

DEPARTMENT OF THE ARMY  
U. S. Army Corps of Engineers (USACE)  
Washington, D.C. 20314-1000

ER 1110-1-8152

CEMP/CECW

Regulation  
No. 1110-1-8152

24 January 2012

Engineering and Design  
PROFESSIONAL REGISTRATION AND SIGNATURE ON DESIGN DOCUMENTS

1. Purpose. This regulation provides policy and guidance on professional registration of USACE civilian team members in all occupations included in career program (CP)-18 (Engineers & Scientists – Resources & Construction). The regulation also provides policy and guidance on compliance with individual state professional registration requirements by registered professionals in USACE, Architect-Engineer (A-E) firms and Design-Build contractors.
2. Applicability. This regulation applies to all USACE organizations.
3. References.
  - a. Federal Acquisition Regulation (FAR) Part 36.
  - b. AR 690-950, Civilian Personnel - Career Management.
  - c. ER 690-1-1212, Civilian Personnel - Professional Registration as A Selective Placement Factor.
  - d. CEHR-D Human Resources Policy Memo dated 18 May 2007, subject: Payment of Expenses to Obtain Professional Credentials.
  - e. CECC-ZA legal opinion dated 6 November 1992, subject: State Regulation of Corps “In-House” Engineering Work.
4. Objectives. The objectives of the USACE professional registration policy are to improve the professional capabilities and public credibility of USACE professional staff, encourage appropriate career development activities by CP-18 members, improve technical competence, promote professional responsibility, and enhance USACE capabilities to deliver innovative and sustainable solutions to the Nation’s engineering challenges.
5. Policy.
  - a. General. Registration of professionals is required by states to protect the public’s health, welfare, safety, and property. The USACE supports these purposes, although USACE as an element of the Federal Government is not legally required to comply with state law in this area.

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Accordingly, in support of the public's health, welfare, safety, and protection of property, USACE encourages CP-18 team members to obtain an appropriate professional registration in their field of work.

b. Professional Registration, Key Positions. USACE requires professional registration for key technical management positions identified in ER 690-1-1212 (reference 3.c). USACE does not require the individuals in these key technical management positions to be registered in any particular state. However, the professional registration listed for an individual in these key technical management positions must be current for practice in the state listed by the key individual.

c. Training in Support of Professional Registration in Career Development Plans. Appropriate training is an important element of team member's Individual Development Plans (IDPs). Training budgets should provide appropriate training activities, including steps (e.g., exam preparation courses, professional development hours, etc.) toward professional registration, to foster career development as well as to help ensure proficiency in performance of current and future duties by team members.

d. Expenses for Training. The USACE is authorized to reimburse civilian employees for expenses required to obtain and maintain appropriate professional registration. Fiscal rules authorize the Government to pay only for time and expenses incurred for training required primarily for the performance of a team member's official duties. Training may also be authorized to comply with the state's continuing education requirements to maintain registration. As with all professional credentialing expenses, prior supervisor approval is required, and the reimbursement for these expenses is permissive, not mandatory.

e. Reimbursement Prohibited for Association Memberships. Payment of dues for an employee's membership in a society or association is specifically prohibited by law (reference 3.d.).

f. Expenses for Licensing Examinations. If the professional credential is desirable but not required by the position description, then the supervisor must certify that the credential is job-related before the expense for the licensing exam may be reimbursed. If approved by the employee's supervisor, each employee is allowed one reimbursement per fiscal year for job-related professional exam fees or registration renewal fees. At the discretion of the employee's Division Chief, reimbursement for additional professional credentials/licenses may be approved. Reimbursement for exam expenses (and all associated fees) is not allowed for missed or failed exams. (See reference 3.d.)

g. Exam Procedures. Reimbursement for examination review classes is allowable, but not mandatory. Payment for these classes must be discussed and authorized by the employee's supervisor prior to the employee registering for class. Retroactive payments are not authorized for review classes. The need for the employee to take the exam must be identified in the employee's current IDP. The exam location selected should be the most economical if the costs are to be submitted for government reimbursement. The supervisor's approval must be received in writing prior to the employee registering for the exam (See reference 3.d.). Travel and TDY

costs to CONUS exam locations for employees working in OCONUS locations potentially may be large and Government reimbursement for these expenses is at the discretion of the policy established by the employee's organization and supervisor. If the exam occurs on a normal workday for the employee, on the day of the exam, the employee's timekeeper will annotate the employee's time required to take the exam as "Official Time". The labor cost will be allocated to the employee's office overhead account. No official time will be granted if the exam occurs on other than a normal workday for the employee. When the exam has been passed, the employee may request reimbursement of expenses for travel, per diem, and the exam fees. If the employee does not pass the exam, expenses for travel, per diem, and the exam fees will not be submitted or approved for reimbursement.

h. License Renewal Expenses. Generally, each employee is allowed one reimbursement annually for the license renewal most closely related to an employee's current duties. However, management may authorize payment for more than one license if justified by mission requirements. The reimbursement of these expenses is not an employee entitlement and is subject to the availability of funds. Government payments for professional credentialing, registration, and licensing expenses will be made from the appropriation that pays the employee's salary.

(1) At least 10 calendar days prior to the employee planning to make payment for renewal, an employee must request by email or in writing their current supervisor's approval of reimbursement of renewal expenses for professional licensing/credentials.

(2) Upon receipt of request, the supervisor must grant approval or disapproval of the request for reimbursement, along with a justification. Supervisor approval must be received prior to reimbursement of the renewal payment to the employee.

(3) If the District or Center has a formal standing policy authorizing reimbursement of license renewal expenses for individuals in specific positions, and the policy fully conforms to the reimbursement rules of this regulation, then individual requests for prior approval by the employees' supervisor are not required.

i. Mandatory Recording of Professional Registration in Defense Civilian Personnel Data System (DCPDS). After a supervisor approves reimbursement of professional license exam expenses or renewal payment for the professional license, the employee being reimbursed shall access the DCPDS via their appropriate "MyBiz" webpage and promptly record their professional registration information. MyBiz allows employees to view information from their official personnel records and update select information to include recording of their relevant certification and license information. The DCPDS User Guide is accessible at [http://www.cpms.osd.mil/hrbits/userguide/dcpds\\_userguide.aspx](http://www.cpms.osd.mil/hrbits/userguide/dcpds_userguide.aspx) For details see Chapter 6 (Recording Certifications/Licenses) of Module 7 (Employee Training & Development Using DCPDS) of the User Guide. Supervisors are responsible to annually verify the accuracy and completeness of employees' certification and professional licensure status recorded in DCPDS.

6. Signature of Design Documents by Registered USACE and Contractor Professionals.

a. USACE District and Center Chiefs of Engineering, District Chiefs of Construction, or their equivalent will sign and indicate their professional registration on appropriate design documents, permit applications, and certifications. When administratively requested by state or local authorities, although not legally required to do so, a currently registered USACE professional at a USACE Center or District may also stamp or seal documents, or portions of documents, prepared by in-house USACE personnel.

b. A-E contractors will prepare or review and approve design documents, permit applications, or certifications as required by the A-E contract. If the work requirements and the A-E contract necessitate signature and a stamp or seal for specific document sections for specific engineering disciplines such as structural, mechanical, electrical, or fire protection designs, then the currently registered A-E professional(s) overseeing the production of those documents will sign and stamp or seal the documents associated with that specialty. The complete set of design documents will be signed and stamped or sealed by the currently registered designer(s) of record.

c. The D-B contractor's designer(s) of record will prepare or review and approve their work by affixing their signature and stamp or seal on design documents, permit applications, or certifications as required by the construction contract and applicable state laws or regulations.

7. Specific Procedures for USACE Approval and Signature on Design Documents and Indication of Registration.

a. District and Center Chiefs of Engineering or their deputies will review and approve all appropriate in-house design documents and associated certifications, as well as all appropriate permit applications prepared by USACE personnel. Their approval and professional registration will be indicated by their signature or stamp and date on appropriate design documents and permit applications. District and Center Chiefs of Construction (or their equivalent) or their deputies will sign and date USACE certifications required during or after construction. Districts and Centers are encouraged to contact HQUSACE for guidance concerning unusual situations.

b. The responsible registered professional's signature shall be followed by "P.E." (Professional Engineer), "R.A." (Registered Architect), or other appropriate designation indicating that the signer is a currently registered professional. At the discretion of the District or Center engineering and construction leadership, all documents may be sealed or stamped rather than use the "P.E." or "R.A." designation.

c. Individuals signing in accordance with paragraph 6a. of this regulation are required to do so within the scope of their employment. Documents to be submitted to Federal, state, or local authorities that contain initials, signatures, or seals (or other indication of registration such as "P.E.") shall contain a statement that the documents are executed in accordance with Engineer Regulation (ER) 1110-1-8152. For example, the cover sheet for the project plans and specifications will include a statement such as the following:

“This project was designed by the (name of District) District of the U.S. Army Corps of Engineers. The initials or signatures and registration designations of individuals appear on these project documents within the scope of their employment as required by ER 1110-1-8152.”

d. The purpose of this requirement is to establish a clear, written record, to be used in case of litigation, indicating that USACE employees who sign documents are doing so within the scope of their employment and specific, written authority and thus are not personally liable.

8. Specific Procedures for Signing and Sealing or Stamping A-E Contract Deliverables. A-E contracts will require the contractor to sign and stamp or seal and date at least one set of design documents, permit applications, or certifications. The deliverables under each contract for A-E design services shall include:

a. One set of properly signed, dated, and stamped or sealed drawings.

b. A certified cover document showing—for each discipline—the name, stamp or seal of the professional who supervised the work, and the date each stamp or seal was affixed.

c. An electronic equivalent that indicates—for each discipline—the name, stamp or seal of the professional who supervised the work, and the date each stamp or seal was affixed.

9. Specific Procedures for Signing and Sealing or Stamping Design-Build Contract Deliverables. Design-Build (D-B) contracts will require the contractor to submit signed and stamped or sealed design documents, permit applications or certifications prepared by its currently registered professionals. The design deliverables under each D-B contract shall include:

a. One set of properly signed, dated, and stamped or sealed drawings.

b. A certified cover document showing—for each discipline—the name, stamp or seal of the professional who supervised the work, and the date each stamp or seal was affixed.

c. An electronic equivalent that indicates—for each discipline—the name, stamp or seal of the professional who supervised the work, and the date each stamp or seal was affixed.

10. Changing USACE/A-E/Design-Build Designs.

a. In-House Designs. If a design document, permit application, or certification created by USACE in-house designers is changed by someone other than the original professional, a clear record of internal responsibility for the change must be maintained. Accordingly, when a change is prepared by someone other than the original professional—before the change is implemented—a written record shall be made describing the change and the reason for making the change, showing the date, signature, and title of the individual making the change. Significant changes, such as changes impacting the design intent or details of implementation, shall be made only in consultation with the original designer and with the written concurrence of the original designer. If the original designer is no longer employed by USACE, then the professional who is duly designated to succeed or assume the original designer’s role shall be consulted appropriately and

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this professional will provide the necessary review and written concurrence of the significant change to the original design. In the event of a conflict between the original professional and acceptance of a management-directed change, the resolution must be made by the supervising technical professionals and documented to establish clear internal responsibility for the change.

b. A-E Contractor Designs. Changes to A-E contractor-prepared design documents, permit applications, and certifications should not be made by anyone other than the original designers. If a document prepared under an A-E contract is changed by someone other than the original A-E designers, then the A-E may successfully argue that it is relieved of some responsibility for the original design, and the Government may have difficulty enforcing A-E liability under FAR 36.608, reference 3.a. If a document created by an A-E contractor is changed by someone other than the original professional, a clear record of internal responsibility for the change must be maintained. Accordingly, when a change is prepared by someone other than the original professional—before the change is implemented—a written record shall be made describing the change and the reason for making the change, showing the date, signature, and title of the individual making the change. Significant changes, such as changes impacting the design intent or details of implementation, shall be made only in consultation with the original designer and with the original designer's written concurrence.

c. Design-Build Contractor Designs. Changes to Design-Build contractor-prepared design documents, permit applications, and certifications should not be made by anyone other than the original designers.

11. State Requirements for Professional Licensing, Permit Applications, and Certifications. An extensive USACE effort to address professional registration issues began in the early 1990s. This effort was completed with the issuance of the Chief Counsel's legal opinion. (See reference 3.e.) The legal opinion concluded that, under the doctrine of Federal Supremacy, USACE is generally not required to comply with state registration requirements. The Chief Counsel's legal opinion drew the following conclusions which form the basis for the USACE policy in this regulation:

a. The Supreme Court has specifically ruled that no state may legally require Federal employees to be licensed by the state. The Supreme Court has also generally ruled that no state has the legal authority to require the Federal Government to submit permit applications, certifications, and designs for state review or approval. These general principles are true except in areas where Congress has waived the Federal Government's Supremacy.

b. Congress has waived Federal Supremacy as to state substantive requirements, permits, and certifications in several environmental statutes, to include the Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and Noise Control Act. Accordingly, USACE must submit permit applications, certifications, and designs for state review and approval for projects falling under these six statutes.

c. However, Congressional waivers of Federal Supremacy are interpreted very strictly to include only the exact types of state requirements that Congress names in the waiver. Licenses

and professional registration are not specified in any of the environmental waivers. Therefore, a state rule requiring licensing of USACE engineers or other team members in that state (or in any state), or requiring execution of documents by professional engineers or other team members licensed in the particular state where the work is located (or in any state), is generally not enforceable. This is true whether or not the state professional registration statute exempts Federal employees from its requirements. The USACE is obliged to comply with Federal agency requirements, such as Environmental Protection Agency (EPA) regulations for stormwater discharges from construction activities, which require submission of certifications to EPA to be signed by registered professional engineers.

d. Federal compliance with state laws is an evolving area of law. Districts and Centers should consult with their local Office of Counsel on questions and issues in this area. HQUSACE should be notified if Command-wide guidance is needed.

## 12. Public Protection and Personal Liability.

a. Registered USACE professionals, as well as other USACE engineer, architect, landscape architect, surveyor, and geologist team members, who sign, initial, stamp or seal their work do so on behalf of USACE. Responsibility for damages caused by a USACE team member's negligent acts rests with the Federal Government, as long as the negligence occurred within the team member's scope of employment.

b. The policy and guidance in this regulation does not alter, increase, or decrease any exposure to personal liability for USACE team members who sign and/or certify designs within the scope of their employment. (See paragraph 7.d.) USACE team members have been signing or initiating their work, as a matter of routine, for many years, and this regulation does not change these routine practices or individual liability.

c. The policy and guidance in this regulation require a supervisor to exercise "responsible charge" over work they supervise, that is, to exercise effective, direct control and personal supervision resulting in control over, and detailed professional knowledge of, that work. Supervisors have this responsibility whether or not they indicate their professional credentials and/or stamp or seal on work performed under their supervision.

d. Using a private sector registered architect or engineer to seal USACE in-house designs and other documents is unacceptable as a matter of policy, and will not relieve USACE from liability in the case of, for example, a design deficiency.

13. Partnering with States. To resolve state-specific registration matters, Districts and Centers should convey USACE's commitment to work with each state, while not unduly compromising Federal Supremacy. Districts and Centers are encouraged to identify state officials and agencies responsible for environmental and other professional registration matters, to initiate partnering dialogues, and to build relationships to address and satisfy public interest issues.

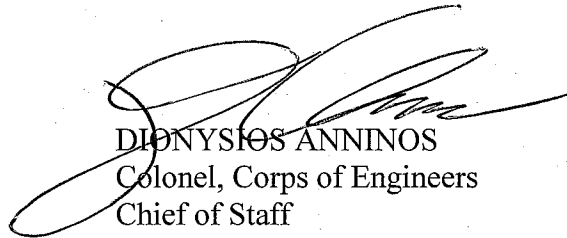
14. Unified Facilities Criteria (UFC) and Licensing Requirements. Some UFC documents cite specific licensing requirements for design documents and should be analyzed for their specific

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requirements. Two examples are UFC 3-600-01, Fire Protection Engineering for Facilities, and UFC 3-580-01, Telecommunications Building Cabling Systems Planning and Design.

FOR THE COMMANDER:



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Chief of Staff