



Newfoundland and Labrador Association of Architects

P. O. Box 5204, St. John's, NL, A1C 5V5

Telephone: (709) 726-8550 / Fax (709) 726-1549

nlaa@newfoundlandarchitects.com

www.newfoundlandarchitects.com

NLAA Continuing Education: Enforcement Process for Non-compliance with Mandatory Continuing Education Program:

Background:	<ul style="list-style-type: none"> - The mandatory Continuing Education Program (the “Program”) for members of the NLAA was implemented in November 2003 with the commencement of Cycle One. - For the purposes of this document, a Cycle is defined as a period of time (not less than one year) during which members are required to obtain continuing education learning credits. - The requirements for Cycle One and Cycle Two of the Program are outlined below but this enforcement process will apply to all Cycles. 	
	Cycle One:	Began November 1 st 2003 and terminated October 31 st 2005.
	Required Points:	20 Professional Renewal Points (“PRP”) 40 Self-Directed Points (“SDP”)
	Program Monitor:	NLAA will send member transcripts’ of recorded points to each member as an update and reminder every 6 months. This advises members if they have not yet complied with Program requirements. The notice will advise of, and encourage participation in, upcoming Professional Renewal activities.
	Relief From Program:	See NLAA Application for Relief from Con Ed Program (document “B”).
	Cycle Two:	Began November 1 st 2005 and terminated October 30 th 2007.
	Required Points:	30 PRPs or Professional Renewal Points 40 SDPs or Self-Directed Points
	Cycle Three	Began November 1 st 2007 and ended on October 30 th 2009. In 2007 the NLAA adopted the RAIC ConEd System for recording learning credits.
	Required Points:	20 Professional Learning Credits (CORE) 80 Self-Directed Learning Credits
	Carry Over:	Max. 10 Credits for Professional Learning Max. 20 Credits for Self Directed Learning

Cycle Four	Began November 1 st 2009 and will end on October 30 th 2011.
Required Points:	15 Professional Learning Credits (CORE) 55 Self-Directed Learning Credits
Carry Over:	Max. 10 Credits for Professional Learning Max. 20 Credits for Self Directed Learning

Grace Period:	<p>Six Months Grace Period:</p> <p>If a member has not complied with Cycle Three of the Program by November 1st 2009 (a “Non-Compliant member”), the member will have until April 30th 2010 (the “Grace Period”) to complete any deficiencies required for compliance with this Cycle.</p> <p>NLAA will contact Non-Compliant members between November 2009 and January 2010 regarding their non-compliance and will advise these members of available Professional Learning opportunities and encourage them to comply prior to April 30th 2010.</p>
----------------------	--

Enforcement Process	If a member has not complied with the requirements of (i) Cycle Three by April 30 th 2010 or (ii) any other Cycle by the end of the Cycle, generally October 31 st of the final year of the Cycle, the following process will be enforced.
----------------------------	--

1.	NLAA will not renew the license and/or Certificate of Practice of a Non-Compliant Member until the member is compliant with the Program and with the requirements of this process.
2.	Names of Non-Compliant members will be forwarded to Council at their May 2010 meeting.
3.	Notice will be forwarded to each Non-Compliant Member advising of his or her non-compliance and the date when Council will consider their failure to comply.
4.	If a member completes his or her outstanding Cycle requirements prior to the date of the Council meeting, the Council will be advised and the member’s name withdrawn, and the member’s license and/or Certificate of Practice will be renewed if all other requirements for renewal have been satisfied.
5.	If a Non-Compliant Member’s License and/or Certificate of Practice has not been renewed, he or she must return his or her License, Certificate of Practice and Seal to the NLAA until he or she has complied with the requirements of the Cycle and their membership has been reinstated, and their License and Certificate of Practice has been renewed or reinstated.
6.	In the event that a member’s Certificate of Practice has not been renewed, the member shall cease all work and assign his or her work to another holder of a Certificate of Practice to prevent or

	minimize any negative impact on a project or project's progress and his or her client.
--	--

Application for Relief	Due to Medical, Compassionate or Family Leave Circumstances
-------------------------------	---

Relief from the requirements of a Cycle may be granted, at the discretion of Council:	
1.	To members on compassionate grounds who are unable to complete the requirements for a Cycle and at the same time are unable to practice; and
2.	To members responsible for personal supervision and direction of the practice of architecture on compassionate grounds who are unable to complete the requirements for a Cycle and at the same time are unable to practice.
<p>A Member Applying for Relief must:</p> <p>Provide a written letter addressed to Council requesting relief from compliance with the requirements of a particular Cycle of the program and include the following with the letter:</p>	
1.	The reason for non-compliance based upon health, parental or family reasons, or other compassionate grounds.
2.	Supporting documentation that may include a doctor's certificate or letter confirming the existence of a medical condition that would prevent compliance, or an application for family leave or disability benefits.
3.	Confirmation of the start date of any disability or incapacity preventing the member from practicing architecture.
4.	Confirmation that the member is or was unable to practice during the period of disability or incapacity with supporting documentation including confirmation of Employment Insurance or disability benefits.
5.	Confirmation of the length of time that the member will be unable or was unable to practice during the Cycle, where possible, the estimated time that the member will be unable to practice.
6.	Where the member is not practicing during a parental leave period, that leave period is considered to be a one year period consistent with the maximum federal government benefit period. The member should confirm with Council the length of his or her parental leave.

Application for Relief (cont'd)	A Member who holds a Certificate of Practice shall:
1.	Assign another member as a locum to personally supervise and direct his or her practice during the period when the architect responsible for the personal supervision and direction of the practice is incapacitated or unable to practice, or to supervise and direct his or her practice.
2.	Notify the Registrar of the name of the locum architect at the time that the NLAA is notified of the member's disability or incapacity.
3.	File with the Registrar a certificate in which the holder certified that he or she has not engaged, or will not engage, in the practice of architecture in the Province of NL or will not hold or has not held himself or herself out as engaging in the practice of architecture in the Province of NL from the date of his or her incapacity or disability.
4.	Provide evidence to the Registrar with respect to any Continuing Education requirements of the Cycle that meet the requirements of the Program, prior to the date of disability or incapacity of the member.
5.	Provide confirmation of the length of time that the member was, or will be unable to practice during the Cycle and where possible, the estimated time that the member will be unable to practice.
6.	Confirm the maximum parental leave period permitted and advise Council of the period of parental leave to be taken by the member. If the member is not practicing during his or her parental leave period, the leave period will be considered to be no longer than the maximum federal government parental leave benefit period, currently one year (the "maximum parental leave period").
If the member is unable to establish the medical or compassionate grounds required for relief from the requirements of a Cycle, the following shall be communicated to the member in writing:	
1.	The request for relief from the Program requirements for the Cycle has been denied.
2.	The member may voluntarily surrender his or her license and Certificate of Practice, where applicable, until such time that he or she is able to return to practice.
3.	If the member does not voluntarily surrender his or her license and Certificate of practice, where applicable, that the member's license and Certificate of practice will not be renewed until he or

	she has complied with the Program requirements of the Cycle, as the case may be.
--	--

Application for Relief (cont'd)	Where the member has decided to take, or has decided to extend after written notice to Council, his or her parental leave beyond the maximum federal parental leave, the following options shall be communicated to the member in writing:
--	--

1.	The member must comply with the requirements for the Cycle during which the maximum leave period has expired.
----	---

Should the member choose to surrender his or her license during his or her parental leave, the requirements for members seeking re-application or re-instatement will apply.

2.	If the decision to take or extend parental leave beyond the maximum parental leave period is for medical reasons due to the health of the parent or the child, Council, in its discretion and, with appropriate supporting documentation, may waive the requirement for the member to comply with paragraph 1 above.
----	--

Where the member provides evidence of his or her disability or incapacity and the disability or incapacity overlaps license years, and the member has not surrendered his or her license voluntarily, Council may, in its discretion, declare that the member is non-compliant and (i) may not renew the member's license and Certificate of practice, where applicable, or (ii) may accept an undertaking from the member not to practice, or (iii) may impose terms, conditions or limitations on the member or holder of a license or Certificate of Practice with respect to his or her practice of architecture.

Where the member has completed at least half of the requirements of a Cycle and substantiates his or her incapacity for the rest of the period of the Cycle, the requirements for the Cycle will be deemed completed by the member.

Where the member returns to practice within six months of the end of the Grace Period for Cycle Three (also the start of the second year of Cycle Four), he or she must complete at least half of the requirements for Cycle Three.

Where the member returns to practice in the last six months of a two-year Cycle, he or she will not be required to comply with the requirements for that Cycle but will be subject to the full requirements for the next Cycle.

Any member who surrendered his or her license or whose license was

not renewed due to non-compliance with the Program will be subject to the policy on “NLAA ConEd: Continuing Education Credit Requirements for Individuals Applying for, or applying for re-instatement of, a license or Certificate of Practice” set out in this document.

Questions related to the Relief Policy should be directed to Lynda Hayward, NLAA Administrative Director at 709-726-8550 or to the Registrar.

**Continuing Education
Credit Requirements
For Individuals
Applying for, or for
Reinstatement of, a
License or Certificate
Of Practice**

New Members:

If an individual joins the NLAA within the first six months of a Cycle, the member must complete the entire Cycle requirements. If an individual joins the NLAA during the last six months of a Cycle, the member will not be required to complete the requirements for the Cycle.

If an individual joins the NLAA after the first six months of a two year Cycle but prior to the end of the first six months of the second year of the two year Cycle, the new members must complete half of the Cycle requirements.

If an individual joins the NLAA during the last six months of the second year of a two-year Cycle, the member will not be required to complete the requirements for the Cycle but he or she will be subject to the full Cycle requirements for the next Cycle.

Reporting Credits Retroactively

New members who are subject to the Program for the first time may report retroactively twelve learning activities within the twelve month period preceding membership. This does not mean that members can carry credits forward from one Cycle to the next. This applies only to first time participants in the Program.

Reapplication for membership

In order to be eligible to re-apply for, or to apply for re-instatement of, a license or Certificate of practice, the individual must complete all requirements for the last Cycle during which that individual held a License or Certificate of Practice (refer to Table A to determine outstanding point requirements) as well as any outstanding requirements for any previous Cycle.

**Continuing Education
Credit Requirements
For Individuals
Applying for, or for
Reinstatement of, a
License or Certificate
Of Practice (cont'd)**

Table A

If the individual left a Cycle between November 1st and April 30th (a six month period) of the first year of a two-year cycle, he or she is not required to complete any requirements for that particular Cycle prior to being eligible to apply or re-apply.

If an individual left a cycle between May 1 of the first year of a two-year cycle and April 30th of the second year (a twelve month period), he or she must complete half of the point requirements for that Cycle prior to being eligible for re-application.

If an individual left the membership of the NLAA for any reason between May 1st and October 31st of the second year of a two-year Cycle, he or she is required to complete all of the requirements for that Cycle before being eligible to apply or to re-apply.

If an individual has completed the Cycle requirements, and his or her application or re-application has been approved, the member will be required to complete the following requirements for the Cycle during which their membership was approved.

Table B

If the individual's License or Certificate of Practice is renewed between November 1st and April 30th (a six month period) of the first year of a two-year Cycle, he or she must complete the entire Cycle requirements.

If the individual's License or Certificate of Practice is reinstated between May 1st of the first year of a two-year Cycle and April 30th of the second year of the Cycle (a twelve Month period), he or she must complete half of the Cycle requirements.

If the individual's License or Certificate of Practice is reinstated between May 1st and October 31st (a six month period) of the second year of a two-year Cycle, he or she will not be requirement to accumulate any continuing education points for the Cycle but will be required to complete the full Cycle requirements for the next Cycle.

**Continuing Education
Credit Requirements
For Individuals
Applying for, or for
Reinstatement of, a
License or Certificate
Of Practice (cont'd)**

Non-Member for more than Three Years

If an individual has not been a member for more than three years and is submitting an application for a License, he or she will be subject to the same continuing education requirements as a new member. The applicant, if reinstated, will not have to complete the requirements for any Cycle that concluded prior to the three-year period. Council may, however, in its discretion, when considering an application from a former member, direct the applicant to undertake specific activities under the Program in order to ensure that the individual is current in the practice of Architecture in NL.

Member Under Suspension

Prior to reinstating a member's License or Certificate of practice that has been suspended, he or she was a member (refer to Table A to determine outstanding requirements) as well as the outstanding requirements for any previous Cycle, and any additional education requirements a directed by Council.

Table A

If the suspension of a member's license or Certificate of Practice too effect between November 1st and April 30th (a six month period) of the first year of a two-year Cycle, he or she is not required to complete any requirements for that particular Cycle prior to being eligible for reinstatement.

If the suspension of a member's License or Certificate of practice took effect between may of the first year of a two-year Cycle and April 30th of the second year of the Cycle (a twelve month period), he or she must complete half of the requirements for that Cycle prior to being eligible for reinstatement.

If the suspension of a member's License or Certificate or Practice took effect between May 1st and October 31st of the second year of a two-year Cycle, he or she is required to complete all of the requirements for that Cycle before being eligible for reinstatement.

If the suspended member has completed his or her outstanding Cycle requirements and has been reinstated as a member and his or her license or Certificate of Practice has been reinstated, he or she will be subject to the following continuing education requirements for the Cycle during which reinstatement occurred or the suspension was

<p>Continuing Education Credit Requirements For Individuals Applying for, or for Reinstatement of, a License or Certificate Of Practice (cont'd)</p>	<p>lifted.</p> <p>Table B</p> <p>If the suspension of a member is lifted or his or her reinstatement occurs between November 1st and April 30th (a six month period) of the first year of a two-year Cycle, he or she must complete the entire Cycle requirements.</p> <p>If the suspension of a member is lifted or his or her reinstatement occurs between May 1st of the first year of the two-year Cycle and April 30th of the second year of the Cycle (a twelve month period) he or she must complete half of the Cycle requirements.</p> <p>If the suspension of a member is lifted or his or her reinstatement occurs between May 1st and October 31st (a six month period) of the second year of a two-year Cycle, he or she will not be required to complete the Cycle requirements but will be subject to the full cycle requirements for the next Cycle.</p>
---	--