



<b>SOP TITLE</b>	<b>Voting Procedure for General Business and Laboratory Accreditation Matters</b>
<b>SOP NO.</b>	<b>3-101</b>
<b>REVISION NO</b>	<b>1.2</b>
<b>PROGRAM</b>	<b>NELAP</b>

### SOP Approval Dates

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## 1.0 Purpose

This document describes the procedures used by The NELAC Institute (TNI) National Environmental Laboratory Accreditation Program (NELAP) Accreditation Council (AC) for voting on items of business before it, including matters pertaining to accreditation, to accomplish its mission of coordinating the state agencies implementing the NELAP.

## 2.0 Applicability

This Standard Operating Procedure is applicable to all matters needing formal decision that may come before the NELAP AC excluding votes on recognition of accreditation bodies (ABs) that are described in SOP 3-102, Evaluation of Accreditation Bodies.

## 3.0 Summary/Scope

This procedure describes how the TNI NELAP AC votes, including:

- votes taken by the board on general business matters and matters related to laboratory accreditation,
- who may cast votes on behalf of accreditation bodies,
- processes for voting, recording votes, and disseminating the results of votes, and
- minimum requirements for adopting a motion.

Because many issues considered by the AC will have direct, broad and binding effects on the operations of the member Accreditation Bodies (ABs) and/or on laboratories accredited under NELAP auspices, it is essential that representatives of each AB actively participate. The NELAP AC will use *Roberts Rules of Order* to conduct votes during meetings of the Council.

## 4.0 Definitions

**Quorum** – A simple majority (half plus one) of the recognized NELAP ABs shall be present for voting to occur on general business matters at a TNI NELAP AC meeting.

**Abstention** - A vote to “Abstain” or otherwise not vote “For” or “Against” the motion or action being put forth for vote. An abstention is not considered a “no” vote.

**Matters of General Business** – Such transactions as approval of minutes, workplans, agendas, and the scheduling or adjournment of meetings are considered general business.

**Matters Relating to Laboratory Accreditation** -- All matters that are not matters of general business. Votes on these matters may only be undertaken when two-thirds of the NELAP AC membership is present. Examples of matters pertaining to laboratory accreditation are the handling of SIRs, adoption of standards, and approval of Field of Proficiency Testing tables.

**Meeting** – A coming together of the NELAP AC. A meeting may be a physical gathering, conference call, or other electronic means that allows for free, timely exchange of ideas.

**Standards Interpretation Request (SIR)** – the formal process for initiating an interpretation or explanation of how a standard applies to a particular situation, including the review of draft interpretations and adoption of a final approved interpretation. TNI SOP 3-105, Standards Interpretation, defines the full process for handling SIRs. (see also the SIR website at <http://www.nelac-institute.org/interpret-request.php>) This SOP defines the AC’s process for reviewing and accepting those interpretations.

**Veto** – A special type of negative vote cast when an element of the motion at hand would preclude implementation by a member AB because existing statutory or regulatory requirements could not be appropriately changed before the motion, if passed, would be implemented.

## **5.0 Votes on Matters of General Business**

Votes on general business matters include votes to:

- Approve minutes;
- Initiate votes (call questions);
- Adopt or change agendas, work plans, charters, or operational procedures and activities; and
- Adjourn meetings

### **5.1 Eligibility**

An AB may cast one vote on any matter of general business submitted for a vote. The designated representative or designated alternate representative of an AB may cast an AB's vote. The NELAP AC may vote on matters of general business during any meeting of the Council.

### **5.2 Types of votes**

An AB may vote "for" or "against" on matters of general business. An AB may also abstain from voting.

### **5.3 Voting Requirements**

To be adopted, matters of general business require a majority of votes cast "For" from the ABs present during a meeting.

## **6.0 Votes on Matters Related to Laboratory Accreditation**

### **6.1 Eligibility**

An AB may cast one vote on any matter related to laboratory accreditation submitted for a vote. The designated representative or designated alternate representative of an AB may cast an AB's vote.

### **6.2 Types of Votes**

An AB may cast one of five votes on matters concerning laboratory accreditation:

- "For" – signifies acceptance of the matter in question.
- "Against" -- signifies opposition to the matter in question, but implies that the matter will be implemented if approved by the voting process.
- "Veto" – applicable only to matters of accreditation. A veto vote signifies that the matter in question cannot be implemented in that AB's operations due to conflict with existing law or regulation or state policy. The reason for a veto must be specified.
- "Needs Discussion" – applicable only to SIRs, which are voted upon at a specific secure site on the TNI web pages. "Needs Discussion" signifies that the AB desires to participate in conversation about aspects of an SIR prior to voting.

Any SIR with this vote shall be brought to an AC meeting for discussion prior to final vote tally.

- “Abstain” – An abstention does not alter the minimum number of “yes” votes required for passage of any matter of laboratory accreditation. “Abstain” effectively reduces the number of voting members by one for each abstention. It is expected that all AC members will vote on all matters of laboratory accreditation unless both the representative and the alternate (if one exists) are incapacitated or a conflict of interest exists. NOTE: there is no “abstain” vote on the SIR voting site; a member wishing to abstain but not desiring a discussion of the item simply comments that s/he will not be voting, or does not vote.

### **6.3 Voting Requirements**

The NELAP AC may initiate a vote on matters concerning laboratory accreditation during a meeting of the Council only if two-thirds of the membership is present. Votes on matters concerning laboratory accreditation will close two weeks after a vote is initiated.

#### **6.3.1 Motions**

During any meeting, any NELAP AC member may bring matters related to laboratory accreditation before the Council by the appropriate motion and second.

#### **6.3.2 Discussion and Comment**

Discussion will continue until a two-thirds majority agrees that the motion is ready for a vote.

#### **6.3.3 Voting Process**

**6.3.3.1** ABs may cast votes by voice during a meeting of the NELAP AC. Members who are absent during the meeting in which a vote on a matter of accreditation is made have up to two weeks to place a vote electronically, by FAX, or hard copy on an official ballot provided by the NELAP AC chairperson.

**6.3.3.2** As matters concerning laboratory accreditation are vital to the program, if a vote on a matter of accreditation fails to pass within the two-week period, the Council reserves the right to reconsider the motion and present it again for vote.

**6.3.3.3** At the time the vote is cast, any member who casts a veto must submit to the Board chairperson written justification that clearly outlines the specifics of the objection. The written justification must be submitted within one week of the veto vote.

**6.3.3.4** To be adopted, matters concerning laboratory accreditation require a vote of “For” from two-thirds or more of the Council and no votes of “Veto.”

#### **6.3.4 Veto Votes**

Although it is expected that most issues will be brought out and resolved during the discussion period, veto votes must be addressed. Each of the following steps must be taken.

**6.3.4.1** Vetoes must be identified, documented and the written rationale recorded.

**6.3.4.2** Members casting a veto vote shall present written rationale that will explain the reason(s) for their veto vote.

**6.3.4.3** If a majority of the Council determines that the rationale for the veto vote is persuasive, the NELAP AC must either fail the vote or reconsider the motion, if reconsideration is within the Council's purview. For instance, if the vote is to adopt a standard or Field of Proficiency Testing table, the vote fails, since the AC cannot modify those items unilaterally. If the Council has the option of altering the matter undergoing vote, it will seek to do so in a fashion that accommodates the AB's reason for veto.

**6.3.4.4** If the majority of the Council does not agree that the veto vote is persuasive, the AB casting such veto shall either provide additional or stronger rationale (such as formal opinion from state legal counsel) or withdraw the veto. Providing any further rationale should be accomplished expeditiously.

**6.3.4.5** The Program Administrator returns any item that does not pass to the originating body for resolution.

### **6.3.5 Recording of All Matter of Accreditation Votes**

The Program Administrator records the vote of the NELAP AC on a member-by-member basis and the tally is attached to the final version of the motion. The Program Administrator must confirm and document that two-thirds of the membership was present at the time the vote was initiated.

### **6.3.6 Disposition**

The Chair or designee will record votes cast by ABs and include the results of votes in the minutes of the Council. If an AB does not cast a vote, the Chair or designee shall count the vote as if the AB voted "Abstain." If an AB casts both a voice vote and a vote by electronic mail, facsimile transmission, or correspondence, the Chair or designee shall only record the vote cast by electronic mail, facsimile transmission, or correspondence.

### **6.3.7 Internet-Based Electronic Voting for Standards Interpretation Requests**

TNI has established a website for voting on final interpretations of standards, as requested through the <http://www.nelac-institute.org/interpret-request.php> site. This section sets forth the NELAP AC voting process as it shall apply to this form of electronic voting. Interpretations are posted to [http://www.nelac-institute.org/sir/standard\\_interpretation\\_requests.php](http://www.nelac-institute.org/sir/standard_interpretation_requests.php), where each AC member has a secure login and password for access. NOTE: While only the designated representative has a secure login and password, the individual AB has the discretion to authorize the alternate to utilize that login if desired, for voting purposes. All votes cast are shown as if cast by the current AB representative; this attribution changes when the representative changes.

Once the interpretation is posted to the SIR voting site, the NELAP AC Program Administrator is notified, and the NELAP AC also notified no later than its next meeting. The NELAP AC is expected to complete the voting process within 30 days of notification, in order to meet the timelines set forth in the Laboratory Accreditation Systems Executive Committee's (LASEC's) SIR Management SOP 3-105.

### **6.3.8 SIR voting**

Each NELAP AB receives one vote. This vote may be given by the designated representative or the designated alternate representative by logging into the site and casting the vote. Each AB's vote is clearly identified through the log-in process. Only AB votes are tallied; others with access to the SIR voting site show in the listing but are not expected to vote and such votes will not be counted (for instance, the NELAP-EPA liaison and the Program Administrator).

When the SIR is posted on the site, the voting options are: For, Against, Needs Discussion, or Veto. A vote other than "For" should use the comment section to explain the reason for discussion, negative vote or veto. ABs are able to see each other's votes and comments. This voting mechanism has been designed as a tool to speed acceptance of SIRs without consuming excessive meeting time for the Council, and for SIRs only, the "veto" vote signifies that the AB casting the vote believes that, had the offered interpretation been part of the original standard, it would have warranted veto on the adoption of the standard. That is to say, the offered interpretation cannot be implemented or enforced by the AB due to its statutes and regulations.

When two-thirds of the NELAP AC have voted "For" the response and no "Veto" votes have been recorded, the ABs are notified by the SIR Program Administrator that the vote is coming to a close and they have 2 weeks to cast a vote. If there is no "Veto" within the two week period, the SIR response is considered approved and it is posted to the TNI website. Failure of an AB to vote will be considered an abstention.

If a "veto" vote is received, it is the responsibility of the voting AB to provide written rationale to the NELAP AC, the NELAP AC Program Administrator, and the SIR Program Administrator. The comment box on the voting site may be used for this purpose. The SIR and veto are discussed at an upcoming NELAP AC meeting. If a majority of the NELAP AC determines the veto is persuasive, the SIR must be returned to the LASEC with an explanation and a request to reconsider the interpretation and provide a modification that can be successfully implemented and enforced by all NELAP ABs.

If a two-thirds vote in favor of the SIR cannot be reached by the NELAP AC on the voting site, it is forwarded by the Program Administrator to the NELAP AC for discussion at a NELAP AC meeting. If the NELAP AC fails to accept an interpretation by this mechanism, a written response to the LASEC is prepared, asking for reconsideration of the response.

## 7.0 Records Management

Records associated with the AC voting shall be handled in accordance with TNI Policy POL 1-104 Management of Records. All AB electronic votes shall be saved by the Program Administrator and the results reported in the minutes of the next meeting following the closure of the vote; internet votes shall be archived by the TNI Webmaster and also the results reported in the minutes of the next meeting following closure of the voting.

## 8.0 Quality Control

This SOP will be reviewed every five years or whenever the NELAP AC requires, whichever occurs first. The NELAP AC Program Administrator will initiate this review.

This review will be documented and any changes deemed necessary will be made with the NELAP AC's and the Policy Committee's approval.

## 9.0 References

Policy 1-104, Management of Records

SOP 3-100, TNI NELAP Accreditation Council General Operation Procedures

SOP 3-105, LASEC SIR Management

## 10.0 SOP Approved Changes

Revision No.	Effective Date	Description of Change
1	4/29/2013	Addressed feedback from Policy Committee review; revised sections 2.0, 4.0, 6.3.4 and 9.0.
1.1	3/4/2019	Eliminate use of "full quorum" and instead, explain the two-thirds participation requirement. Part of a 5-year review. Change "abstention" to mean a vote not counted in the total.
1.2	9/12/2020	Editorial change to definition of quorum to match the Glossary.