdiction over any issue. AMPP/SSPC and the contractor mutually agree that the procedures set forth herein shall be the sole and exclusive remedies, procedures, or due process available for resolving and settling each, any and all claims, between them, including, but not limited to disputes and controversies related in any way to the contractor's application or continued eligibility for accreditation with the certifying agency or any of its parents, subsidiaries and/or affiliated companies. The certifying agent and the contractor shall use this dispute resolution procedure exclusively for all claims and controversies whether arising under or based on the Constitution, statutes, ordinances, regulations, rules, orders or common law of the United States or any state or any political subdivision relating to accreditation. AMPP/SSPC and the contractor mutually agree that the decisions reached in accordance with the procedures set forth above shall be final and binding on all parties and that the parties hereby waive any and all rights to the contrary, including any right to trial by jury, judicial appeal, or the right to proceed in any civil court of law and, any such rights are hereby expressly waived. This agreement is specifically intended, understood and admitted and stipulated to irrevocably and completely change and transfer the former place where the parties' rights will be finally determined. The certifying agency and contractor hereby expressly waive any and all rights to proceed in a court of law with respect to any issues subject to the jurisdiction of the panel and expressly waive any right to appeal any decision of the panel in the court of law.

The certifying agency and contractor acknowledge that they have had sufficient time to review and consider signing this agreement. It is clearly understood that this is a legal document and that any questions or concerns about it should be referred to appropriate legal counsel. The parties specifically intend that all provisions of this procedure and any decision of the panel shall be binding on the heirs, spouses, representatives, attorneys, successors and assigns of the parties hereto. The certifying agency and the contractor expressly agree and understand that the procedures set forth shall be the final decision of the certifying agency with respect to the awarding or continuation of any accreditation by AMPP/SSPC, and that AMPP/SSPC shall make any and all final determinations with respect to any and all issues related to accreditation by AMPP/SSPC, subject only to the procedures set forth herein.

VII. Table of Disciplinary Actions

This table is a guide for Critical Faults and the associated Disciplinary Actions. In this table, the disciplinary actions are listed from left to right in order of increasing severity. The critical faults are listed from top to bottom in order of increasing severity. Please note that, for economy of space, this table contains an abbreviated description of each critical fault. The full description in the text will be used by AMPP/SSPC for assessment of disciplinary action.

It is recognized that more than one critical fault may be reported at one time, thus the entries in this table show both the number of reports and the total number of critical faults that will trigger each disciplinary action.

It is also recognized that critical faults of different severity may be reported one at a time. If a contractor is reported for two or more critical faults, the higher severity fault(s) will take precedence in determining disciplinary action.

Note:

Contractors who have had their QP accreditation(s) suspended are required to notify owners, general contractors, or other designated owner representatives that they are under contract to or bidding to that their AMPP/SSPC QP accreditation has been suspended. The notification shall be in writing. Failure to notify and document the notification shall be cause for revocation of accreditation for a minimum of 2 years.

DISCIPLINARY ACTION TABLE

CRITICAL FAULTS (found in Section II.A of the DAC)	WARNING	PROBATION	SUSPEND	REVOKE
SERIOUS				
<ul style="list-style-type: none"> * A pattern of reports of safety violations * Report of a single "serious" lost-time accident * Environmental - pattern of violations * Failure to meet overall project work schedule * EMR – 3-year average exceeding 1.10 or single change exceeding 1.25 	1-3 Critical Faults	4-8 Critical Faults		8 or more Critical Faults
VERY SERIOUS				
<ul style="list-style-type: none"> * Safety-2nd or 3rd serious "lost-time" accident within 5-year period-each accident = 1 Critical Fault * Environmental - gov't agency or owner specification violation for releases or spills * Poor Quality Workmanship - each occurrence = 1 Critical Fault 		1 Critical Fault	2 Critical Faults	4 Critical Faults
SEVERE				
<ul style="list-style-type: none"> * A pattern of OSHA repeat, serious or willful violations * An affirmed repeat or willful OSHA or other authority outside the US violation, as a result of a fatality * Citation issued for serious environmental violations * Deliberate or unresolved violation of specification/contract requirements * Two or more AMPP/SSPC suspensions or revocations within 3-year period * Termination of contract for cause - safety or environmental breaches * Suspension or debarment by facility owner 	N/A	N/A	1 Critical Fault	2 Critical Faults
VERY SEVERE				
<ul style="list-style-type: none"> * Criminal conviction of the contracting firm's owner, officers, directors or managing agent for a felony related surface preparation and coating operations * Criminal conviction of the painting firm or corp. or affiliated corp., company, or entity in connection with surface preparation and coating application operations, whether the conviction arises by a finding of guilty by a judge or jury, a plea of guilty, * Illegal business practices * A pattern of reports of ethical practice violations * Fraud * Altering any reports, documents, or test results on a project * Misrepresentation or nondisclosure of information required for accreditation * Two severe faults in a 1-year period 	N/A	N/A	N/A	1 Critical Fault
MULTIPLE DISCIPLINARY ACTIONS ISSUED		2 Warnings in 1 Year	2 Probations in 1 Year	3 Probations in 1 year or 2 Suspensions in 1 year

* Note: Unless otherwise stated, each occurrence = 1 Critical Fault.

VIII. Enforcement

A. General

The disciplinary action will become effective within two business days of the formal notification to the contractor of the resolution.

B. Notification About Contractors

Listed under each type of disciplinary action are the notifications that AMPP/SSPC will issue.

1. **Warning** - Issued to a certified contractor
 - a. Contractor
 - b. AMPP/SSPC Administration
 - c. AMPP/SSPC Auditors
 - d. Announcement on the AMPP/SSPC Web site, identifying contractor
2. **Probation** - Issued to a certified contractor
 - a. Contractor
 - b. AMPP/SSPC Administration
 - c. AMPP/SSPC Auditors
 - d. Announcement on the AMPP/SSPC Web site, identifying contractor
3. **Suspension** - Issued to a certified contractor
 - a. Contractor
 - b. AMPP/SSPC Administration
 - c. AMPP/SSPC Auditors
 - d. "Active" facility owners, i.e., those known by AMPP/SSPC to be currently engaged in working with the contractor
 - e. AMPP/SSPC BOG, AMPP ACCREDITATION PROGRAM COMMITTEE Advisory Committee Chair
 - f. Announcement on the AMPP/SSPC web site
4. **Revocation** - Issued to a certified contractor
 - a. Contractor
 - b. AMPP/SSPC Administration
 - c. AMPP/SSPC Auditors
 - d. "Active" facility owners, i.e., those known by AMPP/SSPC to be currently engaged in working with the contractor
 - e. AMPP/SSPC BOG
 - f. Announcement on the AMPP/SSPC web site

C. Notification to Owners

AMPP/SSPC will notify designated owner representatives listed on the job notification form that the owner has selected an AMPP/SSPC certified contractor for their painting project and request that the representative respond to the enclosed job performance evaluation form (Appendix A).

D. AMPP/SSPC Review of Performance Evaluation Forms

1. AMPP/SSPC program staff will review the job performance evaluation forms to determine if any critical faults are being reported.
2. Program staff will review unsolicited or published reports to determine if they contain any critical faults.

Note: For AMPP/SSPC to issue disciplinary action, a critical fault attributed to a certified contractor must have occurred during the contracting firm's accreditation term or within 24 months before the contractor's initial application for accreditation. For initial applicants, critical faults occurring up to 24 months prior to submittal of their application for accreditation will be considered by AMPP/SSPC in determining application status or accreditation status. AMPP/SSPC reserves the right to issue disciplinary action for faults that have occurred but are discovered at a later date. AMPP/SSPC staff will verify the validity of each reported critical fault.

IX. SPECIAL NOTES

A. Job Notifications (field projects)

1. Discovery that a contractor has not submitted a required job notification within the 12-month period after the job is awarded results in a letter of warning and a minor audit deficiency if discovered during the course of an audit.
2. Second omission after issuance of a warning or audit deficiency results in probation and issuance of a major or critical item deficiency.
3. Third omission after issuance of probation results in an automatic 6-month suspension
4. Failure to submit a required job notification after a suspension result in revocation for two years at which time contractor must reapply for accreditation.

Note: Discovery by AMPP/SSPC of more than one omission at one time counts as one infraction, for the purposes of this rule.

Access Job Notification Forms online from the left bar on:

<https://ampp.org/qp-program/qp-quick-links/access-job-forms>

AMPP/SSPC reserves the right to contact owners regarding information reported on a job notification form (Appendix B).

B. Fees

All fees and expenses due AMPP/SSPC as a result of a disciplinary action must be paid by the contracting firm in accordance with terms established on the invoice. Failure to comply with payment terms is cause for suspension in accordance with QP Program Rules re: "Suspension for Nonpayment of Fees."

C. Transfer of Disciplinary Actions

In the event the certified contractor's business is, in whole or in part, sold, leased, transferred, or taken over by sale, transfer, lease, assignment, receivership or bankruptcy proceeding, any disciplinary actions (warning, probation, suspension or revocation) issued will be transferred to the new business. The intent is to prevent a contracting company from changing its name, reorganizing, or otherwise changing to avoid consequences of disciplinary actions assessed.

D. Critical Faults

For initial accreditation applicants, actions by the applicant firm that would result in reported and verified critical faults shall be considered by AMPP/SSPC in determining denial of application for accreditation, or conditions upon which a contractor can become certified if all other requirements are met. The AMPP/SSPC Board of Governors shall make the final determination if an applicant appeals AMPP/SSPC's denial of its application for accreditation based on a critical fault attributed to an applicant.

E. Citations

Certified contractors and applicants are required to submit to AMPP/SSPC copies of all citations issued to their firm by regulatory agencies for non-compliance with regulations during any stage of a project relating to coating operations. Coating operations include but are not limited to: mobilization and demobilization and clearance operations; rigging, tearing down or moving containment structures or scaffolding and fall protection or fall arrest systems; defect repair, pre-cleaning, surface preparation operations and coating application; and follow up documentation (e.g., settlement agreements; review commission, review panel or legal decisions). Failure to do so can result in assessment of disciplinary action for misrepresentation or non-disclosure of information required for accreditation per DAC Section II.A.4.G.

F. Criminal Conviction

Criminal conviction of the owner, officers, directors or managing agents of a certified contractor for a felony in connection with operation of the firm or in connection with surface preparation and coating operations being performed under the name of another, as a corporation, a company, partnership or any other business entity, including a joint venture where the owner, officer, director, etc., exercises directly or indirectly any significant degree of ownership, management or control, renders the certified firm subject to disciplinary action under the DAC.

G. Management Personnel Responsibility for DAC

Any representative of the management, including but not limited to an officer, director, superintendent, quality control supervisor, safety director, general manager, or stockholder, or any person who exercises directly or indirectly, including through family members, any degree of ownership, management or control of a contracting or affiliated firm disciplined by AMPP/SSPC under the DAC, who forms or purchases a new company or who exercises any management or control of a new, existing, or purchased company, or who exercises any degree

of ownership of a new, existing, or purchased company, renders the new, existing, or purchased company ineligible for accreditation while any suspension or revocation of the disciplined company the person was associated with, is in effect. The intent is to ensure that management, representatives or individuals associated with the disciplined firm cannot form or purchase a new company or exercise any control over an existing company (such as through family members) to avoid disciplinary action.

H. Affiliates

For the purpose of this document an Affiliate is: Business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly, (1) either one controls or has the power to control the other, or (2) a third-party control or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the debarment, suspension, or proposed debarment of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was debarred, suspended, or proposed for debarment.

X. Watch List Clause

A. Purpose of the “Watch List” Clause

The “Watch List” allows the AMPP/SSPC contractor accreditation program administrator (PA) to flag actions of AMPP/SSPC certified or introductory qualified contractors that could result in eventual disciplinary penalties if such actions are later affirmed as a violation of the DAC. The Watch List is intended to be a precursory step before the initial warning phase of the Disciplinary Action process. The DAC is a more formal procedure. The Watch List is also intended to notify the executive management of the contracting firm of a reported allegation or incident so the contractor can take preventive action to get to the root cause of the event and avoid reoccurrence leading to disciplinary action.

If the contractor’s executive management fails to respond to the “Watch List” notification within thirty (30) calendar days of the date of the notification, the contractor’s accreditation shall be suspended for a minimum of 6 months. Failure to comply with ongoing requests for information in a timely manner as a result of an investigation or Watch List action shall also result in a suspension of a minimum of 6 months. Reinstatement of accreditation after such a suspension would be contingent upon receiving cooperation from the firm on the Watch List.

The names of the firms/companies placed on the Watch List is treated as confidential and is for AMPP/SSPC staff use only. Being placed on the Watch List does not automatically result in any disciplinary action.

B. Criteria for Placement on the Watch List

The following is a list of reported actions that will trigger an AMPP/SSPC investigation to determine whether a contractor reaches the threshold for a “Watch List” notification:

1. Violation of worker safety and health or environmental regulations as alleged in a newspaper article or through other media outlets. Written complaint (not verbal) from a Facility Owner or authorized representative, who has specified QP Accreditation in its project specifications, documenting substandard work performance or contract violations
2. Serious injury of an employee or other worker under the certified entity’s direction as a result of an alleged violation of worker safety and health regulations issued by OSHA or equivalent agency. Note: Fatalities are covered separately under DAC Section XI
3. An established pattern of “alleged” Repeat, Serious or Willful OSHA (or equivalent agency) worker safety and health violations as described in the DAC Section II, Critical Faults
4. Arrest of a person in Management; including but not limited to the President, Vice President, CEO, COO, Safety Director, or Quality Control Supervisor, for alleged civil or criminal charges in connection with a work-related incident or action
5. Allegations of fraud involving an individual in Management or an owner of the entity.
6. Allegations of violations of wage, hourly or other regulations regarding payment of lawful wages, benefits, payroll taxes, etc.
7. Allegations of tax evasion or avoidance
8. Reports of insolvency (e.g., failure to meet payroll or pay payroll taxes; failure to pay material and equipment suppliers)
9. Illegal business practices

Note: AMPP/SSPC will only consider documented or otherwise substantiated reports as a trigger for a Watch List investigation.

C. Steps in the Process

1. AMPP/SSPC receives a report that qualifies for an investigation.
2. AMPP/SSPC confirms that the report is accurate and that the action or incident is connected to a currently certified AMPP/SSPC Contractor or currently certified Shop or affiliated entity.
3. AMPP/SSPC notifies the President/CEO of the Certified Contracting Company or Shop of the report via written correspondence. The letter will include specifics in regard to the source and content of the report. The letter will also ask the company executive to confirm the credibility of the report and add any factual details or extenuating circumstances not contained in the report. The letter will also ask the executive how the company is addressing concerns described in the report, assuming the report has been confirmed.
4. The President/CEO has ten (10) working days from the date of the notification by AMPP/SSPC to respond in writing to the AMPP/SSPC Corporate Accreditation Specialist or Program Administrator. If the contractor acknowledges that the action cited in the report is accurate, the contractor must state in writing to AMPP/SSPC what corrective actions it is taking to remedy the problem. The corrective action plan must be accepted by AMPP/SSPC as a factual and appropriate response to the action/problem.
5. If the written response from the contractor confirms the report and describes appropriate corrective actions to be taken, AMPP/SSPC will notify the contractor in writing that the response has been received and accepted and that the company will be on the "Watch List," for one (1) year.*
6. AMPP/SSPC will place a contractor on the Watch List if and only if credible information is received and confirmed that the contractor may not be meeting AMPP/SSPC contractor accreditation standards. No disciplinary action is taken unless allegations are affirmed.

After placing contractors on the Watch List, AMPP/SSPC reserves the right to:

1. Further investigate to determine if other similar incidents have been reported and a pattern exists.
2. Conduct a special unannounced audit at the contractor's expense, in addition to any regularly scheduled audit, if the confirmed report is related to an operational matter.

D. Removal from the Watch List

Companies will be removed from the Watch List after one (1) year if:

1. No further reports are received concerning the contractor.*
2. The contractor is issued formal disciplinary action as a result of affirmation of a DAC critical fault.
3. The contractor is cleared of alleged violations (e.g., violations are downgraded; formal charges are dropped; the contractor or key management/owners are found not guilty of charges or violations upon completion of any formal due process or other disciplinary, arbitration or alternate dispute resolution, etc.).

*** Note:** Placement on the Watch List can exceed one year in cases where allegations of wrongdoing are pending legal action or other form of recognized due process such as arbitration or alternate dispute resolution.

XI. Fatalities

A. Initial Notification Requirements:

Certified contractors are required to notify the AMPP/SSPC Corporate Accreditation Specialist or Program Administrator in writing, within five (5) calendar days of occurrence of each and every instance of a reportable incident in connection with one of its painting projects.

A reportable incident includes any fatal accident occurring in connection with the QP contractor's operations that involves an employee or worker under the contractor's supervision; or the death of a bystander, such as a member of the public; a person involved in another trade; or someone at or near the jobsite representing any other type of organization.

Within five (5) calendar days, the contractor must call to verify that the appropriate AMPP/SSPC official (i.e., the AMPP/SSPC Corporate Accreditation Specialist or the QP Program Administrator) has received the notification. The contractor must then document the date and time of the call and the AMPP/SSPC staff person to whom he or she spoke. Leaving a voice mail message is not considered proper notification.

The written notification must include: (1) date of notification and method used to send it to AMPP/SSPC; (2) date and location of the incident; (3) name of deceased person(s); (4) circumstances of the incident; (5) contact information of the facility owner of the work site.

B. Procedures After Filing Initial Notification

1. **Notification of Investigation:** Certified contractors are also required to give AMPP/SSPC written notification of the date(s) that OSHA or another government agency visited the job site or the company's offices, or both, to investigate the incident. This notice must also be in writing and sent to the AMPP/SSPC Corporate Accreditation Specialist or Program Administrator within 5 working days after the visit. The contractor is responsible for confirming that AMPP/SSPC has received this secondary notification using the same procedures as described in DAC Section XI.A.
2. **Issuance of Citations:** Within 15 working days of issuance, contractors must provide the AMPP/SSPC Corporate Accreditation Specialist or Program Administrator with copies of any and all citations issued to it by a governmental authority in relation to the incident. The contractor is responsible for confirming that AMPP/SSPC has received this secondary notification using the same procedures as described in DAC Section XI.A.

Quarterly, the contractor must inform AMPP/SSPC of the status of any contested citations until those citations become final or are reduced or vacated.

3. **Criminal Charges:** If criminal charges are filed, contractors have 15 calendar days to submit copies of those charges filed against the company or any of its managers or directors or copies of any other legal actions taken against the contractor as a result of the incident. The contractor is responsible for confirming that AMPP/SSPC has received this secondary notification using the same procedures as described in DAC Section XI.A.
4. **Preliminary Corrective Action Plan:** Within 30 calendar days of reporting the incident to AMPP/SSPC, the contractor must develop a preliminary corrective action plan describing actions it has taken or is going to take as a result of the incident.
5. **Final Corrective Action Plan:** Within 90 days of affirmation of any official governmental agency citations or completion of any legal proceedings related to any death(s) resulting from the incident, the contractor must follow up with a final Corrective Action Plan (CAP) in response to the first non-exempt incident and submit it to AMPP/SSPC for its review. The CAP shall fully describe the incident, including the events that led to the incident, and the contractor's plan to prevent or mitigate any or all incidents of a similar nature from occurring in the future.

If the contractor contends that the cause of the fatality was NOT due to gross negligence or its deliberate disregard, the contractor is obligated to explain its reasons for such and provide supporting evidence to that fact. The contractor must also explain in its CAP any contributing factors that were related to the fatality.

6. **Independent CSP Review:** In addition to developing the preliminary and final CAPs, the contractor must agree to obtain an independent written review of its final CAP by a certified safety professional (CSP) who is experienced in coating operations. The contractor must subsequently revise its Health and Safety (EHS) policies, procedures, and work practices to comply with any recommendations made by the CSP.
7. **CAP Approval:** The preliminary and final CAPs must be approved in writing by the President or Chief Executive Officer or by the Principal Owner or Chief Operations Officer **AND** the contractor's Safety Manager/Officer/Director. Upon internal approval of the CAP, the contractor must then submit it to the AMPP/SSPC Corporate Accreditation Specialist, along with the accompanying documentation that verifies the independent safety professional's review. Any changes made to company policies, procedures, and work practices must also be included and clearly identified. Failure to submit required Corrective Action Plans when due results in revocation of accreditation for a minimum of one year.

C. Exemptions:

Within 30 calendar days after the date of initial notification to AMPP/SSPC of the incident, a QP contractor may submit a letter to AMPP/SSPC indicating its intent to apply for an exemption from disciplinary action. The letter of intent must be submitted to the appropriate AMPP/SSPC official (Corporate Accreditation Specialist or Program Administrator). This letter may be submitted if the contractor suspects that the incident was caused by:

1. Acts of Terrorism
2. Criminal acts by an employee or outsider
3. Acts of God
4. Third parties not under the contractor's control or supervision
5. An off-site accident involving a company vehicle
6. An accident at or near the job site involving a bystander's vehicle
7. Unforeseen circumstances, such as a pre-existing health condition not induced by the workplace (painting project), as confirmed by an official investigation by OSHA, law enforcement agency, or Coroner/Medical Examiner
8. A plant operation or other operation that could not be directly controlled by the contractor
9. Other circumstances deemed acceptable by AMPP/SSPC after its review of the circumstances of the fatality

In order to be considered timely, the contractor must formally apply in writing for an exemption from disciplinary action no later than six months after the incident or upon completion of OSHA's or other governmental agency's investigation or pathologist's report (whichever comes first).

If AMPP/SSPC denies the contractor's request for exemption from disciplinary action, the contractor has 10 working days to request that AMPP/SSPC convene an independent board of three individuals from presently certified AMPP ACCREDITATION PROGRAM COMMITTEE contractors, as defined below, to determine whether the fatality qualifies as exempt. AMPP/SSPC will then choose one individual. The contractor requesting the exemption will choose another and then AMPP/SSPC and the contractor facing discipline must agree to the third individual sitting on the board. The names of the persons serving on the independent review board must be agreed upon within 15 working days from the date of the notification that AMPP/SSPC has denied its request for an exemption.

If the parties cannot agree on the selection of the contractor that must be agreed upon by both parties within the 15-working-day period, the parties shall select an independent arbitrator in accordance with DAC Section V.I.

Contractor representatives serving on the review board must:

1. Be employed by a currently certified contractor in good standing (e.g., no suspensions or disciplinary actions on record)
2. Be a member of the contractor's management and
3. Have no family members or business connections or personal friendships with anyone employed by the appealing contractor and no owner interest in the appealing contracting company

If the first reportable non-exempt incident results in the affirmation by OSHA of one or more willful or repeat violations, the contractor shall be assigned a Severe Critical Fault in accordance with DAC Section II.A.3.B.

D. First Incident

Upon confirming a contractor's first reportable, non-exempt incident resulting in one or more fatalities in connection with one of its painting projects, AMPP/SSPC will place the certified contractor on the AMPP/SSPC DAC Watch List for a minimum period of one (1) year. If citations for violations are issued by a governmental agency such as OSHA in relation to the incident, or criminal charges are filed against the contractor or one of its principles in relation to the incident, the contractor shall remain on the "Watch List" until violations are made final, the criminal proceedings have concluded, or the contractor is exonerated of any or all wrong doings.

E. Subsequent Incidents

In the event that the contractor (or affiliated company) has a second reportable non-exempt incident in connection with any of its painting projects in the 5-year period following the first reported incident,

AMPP/SSPC will place the contractor on notice that AMPP/SSPC intends to suspend the contractor's accreditation for a period of twenty-four (24) months pending the result of any due process proceeding with OSHA, the court system or any other governmental regulatory agency.

In the event the contractor (or affiliated company) has an additional (e.g., third, fourth, etc.) reportable non-exempt incident in connection with any painting project in a 10-year period following the first reportable incident, AMPP/SSPC will place the contractor on notice that it intends to revoke the contractor's accreditation for a period of thirty-six (36) months, pending the result of any due process proceeding with OSHA, the court systems or any other governmental regulatory agency.

F. Other Special Provisions

1. Owners, managers, and controlling shareholders of the contracting firm disciplined by AMPP/SSPC under the "fatalities" special provision are prohibited from starting, financing, or owning a different painting contracting firm and obtaining QP accreditation for that firm, until after the penalty period is completed. In the event the disciplined contractor or controlling shareholders start, finance, or own or control a different firm after the penalty period is completed, those reported fatal incidents will carry forward to the new or different contracting firm.
2. Contracting firms or affiliated companies that have suffered or caused a reportable incident in connection with any painting project prior to applying for QP accreditation are ineligible for QP accreditation until the appropriate penalty period has elapsed. The AMPP/SSPC Board of Governors shall make the final determination if an applicant appeals AMPP/SSPC's denial of its application for accreditation based on a reportable incident attributed to the applicant.
3. Multiple fatalities occurring as a result of one incident are considered "one" fatality for the purposes of this Fatalities provision. One incident of multiple fatalities shall occur on the same job site, at the same date and time and be a result of the same root cause.
4. Any fatality occurring on or in relation to a joint-venture (JV) project is considered a fatality for each of the QP certified firms in the joint venture.

G. Failure to Notify

1. Failure to notify the AMPP/SSPC Corporate Accreditation Specialist or QP Program Administrator of a fatality in writing within five (5) calendar days of occurrence results in a "Warning"
2. Failure to notify the AMPP/SSPC Corporate Accreditation Specialist or QP Program Administrator in writing within 10 calendar days results in "Probation"
3. Failure to notify the AMPP/SSPC Corporate Accreditation Specialist or QP Program Administrator in writing within 30 calendar days results in an automatic one (1) Year Suspension

The actions stated above under "Failure to Notify" are applied independent of any assessed disciplinary actions taken in accordance with this special provision or other sections of this document.

H. Confidentiality

To the best of its ability, all non-public information requested by AMPP/SSPC will be treated as confidential. AMPP/SSPC will and must abide by appropriate laws, rules, and regulations with regard to information provided by the contractor.

I. Appeal

Any contractor to whom the fatalities provision applies has the right to appeal the issuance of any disciplinary action under the DAC appeals procedures. If the contractor's appeal is successful, the contractor will not be penalized under this provision of the DAC. The contractor must provide documented proof by an independent authority (e.g., coroner, OSHA, law enforcement agency) that the fatality was not the result of a work-related incident in connection with any painting project or is exempt as covered above.

AMPP/SSPC Fatalities Actions

Date to Notify AMPP/SSPC	Notification Requirement	Notes	Notes
Within 5 calendar days of occurrence	Initial Notification (Written)	Must call AMPP/SSPC to verify receipt of initial notification	Failure to notify: 5 calendar days: warning; 10 calendar days: probation; 30 calendar days: automatic 1 yr. suspension.
Within 5 calendar days of OSHA or other agency visit	Notification of Investigation (Written)	Must call AMPP/SSPC to verify receipt of notification of visit by outside agencies	
Within 15 working days of issuance	Issuance of Citations	Provide copies to AMPP/SSPC	
Within 15 working days of the date charges are filed	Criminal Charges	Provide copies to AMPP/SSPC	
Develop and submit to AMPP/SSPC within 30 calendar days of reporting incident	Preliminary Corrective Action Plan	Approval in writing by company officers and safety manager required	
Within 30 calendar days after date of initial notification to AMPP/SSPC	Exemption: Letter of Intent		
Within 90 days of affirmation of citations or completion of any legal proceedings	Final Corrective Action Plan	CAP shall fully describe incident and events leading to it and plan to prevent similar incidents in the future	Approval in writing by company officers and safety manager required. Independent written review by Certified Safety Professional also required and provided to AMPP/SSPC
No longer than 6 months after the incident or upon completion agency investigation or pathologist report, whichever comes first	Exemption: Formal Application	If exemption rejected, request review panel no more than 7 calendar days later	

XII. Coating Application Specialist (CAS) QP 1 Implementation

If, in the course of an audit, an auditor finds that a QP 1 contractor has not implemented the CAS Level 2 requirement on an *eligible job* (as described in the Eligible Jobs section on <https://ampp.org/qp-program/qp-programs/cas-for-qp1-contractors>), the auditor will write a major finding.

AMPP/SSPC will allow the contractor 60 calendar days from the date of notification of the audit results to show evidence that it has achieved compliance with the CAS requirement.

Failure to achieve CAS compliance after the 60-day period will result in suspension. AMPP/SSPC will lift the suspension when the AMPP/SSPC Corporate Accreditation Specialist verifies that the contractor has in fact complied with any and all corrective actions and meets the requirements of all aspects of the program detailed here: <https://ampp.org/qp-program/qp-programs/cas-for-qp1-contractors>. A more in-depth review of the information contained in the next table can be downloaded from the CAS Implementation Schedule and Worksheet section of the web page cited here.

**CAS IMPLEMENTATION SUMMARY
TABLE OF ACTIONS**

YEAR	ACTION REQUIRED
2014	One CAS (Level II Interim) per 4 craft-workers performing blasting and spray painting
2015	Same as 2014
2016	Same as 2015
2017	Two CAS Level I or II per 4 craft workers performing blasting and spray painting and at least half of CAS must be Level II – Interim minimum
2018	Same as 2017
2019	Same as 2018
2020	Two CAS Level II - Full Status per 4 craft-workers performing blasting and spray painting

As part of the compliance verification process, the AMPP/SSPC Corporate Accreditation Specialist or Program Administrator reserves the right to request and review additional documentation, as well as the right to require a follow-up audit at the Contractor's or applicant's expense to confirm compliance.

AMPP/SSPC CERTIFIED CONTRACTOR PERFORMANCE EVALUATION FORM

Please evaluate the contractor for your project only:

Project No.	Dates on Site: _____ through _____					
Name of Contractor _____						
Contractor Representative on Job _____						
I. Safety	Yes	Usually	Usually Not	No	Unsure	Describe
Contractor meets safety requirements of OSHA or other public agencies and has usually good safety practices without constant owner reminder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has had a single change in EMR exceeding 1.25 or has 3-year average EMR >1.10 (EMR issued by contractor's insurance company)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reports have been issued by public agencies on safety violations of the contractor. If Yes, explain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has received a citation for a serious or willful violation from OSHA or from an equivalent authority outside the US as a result of a work incident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has to be informed by the owner of potential safety hazards/violations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
II. Environmental Compliance						
Contractor meets environmental compliance requirements, follows lead, health and safety plan, and containment plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has received a citation from EPA or other environmental agency. If YES, explain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has received a citation for a serious environmental violation such as illegal disposal of hazardous materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor is frequently advised by the owner of potential violations and requests for adjustments in field operations in order to comply with requirements/regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
III. Quality of Work/Service						
Contractor meets quality/service requirements by complying with specs and good painting practices without constant reminder by the owner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has deliberately violated specification requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor's work is of poor quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor demonstrates ability to manage work force and communicates with owner when necessary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor meets overall project work schedule and has necessary manpower and equipment to perform the work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reports have been issued of quality/service violations by the contractor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor's work requires close inspection to ensure acceptable performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has satisfactory quality assurance records	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
IV. Ethical Practice						
Contractor meets ethical practice requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has committed fraud	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has altered reports, documents or test results	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor (owner, officers, etc.) has been convicted for a felony related to surface preparation and coatings operations of the business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor has engaged in illegal business practices, such as falsification of certified payroll, or systematic violation of labor or tax laws	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reports have been issued of ethical practices violations by the contractor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contractor completed work on time and within specifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Would you recommend this contractor to other owners?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Excellent	Good	Acceptable	Unacceptable	Comments	
Owner's rating of contractor at end of season or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

completion of work					
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Thank you for your cooperation and support. AMPP/SSPC will follow up on areas found to be deficient.

Print Name

Print Title

Date

Signature

Appendix B (Letter)

Dear Facility Owner/Specifier/General Contractor:

Dear [Name of Facility Owner]:

AMPP/SSPC: The Society of Protective Coatings wishes to congratulate you on your recent selection of _ _ to perform the work referenced above.

AMPP/SSPC is the leading technical society providing industry standards, training, and information resources about surface preparation, coating selection, coating application, environmental regulations, and health and safety issues that affect the protective coatings industry.

We recognize _____ as a Certified Contractor as they meet rigorous criteria within the AMPP/SSPC QP Accreditation Program.

AMPP/SSPC assesses each painting company or shop for the following attributes:

1. Sound Business Practices and Management Procedures
2. Qualified Craft Personnel
3. Proven Technical Capabilities
4. Trained Quality Personnel
5. Documented Implementation of Health and Safety Program

Thank you for specifying AMPP/SSPC QP Contractor Accreditation as a requirement in the bid and contract documents. We believe that this requirement will help assure that contractors performing the specified work maintain the high level of qualification needed for these difficult and critical projects.

In addition, AMPP/SSPC is also available to provide training on accreditation requirements and standards for contractors and Facility personnel.

As the liaison among the Facility owners, painting contractors, and AMPP/SSPC, please do not hesitate to contact me with any questions you may have, as you continue to partner with AMPP/SSPC on future painting projects.