



Setting the Standards for Home Energy Efficiency

Approved Minutes of RESNET Board Meeting

Tuesday, December 10, 2019
GoToMeeting

Members Present	Members Absent	Staff Present
Jacob Atalla Jim Amarin David Beam Thiel Butner Philip Fairey Emelie Cuppernell Glitch Matt Gingrich David Goldstein Andrew Harris John Hensley Roy Honican Mark Johnson Cy Kilbourn Abe Kruger Chris McTaggart Clayton Morris Curt Rich Clayton Traylor	Dave Bell Paulette McGhie	Steve Baden Emma Bennett Valerie Briggs Scott Doyle Laurel Elam Cardice Howard Ryan Meres

Meeting Called to Order

Matt Gingrich, RESNET Board President, called the meeting to order at 3:01 p.m. Eastern.

Roll Call

Philip Fairey, RESNET Board Secretary, called the roll. A quorum was present.

Approve Agenda

Matt Gingrich called for a motion to approve the agenda that was sent prior to the meeting.

Chris McTaggart made a motion to approve the agenda. John Hensley seconded the motion. Motion approved by a voice vote.

RESNET Anti-Trust Policy

Matt Gingrich reminded the RESNET Board of the RESNET Anti-Trust Policy that was sent prior to the meeting.

Approval of Draft October 17, 2019 Board Meeting Minutes

Philip Fairey made a motion to approve the draft minutes of the October 17, 2019, board meeting that were sent prior to the meeting. Jim Amorin seconded the motion. Motion approved by a voice vote.

Consider Proposed Standard Development Member Agreement

Steve Baden reviewed the Proposed Standard Development Member Agreement that was sent with the meeting agenda. The draft policy is recommended to the board to clarify that volunteers must comply with all policies and rules including:

- RESNET Antitrust Policy
- Sexual Harassment Policy
- Recognition as a Volunteer to RESNET
- Non-disclosure agreement

Thiel Butner suggested adding contact information to StaffOne HR rep within the policy and language. Thiel disagreed with adding the non-disclosure agreement because volunteers will sometimes have to ask outside members, and “propriety” information could be vague and should be clear to members.

Steve Baden clarified that only proprietary or confidential information would be under the non-disclosure agreement. After discussion, the board amended first paragraph of the Non-disclosure agreement language such that the language specifically referred to matters labeled as proprietary.

Philip Fairey made a motion to approve the amended Standard Development Member Agreement (Attachment A). Cy Kilbourn seconded the motion. Motion was approved by a voice vote.

Consider RESNET Board Policy on Priority of RESNET Standard Development Efforts

Steve Baden reviewed the draft RESNET Board Policy on Priority of RESNET Standard Development Efforts.

Thiel Butner asked about priority of Appendix A and how to address issues that may come up when task group members find questions that may not be a high priority.

Steve Baden suggested two resolutions – the first is to approve the Proposed RESNET Board Policy on the Priority of RESNET Standard Development Efforts. The second would be a new statement that the RESNET Board will make it a priority to address concerns with Appendix A Grading the Installation of Insulation.

Abe Kruger asked if there is a distinction between MINHERS and ANSI and suggested including both in the policy. The language was modified to accept this recommendation. Thiel Butner made a motion to approve the following modified RESNET Board Policy on Priority of RESNET Standard Development efforts:

It is the RESNET Board of Director's policy that the priority of the organization's standard development activities is to maintain RESNET MINHERS and ANSI standards as the gold standard for the inspection, testing and rating of a home's energy performance.

An important but secondary objective is to enable RESNET standards to be referenced in energy codes and standards and building energy performance programs.

Philip Fairey seconded the motion. The motion was approved by a voice vote.

Steve Baden recommended the following language for a making Appendix A as a priority:

It is a priority of the RESNET Board that the SDC 300 address the concerns expressed at the 2021 IECC Code Hearings on Appendix A Grading the Quality of Installation of Insulation.

David Goldstein made a motion to approve the recommended policy. Philip Fairey seconded the motion. The motion was approved by a voice vote.

Freddie Mac Report That Found HERS Homes Sell for More Than Comparable Unrated Homes

Ryan Meres reviewed the Freddie Mac report and how the findings were positive for the industry. Steve Baden will resend to board members.

Clayton Morris asked how it will be distributed to the network. Steve Baden stated that an announcement went out, but another one with the demographics will be released. A podcast episode, webinar, and conference breakout will also take place.

Clayton and Philip suggested an infographic on the study in conjunction with Freddie Mac.

45L Federal Tax Credit Legislative Action Update

Steve Baden discussed Legislative Action Update on the 45L Federal Tax Credit.

Report on RESNET Working Group on Dramatically Increasing the Demand for HERS Ratings

Clayton Morris, Working Group Chairman, provided a brief update on the group's first meeting. The group will plan to provide more information at the Spring Board meeting.

Announcement of RESNET 2021 Board Meeting Dates and Locations

Cardice Howard announced the meeting locations and dates:

- Spring 2021, board meeting April 21, Boston
- Fall 2021, board meeting October 20, Dallas

Emma Bennett will post on DirectorPoint and send calendar invites.

Viability of Small Volume HERS Rating Providers

Abe Kruger stated that the proposed working group is actually bigger than just small Providers. The goal is to identify data needs to better understand the HERS Rater and Provider marketplace. RESNET doesn't track the addition or loss of Providers on an annual basis, so we don't know if there's a trend of small Providers closing up shop or not. RESNET also doesn't track ratings by rating company, so it's hard to tell how much consolidation has occurred. RESNET doesn't track the numbers of raters from year to year in a concerted way. Much of this data is available in the Registry but is not being analyzed on a regular basis. Other data is probably not being collected and probably should. I'm concerned that RESNET has a blind spot here and may miss early signs of problems.

Chris McTaggart said that one thing the group could work on is finding the distinction between providers that perform QA, Ratings, or both.

Steve Baden suggested that he and Abe work offline to begin establishing a working group and establish how much data could be extracted from the registry. Abe suggests figuring out what data is in the registry, or what needs to be added.

Any board members interested in the group can email Abe.

Update of RESNET 2020 Conference

Emma Bennett provided an update on the 2020 Conference. Emma made a recommendation for board members to register early for conference and hotel.

New Business Matt Gingrich

Steve Baden updated board that REMRate was able to meet the deadline for the hourly based simulation requirement. Cy Kilbourn recommended testing to see the impact in the HERS Rating market.

Steve Baden stated that RESNET intends to respond to proposal for EPA's VOO proposal. Thiel asked when deadline is. Group confirmed that deadline to submit comments is December 16th.

Adjournment

Abe Kruger made a motion to adjourn. Meeting adjourned at 4:40 p.m. Eastern.

Respectfully Submitted,


Philip Fairey, Secretary

Attachment A



Setting the Standards for
Home Energy Efficiency

RESNET Board Policy on RESNET Standard Development Committee/Subcommittee/Working Group Volunteer Members

December 10, 2019

The RESNET Board of Directors has adopted a series of policies that govern such issues as antitrust and sexual harassment. Members of RESNET standards development committees, subcommittees and working groups are governed by these policies.

So that everyone has a clear understanding of the policies governing standard development activities RESNET has adopted the below form that all standard development committee/subcommittee/working group members must sign.

As a volunteer member of a RESNET committee or working group, the following policies need to be accepted:

- RESNET Antitrust Policy
- Sexual Harassment Policy
- Recognition as a Volunteer to RESNET
- Non-disclosure agreement

I. RESNET Antitrust Policy

The Residential Energy Services Network (RESNET) has two primary responsibilities:

- Setting the standards for the quality of rating services, and
- Supporting the growth of rating services infrastructure nationally

In carrying out its responsibilities RESNET intends to comply with all applicable antitrust laws. Under no circumstances will RESNET directly or indirectly be involved in conduct that leads to or implies an agreement among its members that would restrain trade and/or otherwise violate antitrust laws. Any conduct by RESNET's officers, directors, volunteers

working on projects on RESNET's behalf or employees that is contrary to the antitrust laws is contrary to RESNET policy. Any officer, director or employee found in violation of this policy or the applicable antitrust laws will be subject to appropriate disciplinary action.

To assist in avoiding antitrust problems at RESNET meetings the following rules and guidelines must be followed:

1. A meeting should be held only if there are proper matters to be discussed which justify the meeting.
2. For each meeting, an agenda should be developed and provided to each attendee. Participants at meetings should adhere to the agenda. If a subject of doubtful legality is brought up at a meeting, the person leading the discussion should be told immediately that the subject is not proper for discussion and discussion should be halted. Should the discussion continue, despite protest, it is advisable that attendees leave the meeting.
3. The agenda should be specific and avoid the following topics:
 - **Price**, including pricing discounts and credit terms, terms or conditions of sale, warranty terms, profits or profit margins
 - **Markets**, including sales territories or markets, shares of the market or allocation of markets
 - **Selection of customers or suppliers**, including refusals to deal, bids or the intent to bid, or rejection or termination of customers
 - Any proposal or engaging in any activity, which is intended to have the effect of producing an adverse economic impact on competing companies.
4. Minutes of all meetings should be kept that accurately report what actions, if any, were taken.
5. Unscheduled, informal, secret or "rump" meetings held in conjunction with the regular meetings are to be avoided.
6. No meetings should include recommendations with respect to "sensitive" antitrust subjects, such as those listed in #3 above.
7. Members should not be coerced to take part in association activities. The industry should not be policed to see how individual members are conducting their business activities.

Summary of Conduct Considered Per Se Illegal

Certain activities or conduct are considered always or almost always to

restrict competition and therefore are illegal under the antitrust laws.

Examples include:

1. agreements among competitors to raise, lower, control or stabilize the prices of goods or services;
2. agreements with suppliers to raise, lower, control or stabilize the resale prices of goods or services;
3. boycotts involving monopoly power that deny necessary business relationships to competitors, suppliers or customers; and
4. agreements to allocate markets or customers, or concerted action to limit output of goods or services.

Summary of Conduct Reviewed Under the “Rule of Reason”

Conduct that is not *per se* illegal is evaluated under the *Rule of Reason*. Conduct that involves some restraint of trade may be permissible if the overall effect of the activity is to improve competition rather than restrict it. Activities evaluated under the *Rule of Reason* include:

1. membership decisions (inclusion, exclusion, termination of);
2. lobbying efforts;
3. industry-wide surveys, data collection, statistics gathering and similar activities; and,
4. standardization and certification programs.

II. RESNET Sexual Harassment Policy¹

Introduction

1. RESNET is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees/Board members/Contractors/Committee Members/Volunteers (in the remainder of this document, the term “employees” refers to this collective group) are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of RESNET’s commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with RESNET. Employees can also file a

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. Such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. RESNET's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, Board members, committee members and persons conducting business, regardless of immigration status, with RESNET. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. RESNET will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of RESNET who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform the RESNET Deputy Director or Staff One HR Manager. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of RESNET policies, is unlawful, and may subject RESNET to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. RESNET will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. RESNET will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. RESNET will provide all employees a complaint form for employees to report harassment and file complaints.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Staff One HR Manager.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

III. Recognition as Being a Volunteer to RESNET

As a 501-C3 public purpose non-profit organization RESNET appreciates the contributions that volunteers make in the development and maintenance of its standards.

This includes volunteering to serve on a RESNET standard development committee, subcommittee, task group or working group.

The volunteer recognizes that the work involved in the development of a RESNET standard is a contribution to enhance the mission of RESNET as a non-profit organization.

The volunteer recognizes that RESNET as the standard development organization retains the ownership of the material in its standards.

IV. Confidentiality/Nondisclosure

All documentation received in support of the development of a standard or standard amendment by RESNET standard development committees, subcommittees, task groups or working groups that are labeled proprietary shall be handled in strict confidence by members of RESNET committees, subcommittees, task groups and working groups.

Members shall agree to use the information revealed during the standard or standard amendment development process only for RESNET assessment purposes and to treat the information which is confidential in nature in confidence.

If, in the course of any committee, subcommittee, task group or working group activity, as a member having access to any information, data, or material which is identified as confidential, proprietary, or otherwise privileged (collectively, "Information"), I agree that such Information will not be divulged to any person or any organization or utilized for my own private purposes or in any manner whatsoever,

without the prior written permission of RESNET, unless the Information:

1. is or becomes known to the public from a source other than the member, or
2. is already known to the member or their employer as shown by prior records, whichever event shall first occur, or
3. is required to be disclosed through a subpoena or other court ordered disclosure.

Members shall report any disclosure (authorized or inadvertent) to the RESNET Standards Manager.