



Operating Engineers Certification Program
Labor Omnia Vincit

4204 Riverwalk Parkway, Suite 220, Riverside, CA 92505-3392
Tel: (951) 351-4001 Fax: (951) 351-4007 E-mail: oecp@oecp.org

2850

July 6, 2010

Via e-mail at RA-CRANEOPERATORS@state.pa.us

Regulatory Unit Counsel
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649

Re: OECP - Comments on the Proposed Rulemaking; State Board of Crane Operators;
49 PA.CODE Chapter 6

RECEIVED
IRRC
2010 JUL 16 A 9 15

Dear Sir or Madam:

The Operating Engineers Certification Program (OECP) submits these written comments on the referenced proposed rulemaking as published in the Pennsylvania Bulletin on June 5, 2010 by the State Board of Crane Operators.

The OECP is a non-profit testing and certification organization accredited by the National Commission for Certifying Agencies (NCCA) in 2004. The OECP functions solely as an assessment organization to determine operator qualifications in accordance with strict testing protocols.

A. § 6.53: The OECP strongly disagrees with the Board statement the NCCA standards "are minimal."

The NCCA has an extensive history and a well regarded reputation in accreditation, and certainly anyone who has gone through their accrediting process understands the detail and extensiveness of their application. As a testing entity that has been through the NCCA's process, the OECP can attest to the rigor of the NCCA's review of crane certification testing organizations. Neither the actual review process nor the high standards to which the NCCA adheres to in implementing a review of a personnel certification program can be described as "minimal." It appears the Board made a determination that NCCA standards are "minimal" without providing the NCCA with the opportunity to explain its accreditation process.

NCCA's initial accreditation and reaccreditation require the applicants to verify compliance with the NCCA Standards for the Accreditation of Certification Programs ^[1] that determine

^[1] Accreditation Application for the Standards for the Accreditation of Certification Programs, 15 Jun 2010, <<http://www.credentialingexcellence.org/NCCAaccreditation/ApplicationandAnnualReport/tabid/156/Default.aspx#application?>>.

whether an entity meets the key criteria of assessment and certification, i.e., validity, reliability, and integrity. These 21 standards address the structure and governance of a certifying agency; the characteristics of the program, including detailed records of test development and administration; the information required to be available to applicants, certificants, and the public; recertification initiatives; and the procedures in place to ensure fairness, standardization, and integrity of the certification process. NCCA accreditation requirements reveal whether a certification program has properly identified key certification criteria, has been able to develop reliable job-related assessment tools to separate the qualified from the unqualified and has instituted the necessary checks and balances to ensure fair and impartial testing. In all, NCCA accreditation is a formidable task requiring months of in-depth application development and document submission preparation work.

The same requirements extend to subsequent reaccreditation documentation. To illustrate the rigor of reaccreditation process, the OECP reaccreditation application submitted last year consisted of over 50 pounds of documentary materials.

The NCCCO in the Frequently Asked Questions section of their website touts the credibility of an NCCA accreditation: ^[2]

There are other certification programs around, what makes NCCCO's different?

The concept of certification is often misunderstood, and certainly not everyone who uses this term does so in the same way. However, an independent professional organization, the National Commission for Certifying Agencies (NCCA), has established standards which all those accredited by NCCA must meet. NCCCO's program has been accredited by NCCA, which is an employer's guarantee that the examinations have been developed, verified, and administered according to nationally recognized professional standards. Requirements for NCCA accreditation include that the organization which certifies be separate from the company whose employees it is evaluating. This is what essentially defines "third-party" testing, and is a cornerstone of the NCCCO program. It was also a key element in OSHA's decision to formally recognize NCCCO in its Partnership Agreement signed in February 1999.

B. § 6.22: The Board's use of experience and a single practical examination to allow licensure for those "who were unable to satisfy the written requirements of certifications" could result in unqualified operators being allowed in the workplace.

First, applicable ASME B30 standards require qualified operators to have "demonstrated ability to read, write, comprehend, and use arithmetic and load/capacity charts . . ." ^[3] With the OECP having conducted over 13,000 written examinations, we have ascertained that there are a variety

^[2] Frequently Asked Questions, 15 Jun. 2010 <<http://www.nccco.org/certification/faqs.html#15>>.

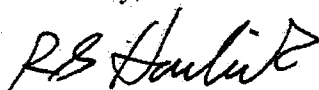
^[3] Mobile and Locomotive Cranes, ASME B30.5-2007, (New York: ASME, 2008) 28.

of reasons why candidates cannot pass our tests, including an inability to read and/or perform the simple arithmetic required by crane load charts. The OECP has never made an exception for these candidates--other than allowing extra testing time for documented medical conditions such as dyslexia--because it is vital for safe crane operations for operators to be able to read and to use load charts. Critical items important for crane safety include knowledge of the operator's manual; understanding and use of crane standards and applicable OSHA laws; and perhaps most important, the ability to understand, use, and make proper lifting decisions using the crane's load chart. None of these are possible without proper reading skills.

Second, the Board's statement "that a failing grade on an assessment, whether on the written or practical portion of the examination, is a fair indicator of a lack of competence," is incorrect. To subsequently modify licensure based on this concept is not in accordance with generally accepted psychometric principals and could unjustly restrict qualified operators.^[4] Failure on an examination is not a simple up-down indicator of required knowledge. In fact, failure around the cut score (i.e., the passing score) must take into account several critical examination statistics, including the standard error of measurement to ensure "false negatives"^[5] are not induced. It is recommended the Board obtain expert advice on this matter prior to incorporating any incorrect assessment results language into the rules.

The OECP appreciates the opportunity to submit written comments on the proposed rulemaking, and we will be happy to provide further clarification or information.

Sincerely,



R. G. Havlick
Executive Director

^[4] Standards for educational and psychological testing, (Washington, D.C.: American Educational Research Association, 1999) 157.

^[5] False Negative: In classification, diagnosis, or selection, an error in which an individual is assessed or predicted not to meet the criteria for inclusion in a particular group, but in truth does (or would) meet these criteria.