

# **North Carolina Soil and Water Conservation Commission (SWCC) Job Approval Authority (JAA)**

## **Purpose**

- A. North Carolina SWCC Job Approval Authority (JAA) is the quality assurance process that ensures adequate consideration by competent employees in the planning, design, and installation of ALL best management practices and technical assistance implemented through the NC Soil and Water Conservation Commission (SWCC), the Soil and Water Conservation District (SWCD), Division of Soil and Water Conservation, and other conservation partners, and that the practice will perform as intended for the planned service life. Job approval authority additionally serves to maintain the credibility and trust of SWCC with State boards of licensure, accrediting organizations, other agencies, units of government, and the public.
- B. SWCC requires approval of all best management practice plans, designs, and certifications by a qualified person who has appropriate job approval authority. Others may perform this work under the direction of the qualified person.

## **References**

- A. This policy supports the implementation of best management practices categorized as Agronomic and Design JAA.
- B. Conservation partnership employees must read and understand the contents of these policies in order to fully comprehend the guidelines and procedures. The following additional authorities, and any amendments to these authorities, are applicable in North Carolina:
  - (1) The General Statutes of North Carolina, Chapter 59 “Soil and Water Conservation Commission”
  - (2) The General Statutes of North Carolina, Chapter 89C “Engineering and Land Surveying”
  - (3) The General Statutes of North Carolina, Chapter 106 “Department of Agriculture and Consumer Services”
  - (4) The General Statutes of North Carolina, Chapter 139 “Soil and Water Conservation Districts”
- C. The processes described in this policy are established to avoid best management practice failure. Users should be cognizant that ignoring any part of this policy, conservation practice standards or SWCC policies, have the potential for impact on public health and public safety, and may cause loss of life or significant property damage. In addition, employees could lose their JAA or depending on the damage, become personally liable.

## **Definitions**

- A. Job Approval Authority (JAA)

JAA is the certification granted to an individual who has demonstrated the appropriate knowledge, skill, and abilities to plan, design, and/or certify installation of a given best management practice.

- B. Knowledge, Skills, and Abilities (KSAs)

KSAs are the competencies required for JAA to plan, design, install, and certify the best management practice according to the requirements of the practice standard.

#### C. Job Class

Job class is the subdivision, within JAA, for best management practices based on controlling factors of scale, complexity, or risk.

#### D. Controlling Factor

Controlling factor is the element which describes the scale, complexity, or hazard potential associated with a given practice.

#### E. Practice Phase

- (1) “Inventory & Evaluation (I&E)” is the onsite observation of an exploratory nature and preparation of sound alternative solutions of sufficient intensity for the client to make treatment decisions. Completion of an environmental evaluation (CPA-52 Sections A-P or SWCC-approved form), which validates that the best management practice or system, fits the site based on the planning criteria and practice standard purpose. Additionally, planners shall document alternative practices that address the resource concern(s) based on local, state, and federal laws, as well as projected effects on social, economic, and ecological opportunities. For ENG, I&E does not include the following tasks: surveys, siting and setback evaluations and approval, soils investigations, and automated agency design tools.
- (2) “Design (D)” is developing and checking all aspects of the supporting data, drawings, and specifications to insure the planned practice will meet the purpose for which it is to be applied and is in conformance with the criteria established in the practice standard. It also includes setting any specific inspection and material requirements. Design includes siting and setback evaluations, development of specifications for establishing vegetation and managing natural resources, surveys, soils investigations, hydrology and hydraulics, structural computations, development of construction specifications, and proper use of standard drawings, if available.
- (3) “Construction & Certification (C&C)” are surveys, layout, staking, on-site inspection of materials and work, and making tests to confirm the practice is installed according to the approved drawings and specifications in order to meet the best management practice standard, and planning criteria. Certification includes accurately documenting practice completion, such as an as-built drawing, field notes, photographs, checklists, and retaining the documentation in the case file.

#### F. Administrative Review and Concurrence

Administrative review and concurrence is an administrative function where the JAA package submittal will be reviewed to ensure all required documentation is present and concurrence will be provided that the employee requesting JAA has reached the desired competency level, obtained the required training, and completed the applicable prerequisites and certifications. It is necessary that applicants acquire concurrence from their immediate supervisor, e.g., SWCD Administrative Supervisor/Department Head and SWCD Chairperson, or Division of Soil and Water Conservation Director (or designee).

#### G. Technical Competency Determination

Technical competency determination is a technical function based on the employee's knowledge, training, experience, and demonstrated technical competence. At a minimum, demonstrating competence will consist of an employee's ability to: independently execute any of the three JAA practice phases (I&E, D, or C&C) with plans and specifications that supports the implementation of a best management practice or system as documented on an approved conservation plan. This technical determination will be completed by including all the minimum documentation as indicated in SWCC Technical Competency Determination Form.

#### H. Final Approval

Final approval is a SWCC action based on the outcome of the administrative review and concurrence and technical competency determination. The SWCC, when granting JAA approval, will evaluate the request and confirm the administrative concurrence and technical competency determination are consistent with this policy before final approval is issued.

#### I. Technical Criteria

Technical criteria are a set of principles, standards, or predefined requirements used to assess and determine technical proficiency levels for JAA.

#### J. Technical Competency

Technical Competency is a measure to evaluate and determine the expected technical proficiency levels to independently carry out Inventory & Evaluations (I&E), Design (D), and Construction & Certification (C&C).

### **Responsibilities**

#### A. District or Division staff with supervisory responsibilities will

- (1) Ensure that technical employees who have JAA to plan, design, or install and certify best management practices maintain their JAA for practices necessary for addressing local resource concerns.
  - (i) The SWCC is responsible for ensuring ALL employees, SWCD, division and partners, are competent to carry out their assigned duties.
- (2) Identify training, experience acquisition, or other means needed to obtain and maintain the JAA of field office staff.
- (3) Request assistance from individuals with appropriate JAA from the area or State level, as appropriate, when pending tasks exceed the JAA of field office staff.

#### B. All technical employees will

- (1) Maintain a copy of their record of JAA (report from an approved JAA database) and maintain their skill levels for the best management practices for which they have JAA.
- (2) Request training needed to obtain or maintain JAA for best management practices necessary for addressing local resource concerns.

#### C. Partner employees operating under the technical supervision of an NRCS employee and providing engineering services, in partnership with NRCS, requires the evaluation and assignment of appropriate **JAA** with the following additional criteria:

- (1) NRCS may assign ENG JAA to Partner employees offering engineering service who are not Federal employees and who are not licensed to practice engineering in North Carolina when such authority does not conflict with State law.
  - (i) The General Statutes of North Carolina, Chapter 89C, provides the State Law regarding the practice of engineering in North Carolina. The NC Board of Examiners for Engineers and Land Surveyors has determined that the design and construction of certain conservation practices contained in Section IV of the eFOTG are considered the “practice of engineering” and require the approval of a Registered Professional Engineer. Chapter 89C-25 further provides “this chapter shall not prevent the following activities: practice by those employees of the NRCS, county employees, or employees of SWCDs, or employees of the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services who have engineering job approval authority issued by the Natural Resources Conservation Service or the Soil and Water Conservation Commission that involves the planning, designing, or implementation of best management practices on agricultural lands, or for the planning, designing, or implementation of best management practices approved for cost-share funding pursuant to programs identified in G.S. 139-4(d)(9).”
  - (ii) NRCS may assign ENG JAA to SWCD employees for engineering practices when these individuals are providing technical assistance in partnership with NRCS and;
    - (1) Are working under the technical supervision of an NRCS employee and are providing similar services as NRCS employees,
    - (2) Are implementing practices on agricultural land,
    - (3) Are following all NRCS policies and procedures, and
    - (4) Are qualified and have continuously demonstrated competence

## **Background**

- A. For the purpose of this policy, an Agronomic best management practice is any practice included in SWCC best management practices that does not require Design JAA.
- B. A qualified person who has appropriate JAA may plan, design, supervise the installation of, and certify completion of the best management practice. While others may assist with planning, design, or installation of a best management practice, accomplishment of each phase of the work requires the oversight and approval of a person with appropriate JAA.
- C. The JAA process is designed to ensure technical assistance will result in practices which:
  - (1) Address the identified resource concerns,
  - (2) Meet site-specific requirements and are sustainable,
  - (3) Comply with SWCC and/or NRCS standards, technical criteria, and policies,
  - (4) Function as planned and perform safely,
  - (5) Provide cost-effective solutions with consideration given to installation, operation and maintenance, and removal or replacement costs.
- D. For all uses of JAA, the minimum documentation required to provide evidence of technical quality for a complete I&E (items 1-5), Design (items 3-9), and C&C (items 10-11) of best management practices shall be in accordance with the applicable Conservation Practice Standards, and include:
  - (1) Identification of resource concerns and development of alternatives,

- (2) Environmental Evaluation (CPA-52 or SWCC-approved form) with documented RMS alternatives,
- (3) Conservation plan ,
- (4) Conservation plan map,
- (5) Resource Assessments, Erosion Prediction Tools, calculations, surveys, and soils investigations,
- (6) Plans and Specifications and/or job sheet(s),
- (7) Operation and Maintenance guidance,
- (8) Design checker signature or initials,
- (9) Design approval signature,
- (10) Check-out and As-builts
- (11) Installation approval signature .

E. Document design approval, comprising the design, drawings, and specifications, in one of the following ways:

- (1) Place signatures on the design documentation or report and the cover or first sheet of the construction drawings.
- (2) Place signatures on an accompanying memorandum that describes the specific job and scope (including design documentation or report and plans).

### **Policy for Delegating and Assigning JAA**

- A. Official job approval authority will be granted by the SWCC for specific technical skills related to commission-approved best management practices.
- B. A job approval authority database will be developed and maintained by DSWC.
- C. The Commission will reevaluate job approval authority for each participant every 4 years or as deemed necessary.
- D. The Commission will rescind job approval authority when a participant is no longer employed by a soil and water conservation district or Division of Soil and Water Conservation. Job approval authority can be reinstated if the participant is employed in any district or DSWC within 4 years.
- E. The Commission may rescind job approval authority for one or all categories if the individual:
  - o fails to comply with the applicable practice standards
  - o submits false data or is dishonest in the use of their JAA.
- F. Concerns regarding actions by an individual currently granted job approval authority shall be submitted in writing to the Technical Services Section Chief. A technical review team will investigate the complaints and submit to the SWCC a report including a recommendation. The technical review team shall consist of 3 individuals with a similar or higher job approval authority than the participant in question.

### **Classes and Phases**

A. Best Management Practice Job Classes: The level of JAA required for any project shall consist of the highest class of all controlling factors for each component practice included in the plans and specifications. Job approval may be delegated and/or assigned for any one class for each controlling factor and may consist of one, two, or three “planning phases” of approval authority.

- (1) SWCC will grant JAA according to the job classes upon recommendation of the Division.

## **JAA Review**

### **A. Requirements for JAA Review:**

- (1) In order to demonstrate competence to request and acquire JAA, it is required that all employees be involved and trained in any of the three JAA practice phases (I&E, Design, or C&C). Through this process, JAA candidates will acquire the necessary on-the-job training and experience to independently prepare products that will be reviewed prior to making the formal request to acquire JAA. Approval of all such plans is required by a person with appropriate JAA before final packet is submitted to the participant. JAA candidates are expected to maintain records of any prior developed I&E, Design, or C&C in the event this documentation is requested as part of the formal JAA review process.
- (2) All SWCD and Division employees who desire JAA may be evaluated for technical competency for any of the following JAA practice phases: I&E, Design, or C&C. The minimum documentation requirements are listed in the Technical Competency Requirements for each practice. Requests for assigning JAA shall include a completed packet(s) and a signed form indicating the JAA requested.
  - (i) In order to obtain new JAA, at least two complete and correct environmental evaluations-CPA-52s (or SWCC-approved form) must be submitted for I&E phase, at least two complete designs must be submitted for D phase, or at least two check-out notes must be submitted for the C&C phase. (*Note- All required packets must be submitted for review at the same time.*)
  - (ii) In order to increase existing JAA, if available, at least **one** additional complete set of I&E, D, and/or C&C documentation is generally required for each of the phases. In these cases, the employee completing the technical competency determination has the authority to waive this requirement on a case-by-case basis.

B. A JAA Quality Assurance Review will be conducted in conjunction with Program Reviews by Division staff. In addition to formal Program Review, the Division Director (or designee) may review best management practices outside the routine quality assurance process.

## **Procedures for Acquiring JAA**

A. All administrative information and supporting documentation associated with the employee's JAA technical competency determination, shall be submitted and retained by the Division for the purposes of review, technical competency determinations, and recommendation. Final approval will be granted by the SWCC after evaluation of the request, confirmation of the administrative concurrence and technical competency determination are consistent with this policy.

B. Individuals with valid NRCS JAA

## **Procedures for Maintaining and/or Reissuing JAA**

A. All JAA limits will not expire unless the individual separates from the employer (District or Division).

B. JAA may be reinstated if the individual rejoins either the District or Division within 4 years of their separation, subject to application, review, determination, and approval.

C. Maintaining existing JAA will require continuous technical competency and may require the submittal of at least one (1) additional complete set of I&E, Design, and/or C&C documentation.

- (1) If the SWCC implements significant changes to best management practice standards, employees with JAA affected by these revisions, may lose authority to I&E, Design, and/or C&C. All affected employees will be notified accordingly and be provided instructions for regaining JAA.

### **Procedures for the Suspension of JAA**

The Commission may rescind job approval authority for one or all categories if the individual fails to comply with the associated technical standards, submits false data or is in any way dishonest. Concerns regarding actions by an individual currently granted job approval authority shall be submitted in writing to the Technical Services Section Chief. A technical review team will investigate the complaints and submit to the SWCC a report including recommendation. The technical review team shall consist of 3 individuals with a similar or higher job approval authority than the participant in question.