

Rules and Regulations of Accreditation

***An Accreditation Program
For Painting and Decorating Contractors***



*Criteria for PDCA Accreditation is an evolving process.
Consequently, qualifications for Accreditation are subject to change upon proper notice.*

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PDCA does not warranty or assume any responsibility for products, materials or supplies utilized by Accredited contractors in the performance of their work. This application and all accompanying and subsequently submitted materials become the property of PDCA upon submission.

Rules and Regulations of Accreditation

The following are the Rules and Regulations pertaining to the **PDCA Accreditation Program**. These Rules and Regulations are designed to protect consumers and companies, as well as to support and maintain the public image of Accreditation. Since Accreditation is a privilege and not a right, the ability to use the Accreditation logo and to represent a company as being Accredited can be suspended or revoked.

Our goal is to assist companies in maintaining their Accreditation in good standing and not have any company on the suspended or revoked list.

Conformance to Accreditation Principles

Accreditation requires conformance to a set of educational, safety, health, environmental quality, service and ethical practice standards that govern PDCA's Accreditation. The "Code of Conduct" ("Code") is a set of principles related to such conformance.

Violations of conformance criteria ("Code of Conduct") can lead to probation, suspension or revocation of Accreditation. Violations of the conformance criteria can be identified from complaints by the public, government and other companies.

The use of proprietary logos, Accreditation status, etc. will be zealously enforced and violations will be prosecuted to the full extent of the law.

Six critical areas are evaluated. They are:

1. Ethical Practices
2. Worker Safety
3. Company Business and Education Submittals (as required)
4. Quality of Work/Service
5. Environmental Compliance
6. Improper use of proprietary logos and other marketing materials

Four levels of action can be taken based on the severity of the conformance criteria violation(s):

1. Warning
 - Company is notified in writing of confirmed critical faults/violations
 - Warning status will remain for one year
 - Further action will be taken if additional critical faults/violations are verified
2. Probation
 - Company is notified of multiple confirmed critical faults/violations
 - Multiple confirmed critical faults/violations will result in probationary status
 - A company will have the period until the next re-Accreditation process to correct faults/violations
3. Suspension of Accreditation
 - Occurs if multiple critical faults/violations are verified and there is a lack of progress toward corrective action on the part of the company
 - Company is notified of suspension of Accreditation
 - Length of suspension will vary based on the severity of conduct
 - Company may be required to pay a penalty not to exceed the initial application fee

- Reinstatement of Accreditation requires correction of all identified and supported violations
 - Companies under suspension shall be posted on PDCA Online list of suspended companies
4. Revocation of Accreditation
- Occurs if multiple critical faults/violations are confirmed, repeated failure to take corrective action on faults/violations, or the company ceases to do business in the painting and decorating field
 - Company will be notified that their Accreditation is revoked
 - The minimum revocation period is two (2) years
 - Reinstatement will require compliance with all Accreditation requirements
 - Company may be required to pay an additional penalty fee not to exceed the annual application fee
 - The name of the company that has had its Accreditation revoked shall have their company name appear on the PDCA on-line list of revoked companies
 - Upon reinstatement the company will be on special administrative “watch status”

Quality and Integrity Within the Profession and Industry

Overall quality and integrity of the Accreditation program relies upon open communication between the public, owners, buyers, specifiers, and companies. It is in everyone’s best interest to promote and maintain quality within the painting and decorating community.

In order for this Accreditation program to resonate with the public, it must clearly be recognized as a designation that has a specific and enforced “Code of Ethics.”

This is not to suggest that enforcement is intended to be punitive, arbitrary or unfair. Therefore, the intention is to encourage companies to maintain their Accreditation in “good standing” and to work together to protect the integrity of the entire program.

The following are several key areas on which the integrity of the Accreditation program rests:

- Education and information compliance which includes strict adherence to all pre-requisites, application criteria, and the continuing requirement of “good standing.”
- Compliance with all standards that compose the “Code of Ethics”.
- Excellence in work performance and customer satisfaction.
- Recognition and adoption of the need to be in a constant state of business development within the framework of good professional and industry practices.
- Maintaining Accreditation status and applying all its requirements at all times. This applies even when the contract or project specifications do not name PDCA Accreditation as a requirement.
- Posting the names of companies issued a suspension or revocation on PDCA Online. (Warnings and probations are not posted.)
- Escalation of disciplinary actions with additional violations. For example, a warning can become a probation, suspension or revocation if the company has additional violations during the warning period and corrective action on the part of the Accredited company is not forthcoming.
- Notification to companies of disciplinary action. Companies have the right to appeal the decision within ten (10) business days. Evidence must be provided supporting the appeal.
- Failure of a company to participate and cooperate in this process (as is the case in other aspects of the program) will result in revocation of Accreditation.

Responsibility and Objectives of the Professional Practices Panel

A Professional Practices Panel composed of three Accredited painting and decorating companies will discharge the responsibility to assure adherence to all the provisions of the Accreditation "Code of Ethics".

Objectives:

The guiding principles of the Professional Practices Panel is the "Code of Ethics", the standard with which to measure that Accredited painting and decorating companies are practicing in accordance with the highest principles of quality contracting.

Rules:

The Panel shall review and analyze the "Code" and shall propose recommendations regarding the "Code" for adoption by the PDCA Education Committee.

Conduct:

The Panel is responsible for receiving, reviewing and, if appropriate, investigating complaints of usual and customary practices of Accreditation companies in the field of painting and decorating contracting.

Resolution of Complaints:

The Panel shall resolve all complaints of violations of the Code of Ethics and, if necessary, shall recommend subsequent action to be taken.

Summary Analysis:

The Panel shall prepare a summary analysis of the results of all investigations, conclusions regarding each disciplinary matter, and ultimately determine appropriate actions, if any, to be taken.

Procedures:

Subject to the review of the PDCA Education Committee, the Panel shall adopt Procedures Regarding Ethical, Character and Fitness Complaints ("Procedures"). These procedures and safeguards govern the functions of the Panel to ensure that all Accredited painting and decorating companies, as well as the Panel, are in full compliance with the "Code" and the "Procedures".

Time:

The time periods set forth in the sections below are intended to provide guidance to the Panel and may be extended at the Panel's discretion depending upon the circumstances of each proceeding. Failure of the Panel or any party to comply with the time periods set forth shall not prevent the continuation or conclusion of a proceeding by the Panel.

Power to Investigate:

The Panel shall have the power to, but shall not be obligated to, investigate all allegations of unprofessional and unethical conduct that may be harmful to colleagues, to the public, or that may be otherwise contrary to the objectives of the "Code," provided that such allegations are made in writing. The Panel's powers do not extend to addressing economic issues as they relate to legitimate marketplace competition.

Disposition of Matter:

The Panel shall be the sole judge of whether it may dispose of a matter whether formal charges shall be brought against the Accredited company or not.

Panel Action:

After all of the proper procedures have been complied with as set forth below, the Panel may take the following actions:

- a. Notify all parties, in writing, that based upon the Panel's review, no action is warranted against the company;
- b. Request that the Accredited company cease the improper conduct, accept supervision, or seek appropriate assistance;
- c. Place on probation or reprimand the Accredited company;
- d. Require that the Accredited company resign their Accredited status upon the conditions set forth by the Panel;
- e. Revoke or suspend the Accredited company's Accreditation for an appropriate amount of time;
- f. Refer the matter to the proper authorities for criminal prosecution, if appropriate; or
- g. Propose other action that is warranted under the circumstances.

Panel Meetings:

The Panel shall meet at reasonable intervals, as needed, but not less than four times each year. The Panel shall meet by telephone conference call. All Panel members must be given at least ten (10) days advance written notice of any meeting. Notices may be communicated electronically.

Confidentiality:

All information disclosed to the Panel subsequent to it receiving a complaint, unless such information was discovered independently, shall be maintained on a confidential basis, except that the Panel shall be permitted to disclose such information when compelled by a validly issued subpoena, when otherwise required by law, or to parties essential to the review and investigation of the alleged unethical or unprofessional conduct.

No Further Action:

If, after review of all of the information before it, the Panel determines that the allegations do not warrant any further investigation and that the case should be closed, it shall immediately inform the complainant and the company of its decision.

Initial Determination:

When the investigation has been completed and the Panel has made its determination, they shall inform both the complainant and the company of its preliminary conclusions and the actions to be taken, along with the basis for such actions. Such disclosures shall include a citation to any particular "Code(s)" violated.

Record Keeping:

Once a case is closed, either in favor of the complainant or the company, the Panel shall establish reasonable procedures to ensure that confidentiality is maintained with respect to the handling, storage, maintenance and destruction of records.

Accredited Companies Convicted of or Charged with Felonies or Disciplined in Other Authorized Tribunals

Conviction/Charge:

If the Panel finds that the company has been convicted of and/or pled guilty to a felony and such conviction is not under appeal, the Panel shall review the record leading to the conviction and/or plea and will thereafter send the company a notice. If the Panel shows good cause why he/she is not in violation of the "Code"; this action will be conducted without the need for a hearing. If the Panel finds that the company has been charged with a felony, such charge will neither require nor preclude further action by the Panel.

Other Memberships:

If the Panel finds that the company has been expelled or suspended for unethical or unprofessional conduct from a national, regional or state professional association, or their license or certificate revoked on ethical grounds by a state licensing or certifying authority, the Panel shall review the records leading to the sanctions and may, if appropriate, send the company a notice that their Accredited status will be suspended or terminated without further proceedings.

Hearing:

If a company's Accredited status is terminated or suspended, upon receipt of notice of termination or suspension, the company shall be permitted to petition the Panel, in writing, within thirty (30) days of receipt of notice of such decision by the Panel, requesting that they wish to participate in a hearing conference call with the Panel to show good cause why they should not have their Accredited status terminated or suspended. The hearing shall be scheduled by the Panel to take place within thirty (30) days of receipt of the company's notification at a mutually convenient date.

Disciplinary Procedures: Initial Consideration

Complaint:

A complaint ("Complaint") against any company may be submitted by any party claiming to have been harmed by the unprofessional conduct of the company, or by any national, regional or state professional association to which the company is a member, or by any state licensing or certifying authority, by company, and/or the Panel.

Previous Actions:

The company shall inform the Panel of previous steps, if any, that have been taken with respect to the alleged unethical or unprofessional conduct and the results of such steps taken.

Panel Complaint:

The Panel may proceed on its own initiative when a company appears to have violated the "Code" by submitting a formal complaint to the Panel.

Anonymous Complaint:

The Panel may not act solely on the basis of an anonymous complaint.

Additional Information:

The Panel may, through correspondence or otherwise, seek supplementary information from the complainant or any other party, when necessary, in order to completely evaluate the substance of the allegations. In the event that the Panel determines that additional information is necessary, but the complainant refuses to provide such additional information, the Panel may determine that the case should be closed.

Disciplinary Procedures: Initial Action

Initial Determination:

Within forty-five (45) days after receiving a complaint from the complainant, the Panel shall determine whether sufficient information exists to substantiate a formal investigation. However, the Panel shall not proceed until such time as the Panel is satisfied that the complainant has complied with all procedural requirements. If the Panel concludes that an investigation is not warranted, it shall notify the complainant within thirty (30) days after its determination.

Formal Investigation:

If the Panel determines that a formal investigation should ensue, it shall notify the complainant and company within thirty (30) days of its determination. The notification sent by the Panel to the company shall include a description of the alleged behaviors involved in the complaint, including the specific Section of the "Code" that the company is alleged to have violated. In addition, the notification shall include a request that the company reply to the complaint within thirty (30) days of the company's receipt of the notification, along with a request that the company's response contain complete information concerning the complaint. The notification shall also include a copy of the "Code" and these Procedures. The notification shall further contain the name of the complainant, unless the Panel has proceeded on its own initiative. If the complainant refuses to have his/her name known to the company, the case shall be closed. The notification shall include a statement that the information submitted by the company shall become part of the record and may be used in further proceedings.

Response to Complaint:

The company is required to respond, as completely as possible, in writing, within thirty (30) days of the notification sent by the Panel as set forth above. Failure to respond or any other unwarranted delay by the company, or the lack of the company's cooperation, shall in no way prevent the continuation or conclusion of the proceedings by the Panel as it deems fit.

Additional Information:

If, after receipt of the company's response, the Panel determines that additional information is warranted from either or both the complainant or the company or from any third party, it shall notify all parties of the request for additional information. The parties shall provide the additional information no later than thirty (30) days after receipt of the request for additional information.

No Further Action:

Once all of the information has been received, the Panel may conclude that the complaint has no basis in fact, is insufficient, or is likely to be corrected on its own merit. Therefore, the Panel may determine to close the case without further action. Such decision shall be made within sixty (60) days of the Panel's receipt of all of the information. If the Panel determines to close the case, it shall inform both the complainant and the company.

Disciplinary Procedures: Disposition of Complaint

Panel Action:

If the Panel concludes that some type of action is warranted, it shall adopt any one or more of the following sanctions or take any other appropriate action:

- a. Require that the company cease and desist the alleged conduct;
- b. Supervise the company;
- c. Reprimand the company if the Panel determines there has been a Canon violation, but no damage to another person, the public, or the profession has occurred;
- d. Censor the company if the Panel determines there has been a Canon violation but the damage done is not sufficient to warrant more serious action;
- e. Place the company under probation and systematically monitor the company for a specific length of time;
- f. Suspend or terminate the company's Accredited status with Contractor College.

Notification:

The Panel shall notify the complainant and company of its determination and action to be taken within thirty (30) days from the date of its decision.

Response:

The company shall have thirty (30) days from the receipt of the notification to accept or appeal the Panel's findings. The company must notify the Panel, in writing, of their response within thirty (30) days of receipt of the notification if they intend to appeal. If the company accepts the Panel's determination and sanctions or the company does not respond to the Panel within the thirty (30) day time period, the Panel's conclusions and sanctions shall be imposed, effective immediately. The Panel shall so notify the complainant and the company.

Appeal of Decision:

If the Panel recommends disciplinary action, the company shall have thirty (30) days to appeal the Panel's decision. The appeal must be in writing and must be mailed by certified mail, return receipt requested, to the PDCA Education Committee. The company's notification must include all reasons and basis for the appeal.

Education Committee:

If the company appeals the Panel's decision, the PDCA Education Committee shall notify the company of a scheduled appeal conference call date. The appeal hearing date must be within thirty (30) days of the Education Committee's receipt of the companies' notification of appeal to the Education Committee. The Education Committee shall promptly notify the company of the date of the conference call. An appeal hearing shall be conducted on the appeal date via conference call. The Education Committee shall consider all available evidence. Within thirty (30) days of the appeal hearing, the Education Committee shall notify the complainant and the company of its decision which shall be final. The Education Committee's decision shall not be appealable. Once the Education Committee's decision has been made, it shall notify the Panel, which shall implement the Education Committee's directives.

Close of Case

Once the final decision has been made by the Panel or the Education Committee, the matter shall be closed and the files shall be retained in the Panel's St. Louis, Missouri, offices.

Accreditation... The Key to Market Differentiation

Contractor College Rules and Procedures Schedule of Time Requirements	
If Hearing Is Requested	If No Hearing Is Requested
Receipt of Complaint	Receipt of Complaint
Panel must, within 45 days from receipt of the complaint, determine if the complaint presents sufficient basis to proceed and must comply with procedural requirements.	Panel must, within 45 days from receipt of the complaint, determine if the complaint presents sufficient basis to proceed and must comply with procedural requirements.
Panel must, within 30 days of making the initial determination, either inform the complainant that no further action is warranted or notify the complainant and the company that it will proceed with a formal investigation.	Panel must, within 30 days of making the initial determination, either inform the complainant that no further action is warranted or notify the complainant and the company that it will proceed with a formal investigation.
Company must respond to the notification within 30 days from receipt of the notification.	Company must respond to the notification within 30 days from receipt of the notification.
Panel may request additional information from complainant, company or third-parties.	Panel may request additional information from complainant, company or third-parties.
Party from whom additional information is requested must respond within 30 days. [The Panel may request additional information until the Panel is satisfied it understands all relevant facts of the matter.]	Party from whom additional information is requested must respond within 30 days. [The Panel may request additional information until the Panel is satisfied it understands all relevant facts of the matter.]
If the Panel determines that no further action is warranted, it must notify the complainant and the company within 60 days.	If the Panel determines that no further action is warranted, it must notify the complainant and the company within 60 days.
Once the Panel has all relevant information, it must, within 30 days, notify complainant and company that it is prepared to analyze the information and render decision on that basis.	Once the Panel has all relevant information, it must, within 30 days, notify complainant and company that it is prepared to analyze the information and render decision on that basis.
If the company does not request a hearing before the Panel, the Panel may render a decision.	The company may, within 30 days, request a hearing before the Panel.
The Panel shall notify the company of its decision within 30 days after reaching a decision.	A hearing must be scheduled within 30 days from receipt of the request for a hearing.
Company has 30 days to accept the Panel's decision or to give notice of appeal.	Panel deliberates and reaches a decision.
Education Committee must schedule appeal hearing within 30 days from receipt of company's notice of appeal.	Panel shall notify the company of its decision within 30 days after reaching a decision.
Education Committee must notify company of its decision within 30 days after appeal hearing. Education Committee's decision is final.	Company has 30 days to accept the Panel's decision or to give notice of appeal.
	Education Committee must schedule appeal hearing within 30 days from receipt of company's notice of appeal.
	Education Committee must notify company of its decision within 30 days after appeal hearing. Education Committee's decision is final.

In order for Accreditation to be meaningful, all of its provisions must be enforced. As stated previously, such enforcement will not be arbitrary, punitive or unfair. Only in the most serious violations will revocation be considered, and then, only then in cases where all possible assistive remedies are exhausted.