

KITSAP COUNTY BOARD OF HEALTH ORDINANCE 2008A-01

ONSITE SEWAGE SYSTEM AND GENERAL SEWAGE SANITATION REGULATIONS

Policy #30: Maintenance Specialist & Pumper Certification Performance Review & Enforcement

Effective Date: June 1, 2012, Updated Jan 1, 2016

1. **Purpose:** The purpose of this policy is to establish defined criteria for the performance review of Monitoring and Maintenance (M&M) Specialists and Certified Pumpers in regards to certification requirements. The policy outlines the Health District's graduated response to certified professional conduct that falls outside of the standard expectation, including administering fees in accordance with the Fee Schedule. These fees are a result of associated costs for the additional time and effort Health District staff must spend in dealing with the Certified Professional's failure to meet certification requirements.

2. **Standards:**

2.1 Timeliness

A fee shall be assessed in accordance with the Health District Fee Schedule for the following:

- a) Routine Maintenance and Pump reports submitted forty (40) days beyond the date of service;
- b) Non-contracted system inspections submitted forty (40) days beyond the date of service;
- c) Maintenance contracts submitted seven (7) days beyond the date of contract start date;
- d) Failures found, which cannot be immediately corrected, reported¹ greater than three (3) days from the date of identified failure;
- e) Any reportable repair work as described within Policy #15 – Minor Repairs submitted to the Health District, on approved forms or methods greater than fifteen (15) days from the date of work completion².

2.2 Report Completeness & Accuracy

A fee shall be assessed in accordance with the Health District Fee Schedule for the following:

- a) M&M Specialists who submit inspection reports with missing, erroneous, or inaccurate information. This includes all previous reports found with missing, erroneous, or inaccurate information for the same property. Self-reporting of missing, erroneous, or inaccurate information may resolve fee assessment.

- i. A follow-up report shall be submitted indicating what was missed on the previous report(s) and details of the missing information shall be included in the report notes.
 - ii. M&M Specialists found to have three (3) field verified sites with missing, erroneous, or inaccurate information within any certification period shall be immediately summoned to an administrative conference per section 6 of this policy.
- b) M&M Specialists who do not enter an inspection report for a contract period (no work was performed);
 - i. Monitoring & Maintenance Specialists found to have three (3) missed reports within any certification period shall be immediately summoned to an administrative conference per section 6 of this policy.
- c) Pumpers found to be delinquent on reporting three (3) times within any certification period (July 1 – June 31), shall be immediately summoned to an administrative conference per section 6 of this policy.

3. M&M Contractor Performance Review:

Monthly, Health District staff will review the contract status of each M&M Specialist for timeliness of inspections and review reports for missing inspections. Performance review will be based upon how many contracts held, versus how many inspections have been completed. Contractors will be provided a monthly report card identifying delinquent reports.

- a) M&M specialists shall ensure that their entire contract inventory is not behind on inspections by 5% or 150% of the contractor group average; whichever is lower.
- b) The Health District will post M&M Specialist's performance and compliance status on the Health District's website with the certified contractor information. Compliance status will be reflected through the following tiered ranking system:
 - a. **Tier 1** – Certified Maintenance Specialists who have not been suspended at any time in the past 3 years.
 - b. **Tier 2** – Certified Maintenance Specialists who have not been suspended at any time during the current certification period.

- c. **Tier 3** – Certified Maintenance Specialists who are either currently suspended or who have been suspended during the current certification period.
- c) M&M Specialists who are found to be delinquent on inspections/reporting by greater than the allowance, will be subject to the following graduated process:
- i. 1st time report card delinquencies will be identified as delinquent for the 1st time. Notice will be given that reports found to be delinquent on a second consecutive report card will result in the assessment of a late fee for each late report per the fee schedule.
 - ii. 2nd time report card delinquencies will be identified as delinquent for two (2) consecutive months in a row. Notice will be given that reports found to be delinquent on a third consecutive report card will result in being summoned to an administrative conference per section 6 of this policy. A late fee per the fee schedule will be assessed for each report found to be delinquent on two (2) consecutive report cards in a row.
 - iii. 3rd (or more) time report card delinquencies will be identified as delinquent for three (3) or more months in a row. The Monitoring & Maintenance Specialist will be immediately summoned to an administrative conference which may result in suspension. The administrative conference shall be conducted per section 6 of this policy. A late fee per the fee schedule will be assessed for each report found to be delinquent for three (3) or more consecutive report cards in a row³.

4. Falsification of Inspection Dates:

Certified contractors who submit reports with misrepresented inspection and/or reporting dates in order to avoid late fees shall be immediately summoned to an administrative conference which may result in suspension. The administrative conference shall be conducted per section 6 of this policy.

5. Falsification of Report Information:

Certified contractors found falsifying a report to cover up a known deficiency, however it is found that the corrections have not actually been made, will immediately summoned to an administrative conference per section 6 of this policy. In addition to the required attendance of the administrative conference, a Civil Infraction may be issued.

6. Administrative Conference Suspension & Reinstatement Procedures:

- a) An administrative conference shall be held in accordance with KCBOH ORD. 2008A-01, Section 17.F.1.
- b) If violations of this policy or requirements of the contractor's certification are verified, a Compliance Agreement will be established outlining the terms of performance for the certified professional to maintain their certification.
- c) Prior to reinstatement, certified Monitoring & Maintenance Specialists or Pumpers, who are summoned to an administrative conference per KCBOH Ord. 2008A-01, shall:
 - i. Resolve all delinquencies identified during the administrative conference; and
 - ii. Pay the enforcement fee(s), per the Health District Fee Schedule.
- d) If the administrative conference results in suspension³, postcard notification of suspension shall be sent to all of the certified professionals customers. Postage costs in excess of \$50.00 shall be billed directly to the suspended certified professional.
 - a. Suspended Maintenance Specialists shall not enter into contract with new customers until after the suspension has been lifted.
- e) Reinstatement of contractors shall occur in the month following the resolution of items 6.b) and 6.c).

7. Contractor Dispute Resolution:

Certified contractors who find a site in a condition contrary to the previous report by another certified professional may invoke the Contractor Dispute Resolution Process. The Contractor Dispute Resolution Process shall be administered as follows:

- a) The contractor claiming the discrepancy must include the discrepancy information on the maintenance or pump report.
- b) The Health District will review the complaint and if warranted will schedule a meeting at the site with the appropriate parties present.
- c) Once the findings of the site visit have been concluded the certified professional found to be reporting the erroneous information shall be assessed an erroneous report fee per the Fee Schedule and pay for the Health District time associated with the disputed event, per the Health district Hourly Rate. The conditions of section 2 or 6 of this policy may also

be applied.

8. Civil Infractions:

- a) In accordance with Kitsap County Board of Health Ordinance 2008A-01, Section 19.B.4.a), Civil Penalties, and Section 19.B.4.c), Noncompliance Fees, the Health Officer has the discretion and the authority to:
- b) Issue a Notice of Civil Infraction (i.e., a ticket) to M&M contractors who violate the contracting, inspection, and reporting provisions of Section 13.G. These are the same types of tickets we issue to property owners with alternative systems when they do not have a valid M&M contract. The fine for a ticket that has been committed is currently \$524 per violation per day.
- c) Track the time and expenses incurred to write the ticket and to prepare and defend the ticket in court. If the infraction is found committed by the court, the Health District shall bill the offending M&M contractor a Noncompliance Fee at the current Health District hourly rate for all time and expenses incurred with respect to enforcement case.
- d) M&M Contractors who commit a civil infraction more than once, or who fail to pay civil infraction fines or outstanding fees during the certification period, will have their certification suspended immediately. Upon such suspension, a certification hearing shall be held to (1) rescind his or her certification (Section 17.F., Enforcement Procedures for Certified Contractors) OR (2) shall not have his or her certification renewed by the Health Officer at the conclusion of the annual certification period (Section 17.C.2., Certification Renewal).

¹ A failure may be reported through OnlineRME as an inspection or pump report, a notes to regulator or by calling the Health District to leave notification of the findings of failure.

² Any repair or corrective work performed on an onsite sewage system, regardless if a contract is held with the client shall be reported through OnlineRME as either a maintenance report or pump report.

³ Will be subject to demotion to the lower tier.