

# Addendum 75, Chapter 9 QA Update

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<b>Proponent:</b>	SDC 900
<b>Organization:</b>	RESNET

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## **Purpose:**

Addendum 75 is a major update to the Quality Assurance standards for the RESNET HERS®. It establishes a more rigorous legal construct based on evolving experience with legal challenges to disciplinary actions. RESNET must maintain standards that protect the organization and meet current law.

## **Amendment:**

*Revise the sections of Chapter 9 as follows:*

### **901 General Provisions**

#### **901.1 Purpose**

This chapter outlines the responsibilities of RESNET, Quality Assurance Providers and Quality Assurance Designees and minimum tasks associated with quality management systems used to comply with these Standards.

#### **902 Definitions and Acronyms**

See Appendix B - Glossary of Terms.

#### **903 RESNET Oversight of Quality Assurance Process**

### **903.1 RESNET Oversight of Rating Quality Assurance Providers (QA Providers)**

RESNET will be responsible for oversight of the work performed under these Standards by approved Rating Quality Assurance Providers.

#### **903.1.1 RESNET General Oversight Of Rating Quality Assurance Providers**

903.1.1.1 RESNET shall accredit all Rating Quality Assurance Providers and maintain a national registry of accredited Rating Quality Assurance Providers;

903.1.1.2 RESNET shall review Rating Quality Assurance Providers' applications to become accredited RESNET Rating Quality Assurance Providers and respond within 10 business days.

#### **903.1.2 Annual Ongoing Review Of Rating Quality Assurance Provider Report Submission QA Activities And Enhanced Quality Assurance REVIEWS Monitoring Of QA Providers**

~~903.1.2.1 RESNET shall provide a "RESNET Quality Assurance Report Submittal Checklist" that lists the required contents of the annual submittal report. RESNET is responsible for the implementation of the QA Review Checklist. RESNET shall review and approve any alternative formats in the current version of the QA Review Checklist before a Rating Provider is allowed to use any alternative formats for QA Reviews.~~

~~903.1.2.1.1 This checklist shall be provided to Rating Quality Assurance Providers by January 1st of each year to allow time for review and changes or clarifications. Final drafts shall be available by December 1st of each year, and updated checklists shall be implemented on January 1st of each year. Alternative QA Review Checklist formats approved by RESNET shall meet the following requirements:~~

- ~~• All calculation formats match the most current version~~
- ~~• All applicable review items match the most current version~~
- ~~• All data fields are mapped correctly for transmission and storage to RESNET Buildings Registry~~

~~903.1.2.1.2 RESNET must maintain a data archive of all QA Reviews.~~

~~903.1.2.1.23 In the case of new required records retention or tracking item deemed by RESNET to be required which has not previously been communicated, notice of the new requirement shall be delivered to Rating Quality Assurance Providers at least 30 days prior to the quarter in which this tracking will be initiated. RESNET shall not require the item for the time frame prior to this notification.~~

903.1.2.2 Quality Assurance File Review. RESNET will centrally administer quality assurance review of ratings using data in the National RESNET Registry.

~~903.1.2.2 RESNET shall review 100% of the annual Rating Quality Assurance Provider Quality Assurance Reports submitted by Quality Assurance Designees. Quality Assurance Providers~~

903.1.2.2.1 ~~In addition,~~ RESNET shall select a minimum of 25% of accredited QA Providers on an annual basis and conduct a more detailed review of their Quality Assurance process.

903.1.2.2.2 This QA review may be enhanced monitoring of QA Provider files and quality assurance process done remotely, an on-site field review, or any combination of these.

903.1.2.3 RESNET Staff shall conduct enhanced review of newly accredited Rating Quality Assurance Providers within twelve months of accreditation.

903.1.2.4 Every active accredited Rating Quality Assurance Provider shall receive an enhanced review by RESNET staff no less than once every four years.

903.1.2.4.1 Records reviewed by RESNET either during a virtual meeting or following an infield visit may include, but are not limited to, ~~a representative sample of~~ the following:

903.1.2.4.1.1 The Rating Quality Assurance Provider's file review reports of findings submitted to Raters using the RESNET QA Review Checklist;

903.1.2.4.1.2 The Rating Quality Assurance Provider's field review of rating results submitted to Raters using the RESNET QA Review Checklist;

903.1.2.4.1.3 Disclosure reporting

903.1.2.4.1.1 Rating electronic files;

903.1.2.4.1.2 Photo and/or video documentation associated with rating files;

903.1.2.4.1.3 Rating quality assurance records including, but not limited to the following:

903.1.2.4.1.3.1 Photo and/or video documentation from on-site field reviews;

903.1.2.4.1.3.2 The Rating Quality Assurance Provider's file review reports of findings submitted to Raters;

903.1.2.4.1.3.3 The Rating Quality Assurance Provider's field review of rating results that show a comparison with original ratings selected for on-site QA review;

903.1.2.4.1.3.4 If remedial action is required, the Rating Quality Assurance Provider's plan of action to correct for

non-compliance with the RESNET Standards and results of any action taken;

903.1.2.4.1.3.5 Complaint files;

903.1.2.4.1.3.6 Rater agreements;

903.1.2.4.1.3.7 Rater registry;

903.1.2.4.1.3.8 Disclosure files;

903.1.2.4.1.3.9 Certification and Training documents.

903.1.2.4.1.1 The Rating Quality Assurance Provider's file review reports of findings submitted to Raters using the RESNET QA Review Checklist;

903.1.2.4.1.2 The Rating Quality Assurance Provider's field review of rating results submitted to Raters using the RESNET QA Review Checklist;

903.1.2.4.1.3 Disclosure reporting

~~903.1.2.4.1.1 Rating electronic files;~~

~~903.1.2.4.1.2 Photo and/or video documentation associated with rating files;~~

~~903.1.2.4.1.3 Rating quality assurance records including, but not limited to the following:~~

~~903.1.2.4.1.3.1 Photo and/or video documentation from on-site field reviews;~~

~~903.1.2.4.1.3.2 The Rating Quality Assurance Provider's file review reports of findings submitted to Raters;~~

~~903.1.2.4.1.3.3 The Rating Quality Assurance Provider's field review of rating results that show a comparison with original ratings selected for on-site QA review;~~

~~903.1.2.4.1.3.4 If remedial action is required, the Rating Quality Assurance Provider's plan of action to correct for non-compliance with the RESNET Standards and results of any action taken;~~

~~903.1.2.4.1.3.5 Complaint files;~~

~~903.1.2.4.1.3.6 Rater agreements;~~

~~903.1.2.4.1.3.7 Rater registry;~~

~~903.1.2.4.1.3.8 Disclosure files;~~

~~903.1.2.4.1.3.9 Certification and Training documents.~~

903.1.2.5 Significant inconsistencies or errors in electronic records reviewed, including but not limited to those defined below, may result in an on-site review by RESNET.

903.1.2.5.1 Missing photo and/or video documentation

903.1.2.5.2 Inconsistencies or errors in file review reports

903.1.2.5.3 Incomplete or missing complaint files

903.1.2.5.4 Incomplete or missing disclosure files

903.1.2.5.5 Incomplete, inaccurate, or missing certification and training documents

903.1.2.5.6 To the extent RESNET makes any requested information public; it will do so only in an aggregated form

### **903.1.3 RESNET Disciplinary Actions Against A Rating Quality Assurance Provider**

RESNET shall comply with the following due process procedures in considering any probation, suspension or revocation actions against an accredited Rating Quality Assurance Provider.

#### 903.1.3.1 Notification of Non-Compliance and Proposed Disciplinary Action

If RESNET determines at any time that a Rating Quality Assurance Provider has failed to adhere to the requirements set forth in these Standards, RESNET shall notify by email, or other method which provides evidence of delivery, the Rating Quality Assurance Provider and Primary Quality Assurance Designee of the non-compliance and decisions under this section. Notification shall include:

903.1.3.1.1 Entire basis and justification for the disciplinary action;

903.1.3.1.2 Applicable Corrective Action. Any applicable corrective action required to be taken no later than twenty (20) business days after the date set forth in such notification;

903.1.3.1.3. Proposed disciplinary action and its effective date, which shall be no less than fifteen (15) business days after the notification is delivered, no less than five (5) business days after any hearing on the proposed disciplinary action under Section 911942 – Hearing Procedures, and in any event no later than any corrective action required pursuant to Section ~~903.2.2.1.2~~ 911942 – Applicable Corrective Action; and

903.1.3.1.4 Clarification of the procedures as stipulated in this Standard and the Quality Assurance Provider's right to a hearing under Section 911942 – Hearing Procedures ~~of this chapter~~, including the deadline and process for submitting a written challenge to the finding of non-compliance, proposed corrective action, and/or proposed disciplinary action pursuant to Section 911942 – Hearing Procedures.

#### 903.1.3.2 Disciplinary Action Options for Rating Quality Assurance Providers

Failure of a Rating Quality Assurance Provider to properly fulfill their responsibilities or an outcome of RESNET's annual report, online review, on-site visit or complaint review as specified in these Standards may include one or

more of the following actions by RESNET after satisfaction of the due process procedures set forth in Section 903.1.3 – RESNET Disciplinary Actions Against A Rating Quality Assurance Provider and Section ~~911942~~– Hearing Procedures of this chapter:

903.1.3.2.1 The QA Provider being placed in the disciplinary status of probation as set forth in Section 903.1.3.3 – Probation of Rating Quality Assurance Providers of this Chapter or suspension as set forth in Section RESNET is responsible for the implementation of the QA Review Checklist. RESNET shall review and approve any alternative formats in the current version of the QA Review Checklist before a Rating Provider is allowed to use any alternative formats for QA Reviews. ~~903.1.3.4 – Suspension or Revocation of Rating Quality Assurance Providers of this Chapter;~~

903.1.3.2.2 Revocation of the Accreditation of a Rating Quality Assurance Provider as set forth in Section 903.1.3.4 – Suspension or Revocation of Rating Quality Assurance Providers of this Chapter.

903.1.3.2.3 Removal of the QA Provider from the RESNET Directory of accredited Providers as set forth in Section 903.1.3.4 – Suspension or Revocation of Rating Quality Assurance Providers of this Chapter;

903.1.3.2.4 At the Rating Quality Assurance Provider’s expense, further oversight by RESNET.

### 903.1.3.3 Probation of Rating Quality Assurance Providers

903.1.3.3.1 Administrative probation resulting from violations found through a QA Provider quality assurance process, RESNET quality assurance monitoring or through the RESNET ~~compliant~~ complaint resolution process shall remain confidential between the Rating Quality Assurance Provider, the Provider’s Primary QAD, and RESNET. These violations may include, but are not limited to:

903.1.3.3.1.1 Failure to submit to RESNET any material information required to be submitted by the Rating Quality Assurance Provider, in

accordance with obtaining or maintaining accreditation;

903.1.3.3.1.2 Failure to make changes/updates to a Rating Quality Assurance Provider’s Policies and Procedures;

903.1.3.3.1.3 Failure to follow a Provider’s own Policies and Procedures

903.1.3.3.1.4 Failure to report a change in the status of any QAD to RESNET;

903.1.3.3.1.5 Failure to adhere to requirements for quality assurance of HERS Raters, HERS Modelers, and RFI, per RESNET Standards;

903.1.3.3.1.6 Failure to adhere to requirements for HERS Rater, HERS Modeler, and RFI certification and recertification;

903.1.3.3.1.7 Failure to enforce disciplinary action requirements for HERS Raters, HERS Modelers, and RFIs having non-conforming QA results.

903.1.3.3.1.8 Failure to meet the requirements of RESNET programs, such as RESNET approved EEPs, for which the Rating Quality Assurance

Provider submits rating files.

903.1.3.3.1.9 Failure to adhere to one or more administrative and documentation/reporting provisions of the RESNET Standards.

903.1.3.3.2 More serious compliance violations found through a Rating Quality Assurance Provider QA process, RESNET quality assurance monitoring or through the RESNET complaint resolution process shall result in disciplinary compliance probation. These violations may include but are not limited to:

903.1.3.3.2.1 Failure to correct the terms of a confidential administrative probation during the time period defined in the issuance of probation;

903.1.3.3.2.2 Failure to notify RESNET and/or replace a Primary QAD within the time frame required by these Standards;

903.1.3.3.2.3 Ethics or compliance complaint(s) investigated and validated by RESNET against a Rating Quality Assurance Provider;

903.1.3.3.2.4 Failure to follow Rating Quality Assurance Provider complaint resolution process and/or disciplinary procedures;

903.1.3.3.2.5 Allowing individuals who are not certified as Quality Assurance Designees by RESNET to perform Quality Assurance reviews;

903.1.3.3.2.6 Allowing QADs to conduct Quality Assurance on ratings for which the QAD performed any portion of the rating.

903.1.3.3.3 RESNET shall, at its discretion, make a final determination regarding the necessity of posting a disciplinary probation on the RESNET web site.

903.1.3.3.4 RESNET shall determine the length of administrative or disciplinary probation resulting from violations defined in this chapter not to exceed 12 months.

#### 903.1.3.4 Right to Hearing

An accredited Rating Quality Assurance Provider has the right to challenge the finding of non-compliance, proposed corrective action, and/or proposed disciplinary action under this section pursuant to the Hearing Procedures in Section 911 – Hearing Procedures.

903.1.3.4.1 The effective date of a proposed disciplinary action under this Section shall be no less than fifteen (15) business days after the notification is delivered to the Quality Assurance Designee, no less than five (5) business days after any hearing on the proposed disciplinary action under Section 911 – Hearing Procedures, and in any event no later than any corrective action required pursuant to Section 903.1.3.2 – Disciplinary Action Options for Rating Quality Assurance Providers. The Quality Assurance Designee shall be notified in writing of the result of any hearing on the proposed disciplinary action under Section 911 – Hearing Procedures prior to the effective date of the disciplinary action.

903.1.3.4.2 Failure to maintain adequate knowledge of the RESNET Standards will not be considered a defense in the hearing process.

#### 903.1.3.54 Suspension or Revocation of Rating Quality Assurance Providers

903.1.3.54.1 The Rating Quality Assurance Provider may have their accreditation suspended. RESNET shall determine the length of suspension not to exceed 12 months. These violations may include, but are not limited to:

903.1.3.54.1.1 A Provider has had more than one (1) Disciplinary Probation violation within a three-year period;

903.1.3.54.1.2 Failure to correct the terms of a Disciplinary Probation during the time period defined in the notice of probation;

903.1.3.54.1.3 Submission of false information to RESNET in accordance with obtaining or maintaining accreditation or certification;

903.1.3.54.1.4 Misrepresentation of any accreditation status in marketing materials, or services offered or provided, for which the Rating Quality Assurance Provider organization does not possess the appropriate RESNET accreditation or affiliated individuals do not possess the appropriate RESNET certification;

903.1.3.54.1.5 Knowingly registering fraudulent ratings to the RESNET Registry;

903.1.3.54.1.6 Willful Misconduct by Rating Quality Assurance Provider, defined as an intentional disregard of any provision of the RESNET Standards, which a Party knew or should have known if it was acting as a reasonable person, but shall not include any error of judgment or mistake made in good faith.

903.1.3.54.1.7 Violation of RESNET's Whistle Blower Protection Policy as specified in Section 910944– RESNET Whistle Blower Protection Policy.

~~RESNET shall determine the length of suspension not to exceed 12 months.~~



903.1.3.54.2 The Rating Quality Assurance Provider may have their accreditation revoked in any of the following circumstances:

903.1.3.54.2.1 A Rating Quality Assurance Provider has had more than one (1) suspension within a five-year period;

903.1.3.54.2.2 In the event that deficiencies stipulated in a notice of suspension have not been remedied within the period set forth in such notice;

903.1.3.54.2.3 Accredited Rating Quality Assurance Providers that elect not to renew or fail to meet renewal requirements;

903.1.3.54.2.4 Rating Quality Assurance Provider goes out of business;

903.1.3.54.2.5 Fraudulent Activity involving RESNET, including but not limited to:

903.1.3.54.2.5.1 Falsifying inspections;

903.1.3.54.2.5.2 Falsifying data, files reports, and any other documents;

903.1.3.54.2.5.3 Registering other program ratings, knowing that inspections were not completed as required by the program. For

example: program required inspection(s) and/or checklist(s) were not completed, but the address was registered as ENERGY STAR qualified";

903.1.3.54.2.5.4 Knowingly allowing "non-certified" persons to perform inspections, testing, quality assurance, or ratings;

903.1.3.54.2.5.5 Knowingly allowing HERS Raters, HERS Modelers, or RFI's to perform inspections, testing and/or ratings while on any RESNET disciplinary actions barring them from doing so;

903.1.3.54.2.5.6 Colluding with any Provider(s), such as other QA providers, software providers, etc. to by-pass RESNET requirements;

903.1.3.54.2.5.7 Colluding with other QA Provider(s) to fix pricing;

903.1.3.54.2.6 Non-payment per RESNET's Fee Payment Policy for QA Providers;

903.1.3.54.2.7 Severe violation of the Code of Ethics;

903.1.3.54.3 RESNET shall remove the Rating Quality Assurance Provider from the appropriate RESNET Directory when accreditation is suspended or revoked.

903.1.3.54.4 RESNET shall prohibit the provider from uploading rating files to the RESNET Building Registry until the Provider successfully complies with the terms of the suspension or revocation. Any rating files uploaded by the Provider after it received the notification of non-compliance shall be removed from the RESNET Building Registry until the

Provider successfully complies with the terms of the suspension or revocation.

903.1.3.54.5 RESNET shall post on its website Rating Quality Assurance Providers whose accreditation has been suspended or revoked. The Rating Quality Assurance Provider suspension or revocation listing shall be removed when they have successfully complied with the terms of the suspension or revocation, within five (5) business days of successfully resolving the issue.

903.1.3.54.6 RESNET shall electronically inform a Rating Quality Assurance Provider's known client(s), other accredited Providers, program administrators, rating software suppliers, Quality Assurance Designees, HERS Raters, HERS Modelers, Rating Field Inspectors, and any affected EEPs of the Rating Quality Assurance Provider's suspended or revoked status. To the extent feasible, the Rating Quality Assurance Provider and Quality Assurance Designees shall assist RESNET with notifications.

903.1.3.54.7 Prior to reinstatement, the Rating Quality Assurance Provider shall successfully resolve the issue(s) that resulted in the Rating Quality Assurance Provider being suspended or revoked and inform RESNET in writing as follows:

903.1.3.54.7.1 That the issue(s) has (have) been successfully resolved:

903.1.3.54.7.2 State the steps taken to resolve the issue(s);

903.1.3.54.7.3 State the steps that will be taken to prevent the issue(s) from occurring again in the future.

#### ~~903.1.3.5 Right to Hearing~~

~~An accredited Rating Quality Assurance Provider has the right to challenge the finding of non-compliance, proposed corrective action, and/or proposed disciplinary action under this section pursuant to the Hearing Procedures in Section 912.~~

~~903.1.3.5.1 The effective date of a proposed disciplinary action under this Section shall be no less than fifteen (15) business days after the notification is delivered to the Quality Assurance Designee, no less than five (5) business days after any hearing on the proposed disciplinary action under Section 912, and in any event no later than any corrective action required pursuant to Section 903.1.3.1.2. The Quality Assurance Designee shall be notified in writing of the result of any hearing on the proposed disciplinary action under Section 912 prior to the effective date of the disciplinary action.~~

~~903.1.3.5.2 Failure to maintain adequate knowledge of the RESNET Standards will not be considered a defense in the hearing process.~~

## **903.2 RESNET Oversight of Quality Assurance Designees (QADs)**

RESNET will be responsible for oversight of the work performed under these Standards by certified approved Quality Assurance Designees.

### **903.2.1 RESNET GENERAL OVERSIGHT OF QUALITY ASSURANCE DESIGNEEES**

903.2.1.1 RESNET shall certify all Quality Assurance Designees and maintain a national registry of certified Quality Assurance Designees;

903.2.1.2 RESNET shall review QAD applications to become a certified QAD and respond within 10 business days.

### **903.2.2 RESNET DISCIPLINARY ACTIONS AGAINST A QUALITY ASSURANCE DESIGNEEES**

RESNET shall comply with the following due process procedures in considering any probation, suspension or revocation actions against a certified Quality Assurance Designee.

#### **903.2.2.1 NOTIFICATION OF NON-COMPLIANCE AND PROPOSED DISCIPLINARY ACTION**

If RESNET determines at any time that a Quality Assurance Designee has failed to adhere to the requirements set forth in these Standards, RESNET shall notify the Quality Assurance Designee and the Rating Quality Assurance Provider by email, or other method which provides evidence of delivery, of the non-compliance and ~~decisions~~ proposed disciplinary action under this section.

Notification shall include:

903.2.2.1.1 Entire basis and justification for the disciplinary action;

903.2.2.1.2 ~~Clarification of the procedures as stipulated in this Standard, and include, where applicable, a Statement of the Quality Assurance Designee's rights to appeal under Section 912 of this chapter.~~ Corrective Action. Any applicable corrective action required to be taken no later than twenty (20) business days after the date set forth in such notification;

903.2.2.1.3 ~~Specific corrective action required to be taken no later than twenty (20) business days after the date set forth in such notification;~~ Proposed disciplinary action and its effective date, which shall be no less than fifteen (15) business days after the notification is delivered, no less than five (5) business days after any hearing on the proposed disciplinary action under Section 911 – Hearing Procedures, and in any event no later than any corrective action required pursuant to Section 903.2.2.1.2 – Corrective Action; and

903.2.2.1.4 ~~Notice of disciplinary action shall include disciplinary status, depending on the severity of the incident.~~ Clarification of the procedures as stipulated in this Standard and the Quality Assurance Designee's right to a hearing under Section 911 – Hearing Procedures of this chapter, including

the deadline and process for submitting a written challenge to the finding of non-compliance, proposed corrective action, and/or proposed disciplinary action pursuant to Section 911 – Hearing Procedures.

### 903.2.2.2 DISCIPLINARY ACTION OPTIONS FOR QUALITY ASSURANCE DESIGNEES -

Failure of a Quality Assurance Designee to properly fulfill their responsibilities as specified in these Standards may include one or more of the following actions by RESNET after satisfaction of the due process procedures set forth in Section 903.2.2 – RESNET DISCIPLINARY ACTIONS AGAINST A QUALITY ASSURANCE DESIGNEE and Section 911 – Hearing Procedures of this chapter:

903.2.2.2.1 The QAD being placed on probation or suspension as set forth in Section 903.2.2.3 – PROBATION OF QUALITY ASSURANCE DESIGNEES or suspension as set forth in Section 903.2.2.4 – SUSPENSION OR REVOCATION OF QUALITY ASSURANCE DESIGNEES;

903.2.2.2.2 Revocation of QAD certification as set forth in Section 903.2.2.4 – SUSPENSION OR REVOCATION OF QUALITY ASSURANCE DESIGNEES;

903.2.2.2.3 Removal of the QAD from the RESNET Directory of certified QADs as set forth in Section 903.2.2.4 SUSPENSION OR REVOCATION OF QUALITY ASSURANCE DESIGNEES;

903.2.2.2.4 RESNET no longer recognizing the QAD as a Home Energy Rater HERS Rater;

903.2.2.2.5 At the Rating Quality Assurance Provider's expense, further oversight by RESNET of the QAD and the Provider's processes and procedures;

### 903.2.2.3 PROBATION OF QUALITY ASSURANCE DESIGNEES

903.2.2.3.1 Administrative probation resulting from violations defined in this chapter shall remain confidential between the QAD, Rating Quality Assurance Provider, and RESNET. RESNET shall determine the length of administrative probation not to exceed 12 months. These violations may include, but are not limited to:

903.2.2.3.1.1 Failure to submit to RESNET any material information required to be submitted by the Quality Assurance Designee, in accordance with obtaining and maintaining accreditation;

903.2.2.3.1.2 Failure to comply with a QA Provider's Policies and Procedures as they pertain to Rater Quality Assurance outcomes and disciplinary tracking;

903.2.2.3.1.3 Failure by the Primary QAD to report a change in status of any QAD to RESNET;

903.2.2.3.1.4 Failure to adhere to requirements for quality assurance of HERS Raters, HERS Modelers, and RFIs, such as

RESNET Quality Assurance checklist, that causes a deficiency in the QA of one or more HERS Raters, HERS Modelers, or RFIs;  
903.2.2.3.1.5 Failure to adhere to requirements to oversee HERS Rater, HERS Modeler, and RFI certification and recertification;  
903.2.2.3.1.6 Failure to provide timely notification to RESNET regarding a Rating Quality Assurance Provider who fails to enforce corrective action requirements for HERS Raters, HERS Modelers, or RFIs having non-conforming QA results;  
903.2.2.3.1.7 Failure to use the most recent version of RESNET Accredited Software within the prescribed time frame;  
903.2.2.3.1.8 Failure to adhere to one or more administrative and documentation/reporting provisions of the RESNET Standards;  
903.2.2.3.1.9 Failure of the Primary QAD to ensure the accuracy of a QA Provider's Annual Report pertaining to the Field and File Quality Assurance reports and the records of QA findings, corrective action and discipline.

903.2.2.3.2 More serious compliance violations found through a Quality Assurance Designee's QA process, RESNET quality assurance monitoring, or through the RESNET complaint resolution process shall result in disciplinary compliance probation. These violations may include but are not limited to:

903.2.2.3.2.1 Failure to correct the terms of a confidential administrative probation during the time period defined in the issuance of probation;  
903.2.2.3.2.2 Intentional failure to report non-compliance of QA Providers, HERS Raters, HERS Modelers, and/or RFIs to RESNET;  
903.2.2.3.2.3 Ethics or compliance complaint(s) investigated and validated by RESNET against a Quality Assurance Designee;  
903.2.2.3.2.4 Failure to follow complaint resolution process and/or disciplinary procedures;  
903.2.2.3.2.5 Intentional failure to follow a Provider's HERS Rater, HERS Modeler, and/or RFI Disciplinary procedures; or  
903.2.2.3.2.6 Intentional failure to apply the appropriate RESNET Standards while performing QAD responsibilities.

903.2.2.3.3~~2~~ RESNET shall, at its discretion, make a final determination regarding the necessity of posting a disciplinary probation resulting from violations on the RESNET web site.

903.2.2.3.4~~3~~ RESNET shall determine the length of administrative or disciplinary probation resulting from violations defined in this chapter not to exceed 12 months.

#### 903.2.2.4 SUSPENSION OR REVOCATION OR QUALITY ASSURANCE DESIGNEES

903.2.2.4.1 The Quality Assurance Designee may have their certification suspended. RESNET shall determine the length of suspension not to exceed 12 months. These violations may include, but are not limited to:

903.2.2.4.1.1 Quality Assurance Designee has had more than one (1) Disciplinary Probation violation within a three-year period;

903.2.2.4.1.2 Intentional failure to report significant non-compliance of QA Providers; QADs, HERS Raters, HERS Modelers, and/or RFIs to RESNET;

903.2.2.4.1.3 Failure to correct the terms of a Disciplinary Probation during the time period defined in the notice of probation;

903.2.2.4.1.4 Failure to adhere to requirements for quality assurance of HERS Raters, HERS Modelers, and/or RFIs that causes a major deficiency in the QA of one or more HERS Raters, HERS Modelers, and/or RFIs, such as falsifying records, or misrepresentation of qualifications for RESNET approved programs;

903.2.2.4.1.5 Submission of false information to RESNET in accordance with obtaining or maintaining certification of QADs, HERS Raters, HERS Modelers, or RFIs and/or accreditation of QA Providers;

903.2.2.4.1.6 Misrepresentation of any certification status in marketing materials, or services offered or provided, for which the QAD does not possess the appropriate RESNET accreditation or certification;

903.2.2.4.1.7 Knowingly registering fraudulent ratings to the RESNET Registry;

903.2.2.4.1.8 Willful misconduct by QAD, defined as an intentional disregard of any provision of the RESNET Standards, which a Party knew or should have known if it was acting as a reasonable person, but shall not include any error of judgement or mistake made in good faith; or

903.2.2.4.1.9 Violation of RESNET's Whistle Blower Protection Policy as specified in Section 911 – RESNET Whistle Blower Protection Policy.

903.2.2.4.2 The Quality Assurance Designee may have their certification revoked in any of the following circumstances:

903.2.2.4.2.1 The Quality Assurance Designee has had more than one (1) Disciplinary Probation violation within a ~~five-year~~three year period;

903.2.2.4.2.2 In the event that deficiencies stipulated in a notice of suspension have not been remedied within the period set forth in such notice;

903.2.2.4.2.3 Quality Assurance Designee that elects not to renew or fail to meet renewal requirements;

903.2.2.4.2.4 Fraudulent Activity, including but not limited to:

903.2.2.4.2.3.1 Falsifying inspections;

903.2.2.4.2.3.2 Falsifying data, files reports, and any other documents;

903.2.2.4.2.3.3 Registering other program ratings, knowing that inspections were not completed as required by the program. For example: program required inspection(s) and/or checklist(s) were not completed, but the address was registered as ENERGY STAR qualified;

903.2.2.4.2.3.4 Intentionally allowing “non-certified” persons to perform modeling, inspections, testing, quality assurance, and/or ratings;

903.2.2.4.2.3.5 Intentionally allowing suspended or revoked HERS Raters, HERS Modelers, or RFI’s to perform modeling, inspections, testing and/or ratings while on any RESNET disciplinary actions barring them from doing so;

903.2.2.4.2.3.6 Colluding with any Provider(s), such as other QA providers, software providers, etc. to by-pass RESNET requirements;

903.2.2.4.2.3.7 Colluding with Provider(s) or other QAD(s) to price fix;

903.2.2.4.2.3.8 Severe violation of the Code of Ethics;

903.2.2.4.32 RESNET shall remove the Quality Assurance Designee from the appropriate RESNET Directory when certification is suspended or revoked, ~~pending the results of any appeal per Section 912.~~

903.2.2.4.43 RESNET shall post on its website, pending the results of any appeal, Quality Assurance Designees whose certification has been suspended or revoked. The Quality Assurance Designee’s suspension or revocation listing shall be removed when they have successfully complied with the terms of the suspension or revocation, within five (5) business days of successfully resolving the issue. ~~within 10 business days of successfully resolving the issue; once the QAD has successfully complied with the terms of the suspension or revocation.~~

903.2.2.4.54 RESNET shall inform a Quality Assurance Designee’s known client(s), QA Providers, HERS Raters, HERS Modelers, Rating Field Inspectors, program administrators, rating software suppliers and any affected EEPs of a Quality Assurance Designee’s suspended or revoked status. To the extent feasible, the Quality Assurance Designee and QA Provider shall assist RESNET with notifications.

903.2.2.4.6 Revoked Quality Assurance Designees are eligible to re-apply to RESNET for certification after a period of 180 days unless their certification was revoked for fraud. Prior to reinstatement after suspension or revocation, the Quality Assurance Designee shall successfully resolve the issue(s) that resulted in the Quality Assurance Designee being suspended or revoked and inform RESNET in writing as follows:

903.2.2.4.6.1 That the issue(s) has(have) been successfully resolved;

903.2.2.4.6.2 State the steps taken to resolve the issue(s);

903.2.2.4.6.3 State the steps that will be taken to prevent the issue(s) from occurring again in the future.

#### **903.2.2.5 RIGHT TO CHALLENGE HEARING**

A certified Quality Assurance Designee has the right to challenge the findings of a RESNET Quality Assurance review. The Appeals Procedures in Section 912 shall apply to the submission and consideration of a challenge to Quality Assurance findings, non-compliance, proposed corrective action, and/or proposed disciplinary action under this Section pursuant to the Hearing Procedures in Section 911 – Hearing Procedures.

903.2.2.5.1 RESNET shall respond within ten (10) business days to the written notification on whether or not the Quality Assurance Designee will be reinstated to the registry or if other action will be required. The effective date of a proposed disciplinary action under this Section shall be no less than fifteen (15) business days after the notification is delivered to the Quality Assurance Designee, no less than five (5) business days after any hearing on the proposed disciplinary action under Section 911 – Hearing Procedures, and in any event no later than any corrective action required pursuant to Section 903.2.2.2 – DISCIPLINARY ACTION OPTIONS FOR QUALITY ASSURANCE DESIGNEES. The Quality Assurance Designee shall be notified in writing of the result of any hearing on the proposed disciplinary action under Section 911 – Hearing Procedures prior to the effective date of the disciplinary action.

903.2.2.5.2 Failure to maintain adequate knowledge of the RESNET Standards will not be considered a defense in the hearing process.

## **904 Responsibilities and Requirements for Rating Quality Assurance Providers**

### **904.1. General Responsibilities For Rating Quality Assurance Providers**

904.1.1 Maintain knowledge of current RESNET Standards

904.1.2 Submit accurate and current Rating files to the RESNET Registry



904.1.3 Document Rating Quality Assurance Provider Policies and Procedures per Chapter 1 of these standards.

904.1.4 Enforce the Policies and Procedures of the Rating Quality Assurance Provider.

904.1.5 Document disciplinary action policies and procedures for Raters and Rating Field Inspectors (RFIs) within their rating providership. A QA Provider shall work with their QAD to jointly decide on appropriate disciplinary action based on the QA Provider's policy and procedures manual. Disciplinary action is a documented step in the progressive disciplinary process of a Rating Quality Assurance Provider or RESNET. Disciplinary actions follow the progression of Probation, Suspension, and Revocation as detailed in these standards.

904.1.6 A Rating Quality Assurance Provider shall enforce disciplinary action against Raters or RFIs when non-compliance is found.

904.1.7 To the extent feasible, the Rating Quality Assurance Provider and their Quality Assurance Designee(s) shall assist RESNET with notifications to known clients when any Rating Quality Assurance Providers, QADs, Raters, or RFIs have their accreditation or certification revoked or suspended.

## **904.2 Rating Quality Assurance Provider QAD Assignment**

A Provider shall designate a single RESNET certified officer, employee, or contractor to be the Primary Quality Assurance Designee (QAD) for the Quality Assurance Provider's organization. The Primary QAD is responsible for quality assurance within the organization. This does not preclude a Provider from having more than one QAD on staff or as a contractor, as may be necessary for business models, such as where QADs perform Ratings.

904.2.1 Changes to a Rating Quality Assurance Provider's QAD(s)

904.2.1.1 ~~904.2.1.1~~ If a Rating Quality Assurance Provider changes the Primary QAD, or a Rating Quality Assurance Provider's Primary QAD leaves the organization, is terminated as an outside contractor, or is no longer eligible, the following steps shall be taken:

904.2.1.1.1 Within five (5) business days of the Primary QAD change, departure, termination, or knowledge of ineligibility, the QA Provider shall inform RESNET of the change, departure, termination, or ineligibility;

904.2.1.1.2 In the case of a change in Primary QAD as a result of departure, termination, or ineligibility, the QA Provider shall have twenty (20) business days from the date of departure, termination, or knowledge of ineligibility to appoint a replacement Primary QAD

and notify RESNET of the newly designated officer, employee, or contractor, including proof of qualifications.

904.2.1.1.3 If a Rating Quality Assurance Provider with multiple QADs adds or removes a QAD, the Rating Quality Assurance Provider shall inform RESNET within five (5) business days of the change.

904.2.1.1.4 If a Rating Quality Assurance Provider becomes aware of any significant non-compliance of the requirements set in these standards by a Quality Assurance Designee, the Provider shall inform RESNET in writing of the specific instance within five (5) business days with as much detail as possible.

904.2.1.2 No step in the QA process may be performed by the same individual that performed any part of the testing, inspection or rating of the home being subject to the QA review. Any ratings performed by a QAD which are submitted as part of a Rating Quality Assurance Provider's QA Submission to RESNET shall be reviewed for quality assurance by a separate individual who meets the QAD requirements established by RESNET.

### **904.3 Quality Assurance of HERS Raters and Ratings**

904.3.1 Ratings included in QA File and QA Field reviews.

904.3.1.1 For QA File and QA Field reviews, the HERS Rater's "annual total of ratings" shall mean all ratings entered into the National RESNET Registry (based on "date registered") for a calendar year, i.e. the twelve month period from January 1st through December 31st.

904.3.1.2 Ratings selected for QA File and QA Field review may be registered in the previous quarter but the annual total required is always based on the total number of ratings registered in a calendar year.

904.3.2 HERS Rater Quality Assurance File review (QA File review)

904.3.2.1 The RESNET QA Review Checklist shall be used for all QA File reviews. The scoring of the RESNET QA Review Checklist shall be used to determine pass/fail of all QA File reviews. Data from all QA Review Checklists will be uploaded directly into the RESNET Buildings Registry. The data shall consist of all the line items on the applicable QA Review Checklist, which are dictated by the Minimum Required Features for verification and modeling as specified in the ANSI and MINHERS Standards under which the home is registered.

904.3.2.1.1 Rating Providers must use the RESNET QA application to complete all QA reviews (File and Field); OR  
904.3.2.1.2 Rating Providers must receive prior written approval from RESNET of any alternative formats in the current version of the QA Review Checklist before any alternative formats are allowed to be used for QA Reviews.

904.3.2.2~~4~~ QA File review of RESNET Flagged Files. Quality Assurance Designees shall review ratings with apparent errors flagged by the RESNET QA File review for further Quality Assurance review, investigating the specific issues of concern and working with the HERS Rater and Rating Quality Assurance Provider to correct any errors.

904.3.2.3~~2~~ For each HERS Rater, the Provider's Quality Assurance Designee shall be responsible for an annual QA File review of the greater of one (1) rating or ten percent (10%) of the HERS Rater's annual total of Confirmed, Threshold or Sampled Ratings. When determining the number of ratings to review for a HERS Rater, round up to the next whole number when the percentage calculation yields a decimal point, e.g. 101 ratings x 10% = 10.1 means that 11 ratings shall be reviewed.

904.3.2.4~~3~~ Parties included in QA File review. The QA File review shall assess the rating as a whole. The Rater of Record is the responsible party for communicating with the Quality Assurance Designee, acknowledging the review, and ensuring any necessary corrections are made. Feedback shall be shared with all HERS Raters/RFIs/HERS Modelers participating in the rating.

904.3.2.5~~4~~ HERS Modelers. For HERS Raters utilizing HERS Modelers, the Quality Assurance Designee shall ensure that a QA File review is completed on a minimum of one (1) rating on a completed home per year. The HERS Modeler QA File reviews may fulfill all of the HERS Rater's annual QA File review requirement.

904.3.2.6~~5~~ QA File reviews shall be conducted on an ongoing basis as appropriate for the volume of ratings being completed and submitted to the National RESNET Registry, and at a minimum quarterly.

904.3.2.7~~6~~ The QA File review completed by a Quality Assurance Designee shall consist of, at a minimum, the following:

904.3.2.7~~6~~.1 Ratings shall be selected using a nonbiased selection process from the entire pool of ratings available at the time of the review for each HERS Rater. It may be necessary to first select ratings that represent any particular area of concern in either the rating or construction process. Once it is ensured that ratings from

these areas of interest will be included in the quality assurance process, a nonbiased selection process can then be applied such as random selection. If ratings exist in the pool of available ratings which represent a RESNET supported credential beyond HERS Rater certification, such as ENERGY STAR or ANSI/RESNET/ACCA Standard 310 Inspections, a minimum of one rating representative of each supported certification shall also be included. (see below informative note 1) Special effort should be taken to make certain that the selected ratings are as representative as possible of the ratings being completed, i.e. new and existing homes, geographic location, builder, trade contractor, variety of floor plans, etc., which, in some instances, may require more than the minimum (1) rating or ten percent (10%).  
\*Informative Note 1- The pool is based per rater. If the rater does not require QA for the current quarter, then no additional QA is required. \*

904.3.2.76.2 While Section 102.1.4.11 and 303.3.7 require that HERS Raters submit energy simulation files for every rated home to their Providers, the QA file review does not require that Raters submit quality assurance data files, as defined in Appendix B, to their Provider and/or Quality Assurance Designee for every home that is rated. Only quality assurance data files for the ratings selected for quality assurance shall be required to be submitted for review by the Provider's Quality Assurance Designee.

904.3.2.76.3 For each Confirmed Rating, confirm that the values entered into the HERS Rating Software for all Minimum Rated Features are supported by actual on-site field-verified test data;

904.3.2.76.3.1 At minimum, the Rating Provider shall collect, review, and maintain (for a period of 3 years) the following supporting documentation for each file QA:

Date and time of the inspection/test

The name of the Certified Rater or RFI conducting the inspection/test

Plans (or alternative documentation showing building dimensions)

RESNET Home Energy Rating Standard Disclosure

Photos of the following building features where applicable to the rated Dwelling Unit. Where photos lack sufficient detail (See below informative note 2), the Quality Assurance Designee shall require additional supporting documentation.

- a. Building assemblies as required by ANSI/RESNET 301 Appendix B Inspection Procedures for Minimum Rated Features.
- b. All heating, cooling, and service hot water equipment including nameplate/model number
- c. Dwelling Unit Mechanical Ventilation System including nameplate/model number and controls
- d. Infiltration test result or automated test report
- e. Duct leakage test result(s) for each system
- f. Dwelling Unit Mechanical Ventilation System test result(s) for each system
- g. The building's front, back, right, left elevations
- h. Appliances (refrigerator, dishwasher, washer, dryer) including nameplate/model number

For File QA on a rating that includes an additional RESNET supported credential, collect, review, and maintain supporting documentation required by the RESNET-supported credential. This may include, but is not limited to the following:  
EEP or Program Verification Forms/Checklists  
Photographs of test results or automated test reports for program required verification tests.

*Informative Note 2- For example, where equipment is located in narrow utility closets that prohibit clear photo of nameplate/model number, or when the building feature required is not present at the time of inspection.*

904.3.2.76.4 Confirm that paper and/or electronic files are being maintained and archived by HERS Raters for each rating and/or unique floor plan, including the HERS Rating Software Energy Simulation File and all supporting documentation required to validate the inputs into the rating software file (e.g., architectural drawings, threshold specifications, field data). These files shall be maintained a minimum of three (3) years;

904.3.2.87 QA File review for Sampled Ratings. For Sampled Ratings, annually review sample sets, the sampling process, and the worst-case projected rating energy simulation files for ratings rated through sampling.

904.3.2.87.1 The QA File review for sampled ratings shall include a review of the greater of one (1) file or ten percent (10%) of the projected worst-case energy simulation files for each new sampled community in order to confirm that minimum rated features and worst-case specifications have been entered into the rating software accurately. Energy simulation files for an existing sampled community shall receive a QA File review, at a rate of one (1) file or ten percent (10%) of the worst-case energy simulation files.

904.3.2.87.2 The QA File review for sampled ratings shall include an analysis and confirmation that the sampling process, as defined in Chapter 6, is being properly followed, including sample set creation and the application of testing and failure protocols.

904.3.2.87.2.1 QA File review of the sampling process shall be completed on the greater of one (1) sample set or one percent (1%) of the HERS Rater's annual total of sample sets. When determining the number of sample sets to review for a HERS Rater, round up to the next whole number when the percentage calculation yields a decimal point, e.g. 101 sample sets x 1% = 1.01 means that 2 sample sets shall be reviewed.

904.3.2.87.2.2 For each sample set QA File review, the quality assurance data file(s) shall be reviewed to confirm that data collected in the field (i.e. sample controls) are equal to or better than the minimum rated feature threshold specification inputs for the worst-case energy simulation file for the home(s) that received sample controls for the sample set.

904.3.2.87.2.3 If a discrepancy in minimum rated features is identified that requires more stringent threshold specifications for a floor plan, then the worst case projected rating energy simulation file for that plan and home, or for the entire set of homes (as appropriate), subject to sampling shall be reviewed.

904.3.3 HERS Rater Quality Assurance Field review (QA Field review).

904.3.3.1 The RESNET QA Review Checklist shall be used for all QA Field reviews. The scoring of the RESNET QA Review Checklist shall be used to determine pass/fail of all QA Field reviews. Data from all QA Review Checklists will be uploaded directly into the RESNET Buildings Registry. The data shall consist of all the line items on the applicable QA Review Checklist, which are dictated by the Minimum Required Features for verification and modeling as specified in the ANSI and MINHERS Standards under which the home is registered.

904.3.3.1.1 Rating Providers must use the RESNET QA application to complete all QA reviews (File and Field); OR

904.3.3.1.2 Rating Providers must receive prior written approval from RESNET of any alternative formats in the current version of the QA Review Checklist before any alternative formats are allowed to be used for QA Reviews.

904.3.3.24 Determining the number of ratings to receive QA Field reviews.

904.3.3.24.1 HERS Raters. For each HERS Rater, the Provider's Quality Assurance Designee shall be responsible for an annual onsite QA Field review of the greater of one (1) rating on a completed home or one percent (1%) of the HERS Rater's annual total of ratings for which Confirmed, Threshold or Sampled ratings were provided. When determining the number of QA Field reviews to complete for a HERS Rater, round up to the next whole number when the percentage calculation yields a decimal point, e.g. 101 ratings x 1% = 1.01 means that 2 QA Field reviews shall be completed.

904.3.3.24.2 Rating Field Inspectors. For HERS Raters utilizing RFI's, the Quality Assurance Designee shall ensure that a QA Field review is completed on the greater of one (1) rating on a completed home or one percent (1%) of each RFI's annual total of Confirmed, Threshold or Sampled ratings the RFI assisted with. When determining the number of QA Field reviews to complete for an RFI, round up to the next whole number when the percentage calculation yields a decimal point, e.g. 101 ratings x 1% = 1.01 means that 2 QA Field reviews shall be completed. The RFI QA Field reviews may fulfill all of the HERS Rater's annual QA Field review requirement, but only if the HERS Rater does not do field inspections on completed homes. When a HERS Rater also does field inspections on completed homes, they must have field QA at the same calculated rate of 1% using the above methodologies.

904.3.3.24.3 Pre-drywall QA Field reviews. QA Field reviews on new homes, the Quality Assurance Designee may perform one or more pre-drywall QA Field reviews on each HERS Rater or RFI. Pre-drywall QA Field reviews can be used to meet all or part of the annual 1% QA Field review requirement for a HERS Rater or RFI with the following limitation: Pre-Drywall Field QA Reviews may NOT be used to satisfy the full field QA requirement for a given rater or RFI in consecutive years.

904.3.3.24.4 HERS Raters and RFIs are exempt from receiving a QA field review for pre-drywall or final inspections and/or testing if they have not performed inspections and/or testing of any minimum rated features for pre-drywall or completed homes within the calendar year. For example, if a HERS Rater or RFI have not completed any pre-drywall inspections within the calendar year, they are exempt from QA Field reviews for pre-drywall inspections.

904.3.3.24.5 "Remote" QA Field reviews. All HERS Raters must annually receive a minimum of one (1) on-site, in-person QA Field review on total annual Confirmed, Threshold or Sampled ratings completed. All RFIs must annually receive a minimum of one (1) on-site, in person QA field review on the total annual pre-drywall or final field inspections completed. All other QA Field reviews, for completed and pre-drywall homes, may be performed using a "remote" QA Field review methodology specified by RESNET.

904.3.3.24.6 Sampled Ratings. For the purposes of calculating the one (1) rating/home or one percent (1%) QA Field review requirement for HERS Rater and RFI sampled ratings, all the homes rated by a HERS Rater, or for which an RFI assisted, using sampling shall be considered and not just the number of homes tested and inspected. If at least two (2) homes are required for QA Field review, a maximum of one (1) of the homes shall be a non-tested, sampled home. To ensure that Quality Assurance is being completed on HERS Raters and RFI's rather than builders, the balance of homes included in the QA Field reviews shall have received field testing and/or inspections.

904.3.3.24.7 Quality Assurance Designees shall complete a minimum of 1% quarterly QA Field reviews of Rating Quality Assurance Provider's ratings, based on the total number of ratings registered by the Provider in the previous quarter, until all annual QA requirements for the Provider have been met for each Rater. QA field reviews are not required on every Rater every quarter.

#### 904.3.3.32 Requirements for QA Field reviews.

904.3.3.32.1 HERS Raters. The QA Field review shall confirm the accuracy of all stages of the rating process (e.g. data collection, reporting, and energy simulation file creation and/or updating) for the rating receiving a QA Field review.

904.3.3.32.1.1 Collect dimensional measurements in the field for the home to evaluate the accuracy of those determined by the



HERS Rater in the field or from plans, including conformance to the requirements set forth in ANSI/RESNET/ICC Standard 301.

904.3.3.32.1.2 Complete in the field all necessary performance testing and all necessary inspections of minimum rated features for the home to evaluate the accuracy of those determined by the HERS Rater, including conformance to the requirements set forth in ANSI/RESNET/ICC Standards 301 and 380 of these Standards. As applicable (see below informative note 3), complete all necessary performance testing and inspections as required by RESNET supported credentials beyond HERS Rater certification, such as ENERGY STAR or ANSI/RESNET/ACCA Standard 310 Inspections.

For Field QA on a rating that includes an additional RESNET supported credential, collect, review, and maintain supporting documentation required by the RESNET-supported credential. This may include, but is not limited to the following:

EEP or Program Verification Forms/Checklists  
Photographs of test results or automated test reports for program required verification tests.

904.3.3.32.1.3 Evaluate inputs entered by the HERS Rater into the energy simulation file for the rated home to determine conformance with data from 904.3.3.32.1.1 and 904.3.3.32.1.2 as well as ANSI/RESNET/ICC Standard 301.

904.3.3.32.2 Rating Field Inspectors. The QA Field review shall confirm the accuracy of data collection and reporting by the RFI for the rating receiving a QA Field review.

904.3.3.3.2.1 As necessary, collect dimensional measurements in the field for the home to evaluate the accuracy of those that may have been determined by the RFI, including conformance to the requirements set forth in ANSI/RESNET/ICC Standard 301.

904.3.3.3.2.2 Complete in the field all necessary performance testing and all necessary inspections of minimum rated features for the home to evaluate the accuracy of those that may have been determined by the RFI, including conformance to the requirements set forth in ANSI/RESNET/ICC Standards 301 and 380 of these Standards. As applicable (see below informative note 3), complete all necessary performance testing and inspections as required by RESNET supported credentials beyond HERS Rater certification,

such as ENERGY STAR or ANSI/RESNET/ACCA Standard 310 Inspections.

*Informative Note 3- The features to be reviewed/performed during the QA visit are only required to be those that were originally performed as part of the rating.*

904.3.3.3.3 Pre-drywall. For homes receiving a QA Field review prior to the installation of drywall, the QA shall complete in the field all necessary performance testing and all necessary inspections of minimum rated features for the home to evaluate the accuracy of those determined by the HERS Rater or RFI, including conformance to the requirements set forth in ANSI/RESNET/ICC Standard 301.

904.3.3.3.4 Each rating selected for a QA Field review for each HERS Rater and RFI shall be randomly selected to ensure that a representative sample of all home types, locations and builders is achieved. If ratings exist in the pool of available ratings which represent RESNET supported credentials beyond HERS Rater certification, such as ENERGY STAR or ANSI/RESNET/ACCA Standard 310 Inspections, a minimum of one rating representative of each supported credential shall also be included.

904.3.3.3.5 Remote QA Field reviews. QA Field reviews not completed on-site, in-person by a Quality Assurance Designee, may be completed remotely using video technology and processes, protocols, and procedures approved by RESNET.

904.3.3.3.5.1 “Remote” QA Field reviews. A HERS Rater or RFI is eligible to receive remote QA Field reviews to satisfy their Field QA requirement if they meet the following criteria and approved by their provider:

904.3.3.3.5.1.1 The HERS Rater or RFIs average Checklist Percentage Score from the RESNET Registry using the QA Review Checklist over the previous QA Evaluation Period within the evaluating Rating QA Provider’s organization is from 100% to ~~84%~~90%.

904.3.3.3.5.1.2 The Quality Assurance Designee responsible to perform the Remote Field QA is not subject to disciplinary compliance probation or suspension as defined in 903.2.2.3 PROBATION OF QUALITY ASSURANCE DESIGNEES.

904.3.3.3.5.2 A HERS Rater or RFI is not eligible to receive a remote QA Field review to satisfy their Field QA requirement if any of the following circumstances apply:

904.3.3.3.5.2.1 The HERS Rater or RFIs average Checklist Percentage Score from the RESNET Registry using the QA Review Checklist over the previous QA Evaluation Period within the evaluating Rating QA Provider's organization is less than 9084%.

904.3.3.3.5.2.2 The HERS Rater or RFI is in their initial certification period as a RESNET certified HERS Rater or RFI.

904.3.3.3.5.2.2.1 A HERS Rater or RFI may begin to receive remote QA Field review starting in their initial certification period providing they have received a minimum of five In-Field Field QAs and the HERS Rater or RFIs average Checklist Percentage Score from the RESNET Registry using the QA Review Checklist within the evaluating Rating QA Provider's organization is from 100% to 9084%. A newly certified Rater who was an RFI at the beginning of a QA Evaluation Period shall keep the same count of In-Field Field QA completed as an RFI toward the minimum required.

904.3.3.3.5.2.3 The HERS Rater or RFI is within their first four quarters with a new Rating QA Provider.

904.3.3.3.5.2.3.1 A HERS Rater or RFI may begin to receive remote QA Field review within their first four quarters providing they have received a minimum of five In-Field Field QAs and the HERS Rater or RFIs average Checklist Percentage Score from the RESNET Registry using the QA Review Checklist within the evaluating Rating QA Provider's organization is from 100% to 9084%.

904.3.3.3.5.2.4 The HERS Rater or RFI has not yet had an In-Field Field QA for the type of rating being performed by the Rating QA Provider. The following shall be considered a new rating type:

904.3.3.3.5.2.4.1 Construction Type (e.g. single-family, multi-family, etc.)

904.3.3.3.5.2.4.2 Foundation Type

904.3.3.3.5.2.4.3 A rating performed under a RESNET EEP including but not limited to the following:

904.3.3.3.5.2.4.4 ENERGY STAR

904.3.3.3.5.2.4.5 IAP

904.3.3.3.5.2.4.6 DOE ZERH

904.3.3.3.5.2.4.7 ANSI/RESNET/ACCA Standard 310  
Inspections

904.3.3.3.5.2.4.8 Other items at the Provider's  
discretion

904.3.3.3.5.2.5 The HERS Rater or RFI has not yet had an  
In-Field Field QA for the EEP being verified in their current  
certification period.

904.3.3.3.5.2.6 The HERS Rater or RFI has had 3 failed field  
OR file QA's within the QA Evaluation Period.

904.3.3.3.5.2.7 All of the above circumstances shall be  
tracked in the Rater or RFI's RESNET Registry Profile.

904.3.3.3.5.3: The HERS Rater has previously completed a  
minimum of one (1) passing in field QA for the calendar year period.

904.3.3.3.6 A HERS Rater or RFI who is ineligible to receive remote QA  
Field review due to the circumstances outlined in 904.3.3.3.5.1.1 or  
904.3.3.3.5.1.2 shall receive notification from the Rating QA Provider of  
their suspension from eligibility of remote QA within twenty (20) business  
days in accordance with Section 102.2.9.3.1 Probation. A HERS Rater or  
RFI can regain eligibility for remote QA Field reviews using one of the  
following methods:

904.3.3.3.6.1 Submit a written statement of proposed process  
improvements that have been reviewed with and approved by the  
Rater/RFI Rating QA Provider and reported to RESNET. The written  
statement shall include at minimum:

904.3.3.3.6.1.1 A summary of the issue(s) from past QA  
reviews that have negatively impacted the Rater/RFI's  
Average QA Score

904.3.3.3.6.1.2 A description identifying what aspect(s) of the  
Rater/RFI's field process is enabling the deviation from  
RESNET Standards.

904.3.3.3.6.1.3 An action statement detailing how the test  
procedures/behavior/data collection process will be modified  
to realign with RESNET Standards.

904.3.3.3.6.1.4 A "stated date" upon which process  
improvements will be implemented, and dates and  
descriptions of any planned training activities supporting the  
improvements.

904.3.3.3.6.1.1.5 Following review and approval, eligibility will be immediately reinstated under a one-time probationary status for up to 180 days of this notice, or as early as the start of the next QA evaluation period. Upon which time:

904.3.3.3.6.1.1.5.1 Probation will be lifted, and 100% Remote Field QA will be reinstated provided the following conditions been satisfied:

904.3.3.3.6.1.1.5.1.1 Average QA score is at or above the minimum of ~~90~~84%

904.3.3.3.6.1.1.5.1.2 Passing score on first file or field QA following stated date of process improvements

904.3.3.3.6.1.1.5.2 The above conditions are not met, and the Rater/RFI will lose access to eligibility for 100% Remote QA until the conditions have been met when reviewed under the next annual QA evaluation period.

904.3.3.3.6.2 Raise their average QA performance to qualify in the next QA evaluation period in accordance with Section 904.3.3.3.5.1.

904.3.3.3.7 All HERS Raters must receive a minimum of one (1) In-Field QA review on total Confirmed, Threshold or Sampled ratings completed within their three-year certification period. All RFIs must receive a minimum of one (1) In-Field QA review on the total pre-drywall or final field inspections completed within their three-year certification period. All Remote QA Field reviews, for completed and pre-drywall homes, must be performed using a Remote QA Field review methodology specified by RESNET.

904.3.3.3.8 Sampled Ratings. For the purposes of calculating the one (1) rating/home or one percent (1%) QA Field review requirement for HERS Rater and RFI sampled ratings, all the homes rated by a HERS Rater, or for which an RFI assisted, using sampling shall be considered and not just the number of homes tested and inspected. If at least two (2) homes are required for QA Field review, a maximum of one (1) of the homes shall be a non-tested, sampled home. To ensure that Quality Assurance is being completed on HERS Raters and RFI's rather than builders, the balance of homes included in the QA Field reviews shall have received field testing and/or inspections.

904.3.3.3.9 Quality Assurance Designees shall complete a minimum of 1% quarterly QA Field reviews of Rating Quality Assurance Provider's ratings, based on the total number of ratings registered by the Provider in

the previous quarter, until all annual QA requirements for the Provider have been met for each Rater. QA field reviews are not required on every Rater every quarter.

[...]

#### **904.4 Rating Quality Assurance Provider's Responsibility For Maintaining Accuracy Of Records And Registry Information**

904.4.1 Rating Quality Assurance pProviders are responsible for maintaining the accuracy of the following information within the RESNET registry.

904.4.1.1 Identification of Primary QAD for the Rating Quality Assurance Provider;

904.4.1.2 Registries of RESNET HERS Raters, HERS Modelers and RFIs affiliated with the Rating Quality Assurance Provider;

904.4.1.3 Ensuring any status change and/or disciplinary action of a HERS Rater, HERS Modeler or RFI is accurate and current in the RESNET Registry, including, but not limited to:

904.4.1.3.1 When a HERS Rater, HERS Modeler or RFI establishes a new relationship with the Providership;

904.4.1.3.2 Changing the HERS Rater, HERS Modeler or RFI to "active" when the HERS Rater or RFI completes their probationary activities;

904.4.1.3.3 Changing the HERS Rater, HERS Modeler or RFI to "inactive" when the HERS Rater or RFI is no longer conducting ratings or the HERS Modeler is no longer performing modeling;

904.4.1.3.4 If a HERS Rater, HERS Modeler or RFI is in any step of the disciplinary action process or has satisfied the requirements to be removed from the disciplinary action process;

904.4.1.3.5 If a Quality Assurance Designee reports that a HERS Rater, HERS Modeler or RFI refused corrective action, the Rating Quality Assurance Provider shall place the HERS Rater, HERS Modeler, or RFI under disciplinary probation and update the HERS Rater, HERS Modeler or RFI's profile in the RESNET Registry to reflect the status change;

904.4.1.3.6 If a HERS Rater, HERS Modeler or RFI's relationship with the Providership has been terminated.

904.4.1.4 QA Providers shall update the registry within five (5) business days of a change in fact for any status changes and/or disciplinary action.

904.4.2 Rating Quality Assurance providers are responsible for maintaining the accuracy of the following information, either in their own records or, optionally, within the RESNET registry, including, but not limited to:

904.4.2.1 Original HERS Rater, HERS Modeler or RFI training certification documentation;

904.4.2.2 Professional development and recertification records;

904.4.2.3 Equipment calibration records. For equipment, reference ANSI/RESNET/ICC 310, ANSI/RESNET/ICC 380 and ANSI/ACCA 12 QH, Appendix A, Sections A3 and A4.

904.4.2.4 Maintenance of QA Records for all ratings, including those for RESNET recognized Energy Efficiency Programs (EEPs), shall include:

904.4.2.4.1 Documentation as required by RESNET and as required by recognized EEPs

904.4.2.4.1.1 For RESNET QA Records, documentation shall include, but not be limited to, the RESNET QA Review Checklist.

904.4.2.4.2 The Quality Assurance Data File for each home that receives QA review at a minimum containing the information required by these standards

904.4.2.4.3 A database of results of all QA reviews for each HERS Rater, HERS Modeler or RFI, including, at a minimum, for each home reviewed:

904.4.2.4.3.1 HERS Rater, HERS Modeler, and/or RFI's first and last name and RTIN or RFIIN;

904.4.2.4.3.2 Home address and/or Registry ID;

904.4.2.4.3.3 Date rated;

904.4.2.4.3.4 Date QA reviewed;

904.4.2.4.3.5 Name and RTIN of QA Designee who performed the review

904.4.2.4.3.6 The result of the completion of the QA checklist and any action taken by the QA Designee.

904.4.2.4.4 The QA Record for each home shall be maintained for a minimum of seven (7) years.

904.4.2.4.5 Upon RESNET's request, a Rating Quality Assurance Provider shall submit to RESNET the QA Records for the specified time period, and the number of homes for which ratings, including those for RESNET recognized EEPs, were provided. The ratings, including those for RESNET recognized EEPs, shall be identified by

type (to include projected and Confirmed ratings for new and existing homes and the number of homes verified for RESNET recognized EEPs).

#### **904.5 Annual Rating Quality Assurance Provider Report Submission**

904.5.1 Rating Quality Assurance Providers are responsible for completing an annual submission of their Quality Assurance results and professional records to RESNET. RESNET shall designate the date submissions are due, and the content of each submission. The time frame for which data shall be provided is January 1st through December 31st. Rating Quality Assurance Providers will have at least thirty (30) days from notification from RESNET of the annual submission due date until the submission is due.

904.5.2 Records that will be submitted and/or recorded to the RESNET Registry for RESNET Staff to review shall include, but are not limited to

904.5.2.1 RESNET Quality Assurance Report Checklist;

904.5.2.2 Current state of registry information maintained by Provider and verified by the Primary QAD;

904.5.2.3 Professional development and recertification records;

904.5.2.4 Equipment calibration records. For equipment, reference ANSI/RESNET/ICC 310, ANSI/RESNET/ICC 380, and ANSI/ACCA 12 QH, Appendix A, Sections A3 and A4.

904.5.3 Rating Quality Assurance Provider must allow the Primary QAD to have access to all the necessary resources to attest to the accuracy of the submission. This includes access to the Rating Quality Assurance Provider's RESNET registry account.

904.5.4 It is the responsibility of the Rating Quality Assurance Provider that the annual report submitted to RESNET includes the Primary QAD's attestation of accuracy as to the field and file Quality assurance reports and the records of QA findings, corrective action and discipline.

904.5.5 With the annual QA submissions to RESNET, Rating Quality Assurance Providers must provide a listing of the QA Designees performing QA tasks on behalf of the Provider, and a listing of the QADs who have undertaken QA reviews.

#### **904.6 Failure Of Rating Quality Assurance Providers To Fulfill Responsibilities**

It is the expectation of RESNET that QA Providers fully comply with all the requirements set forth in these Standards. Discovery of one or more areas of non-compliance via the RESNET Quality Assurance process, reporting by a Quality Assurance Designee as part of the QA Provider's Quality Assurance process, or in the course of RESNET's



research of an ethics or consumer complaint will result in the Quality Assurance Designee working with a QA Provider to come back into compliance. However, on occasion, there may be instances where actions by a QA Provider are truly egregious and, as such, would be deemed to be “significant non-compliance”. This Section seeks to define the thresholds when actions by a QA Provider are deemed to be significant non-compliance, which in addition to the violations meriting suspension or revocation listed in Section 903.1.3.4 – Suspension or Revocation of Rating Quality Assurance Providers would require that the Quality Assurance Designee report the significant non-compliance or violation to RESNET and additional action by RESNET may be taken pursuant to Section 903.1.3 – RESNET Disciplinary Actions Against a Rating Quality Assurance Provider.

904.6.1 Significant non-compliance by Rating Quality Assurance Providers shall include, but not be limited to, the following:

904.6.1.1 Failure by a QA Provider to comply with multiple individual requirements, or requirements impacting multiple HERS Raters, RFIs, and/or ratings as set forth in the RESNET Standards and enumerated in a RESNET Quality Assurance Checklist;

904.6.1.2 Failure of by a QA Provider to comply with the RESNET Standards of Practice, Code of Ethics, or Conflict of Interest Disclosure reporting;

904.6.1.3 Failure by a QA Provider to follow a QA Provider’s own written Rater, HERS Modeler or RFI disciplinary procedures for known or obvious non-compliance with the RESNET Standards, Standards of Practice, Code of Ethics, or Conflict of Interest Disclosure reporting;

904.6.1.4 Failure by a QA Provider to report significant non-compliance to RESNET.

904.6.2 Quality Assurance Designees must report all suspected non-compliance by a QA Provider to RESNET so that RESNET may assist the Quality Assurance Designee in working with a Provider to come back into compliance. RESNET will hold a reporting Quality Assurance Designee’s identity as confidential information and shall only disclose this confidential ~~information~~ information to the extent required by a court of competent jurisdiction or other governmental authority, or otherwise required by law.

904.6.3 The Rating Quality Assurance Provider may appeal an action taken by RESNET under this Section using the appeals procedures stipulated in these Standards.

## **904.7 Probation/Suspension/Revocation Due Process Of A Rating Quality Assurance Provider**

904.7.1 Rating Quality Assurance Providers have the right to appeal a probation, suspension or revocation action in accordance with Section 911942- Hearing Procedures of this chapter.

904.7.2 Failure to maintain adequate knowledge of the RESNET Standards will not be considered a defense in the appeals process.

904.7.3 For any Rating Quality Assurance Providers who have their accreditation revoked or suspended in accordance with this chapter, RESNET shall inform the Rating Quality Assurance Provider's known clients, QADs, Raters, RFIs, program administrators, rating software suppliers, and any affected EEPs.

## **905 Quality Assurance Designee (QA Designee)**

### **905.1 Certification Requirements For RESNET Certified Quality Assurance Designee**

905.1.1 Quality Assurance Designees must meet all of the following experience requirements to be certified as a QAD:

905.1.1.1 Previous certification as a Home Energy Rater as stipulated in the standards; and complete one of the following as a certified Home Energy Rater:

905.1.1.1.1 Confirmed ratings on a minimum of twenty-five (25) homes, five (5) of which must have received quality assurance field reviews that pass the RESNET quality assurance checklist in accordance with the RESNET Standards, without significant non-compliance issues and complete QA Field reviews on a minimum of three (3) homes and QA file reviews on a minimum of six (6) homes under the supervision and mentorship of a certified Quality Assurance Designee; OR

905.1.1.1.2 QA Field reviews on a minimum of ten (10) homes and QA file reviews on a minimum of twenty (20) homes under the supervision and mentorship of a certified Quality Assurance Designee.

905.1.1.2 Pass the RESNET Quality Assurance Designee Competency Test with a minimum score determined by RESNET.

905.1.1.3 Successfully complete RESNET Quality Assurance Designee Training.

905.1.2 The requirements above must be met within twelve (12) months of passing the RESNET Quality Assurance Designee Test, or the individual must pass the test again prior to being recognized as a Quality Assurance Designee.

905.1.3 Submit an application to RESNET to be listed as a certified Quality Assurance Designee.

## 905.2 Professional Development for Quality Assurance Designees

905.2.1 All Quality Assurance Designees annually shall:

905.2.1.1 Document attendance at the RESNET Conference or 12 hours of RESNET approved CEUs;

905.2.1.2 Attend a RESNET Roundtable; and

905.2.1.3 Attend (either in-person or by reviewing the recording) all RESNET in-person or remote QAD update and training sessions.

905.2.2 A Quality Assurance Designee must renew annually with RESNET to maintain certification.

905.2.2.1 A QAD that does not complete the renewal for a given calendar year must have QAD annual Professional Development requirements verified with RESNET in accordance with these standards prior to reinstatement.

905.2.2.2 If two years have lapsed without a QAD completing the renewal requirements, the QAD must retake and pass the RESNET Quality Assurance Designee Test and complete a new application prior to reinstatement.

## 905.3 Quality Assurance Designee Relationship To QA Provider

905.3.1 All Quality Assurance Designees shall have a signed agreement with the QA Provider to be the QA Provider's Quality Assurance Designee.

905.3.2 The Primary Quality Assurance Designee shall have an agreement that clearly indicates that they are accepting the role and responsibilities as Primary Quality Assurance Designee.

## 905.4 General Responsibilities of Quality Assurance Designees

905.4.1 Provide thorough Quality Assurance reviews to ensure that QA Providers submit accurate and current files to the RESNET Registry.

905.4.2 Complete all QA File and QA Field reviews for a Rating Quality Assurance Provider as required by these Standards.

905.4.3 Maintain higher knowledge of RESNET Standards to mentor RESNET Raters, RFIs, and Providers.

905.4.4 Serve as a liaison between RESNET and Rating Quality Assurance Providers, assisting with the following:

905.4.4.1 Confirm that Rating Quality Assurance Providers are informed of all changes to the RESNET ANSI and non-ANSI standards.

905.4.4.2 Querying RESNET on behalf of QA Providers if interpretive questions arise about technical or administrative issues regarding ratings.

905.4.4.3 Ensure that Rating Quality Assurance Providers are properly following all RESNET technical and administrative requirements set forth in these Standards or stipulated in formal interpretations issued by RESNET.

905.4.4.4 On behalf of RESNET, ensure that Rating Quality Assurance Providers are properly enforcing disciplinary actions for Raters/RFI's and/or adhering to any disciplinary actions imposed on a Provider by RESNET.

905.4.5 Maintenance of quality assurance files;

905.4.6 Field and file reviews of registered ratings.

905.4.7 QADs must report all significant non-compliance by a QA Provider to RESNET when it becomes known to the QAD so that RESNET may assist the QAD in working with a QA Provider to come back into compliance.

905.4.8 To the extent feasible, Quality Assurance Designees shall assist the Rating Quality Assurance Provider and RESNET with notifications to known clients when any Rating Quality Assurance Provider, QAD, Rater, or RFI have their accreditation or certification revoked or suspended.

#### 905.5 General Responsibilities For Primary Quality Assurance Designees

The Primary QAD shall have ultimate responsibility, on behalf of the QA Provider, for fulfilling the requirements listed below and shall be the single point of contact to RESNET regarding all Quality Assurance matters.

905.5.1 Continuous maintenance of quality assurance files, including:

905.5.1.1 Field and File Quality Assurance reports;

905.5.1.2 Records of QA findings, corrective action and discipline;

905.5.1.3 Oversee the certification of new Raters and RFIs through their probationary period;

905.5.1.4 Reviewing the QA Provider's compliance with the items on the Annual Rating Quality Assurance Provider Report checklist annually for the purpose of verifying a QA Provider's compliance with the individual requirements for QA Providers set forth in the RESNET Standards;

905.5.1.5 Provide an attestation to the accuracy of the Field and File Quality Assurance reports and the records of QA findings, corrective action and discipline, for inclusion in the Annual Rating Quality Assurance Provider Report.

905.5.2 The Primary QA Designee may, at his or her discretion, delegate the work required to create and maintain the items listed in 905.5.1 to other Quality Assurance Designees working for the Rating Quality Assurance Provider. However, the responsibility for the completion, accuracy and reporting of these items may not be delegated and remains with the Primary QAD.

905.5.3 The Primary QAD shall work with the QA Provider to jointly decide on appropriate disciplinary action based on the QA Provider's policy and procedures manual.

#### 905.6 Corrective Action For QA Providers, Raters, And RFIS

Corrective Action is a mandatory action to be taken to correct an error(s) in energy modeling files, rating files, field protocols or to correct administrative issues.

905.6.1 Corrective action directions can be initiated by the Quality Assurance Designee (QAD), RESNET Quality Assurance Staff or Rating Quality Assurance Provider in response to error(s) found when performing a rating file review, field review, QAD requirements or RESNET requirements upon HERS: Raters, Rating Field Inspectors, QAD's or Rating Quality Assurance Providers. The recipient of a corrective action must perform the corrective action or risk disciplinary action.

905.6.2 If the recipient refuses to take corrective action, the requested action may be taken by the requestor to ensure rating files are accurate.

905.6.3 Multiple instances of non-compliance with QA File and/or QA Field review for a Rater or RFI shall trigger an increased rate of QA File reviews or QA Field reviews.

905.6.4 When in the course of quality assurance file or field review, in a twelve (12) month period from January 1st through December 31st, the Quality Assurance Designee determines that three or more rating files consecutively fail file and/or field QA review or that field work (e.g. testing or inspections of minimum rated features) is being completed inaccurately or incompletely, the following, at a minimum, shall occur:

905.6.4.1 The Rater shall be placed on probation;

905.6.4.2 If the noncompliant ratings are due to errors found in QA File review, the Rater's next three (3) ratings submitted following completion of the probation corrective action plan shall receive QA File review and shall not count toward the required minimum 10% of file QA;

905.6.4.3 When appropriate (e.g. the HERS Rater/RFI previously struggled with field compliance, a piece of equipment is used in the rating that is not commonly found in the market or used by a builder, field test results are out of typical range for the market, etc.), a QA Field review shall be completed by the Quality Assurance Designee on a minimum of one of the ratings that were out of compliance. Where QA Field review of the specific dwelling is not possible, the next available unit shall receive a QA Field review;

905.6.4.4 If the noncompliant ratings are due to inaccurate or incomplete field work, the Rater and/or RFI Field QA shall be increased by 1 rating for low-volume Raters/RFIs or 2 ratings for all other Raters/RFIs.

905.6.5 If additional noncompliance or major errors are discovered during the period of increased File or Field QA, the Quality Assurance Designee shall review 100% of the next five (5) rating files submitted or field inspections conducted. If noncompliance or major errors continue to be discovered, the Rater may be suspended in accordance with the Provider's written HERS Rater/RFI disciplinary procedure.

905.6.6 A Quality Assurance Designees will conduct an evaluation using the RESNET QA Review Checklist to determine if the file or field QA review complies with the RESNET Standards or needs corrective action.

905.6.7 Under the supervision of the Quality Assurance Designee, non-compliant rating(s) shall be corrected in order to come into compliance with RESNET technical Standards.

905.6.8 The Quality Assurance Designee shall develop and implement a coaching action plan for the HERS Rater that addresses the underlying problems that led to the non-compliant rating. The coaching plan shall include mentoring the HERS Rater.

905.6.8.1 Record any findings requiring corrective action to the files, or warranting disciplinary action, and report these to the QA Provider

905.6.8.2 Enforce corrective action for any errors found in a QA Provider's rating files

905.6.8.3 If a Rater or RFI refuses corrective action, Quality Assurance Designees are required to report any non-compliance to the Provider and report it to the RESNET Registry

## **905.7 Failure Of A QAD To Fulfill Responsibilities**

It is the expectation of RESNET that Quality Assurance Designees fully comply with all the requirements set forth in these Standards. Discovery of one or more areas of non-compliance via the RESNET QA process, reporting by a QAD as part of the QA Provider's QA process, or in the course of RESNET's research of an ethics or consumer complaint will result in RESNET working with the QAD to come back into compliance. However, on occasion, there may be instances where actions by a QAD are truly egregious and, as such, would be deemed to be "significant non-compliance". This Section seeks to define the thresholds when actions by a QAD are deemed to be significant non-compliance, which in addition to the violations meriting suspension or revocation listed in Section 903.2.2.4 – SUSPENSION OR REVOCATION OF QUALITY ASSURANCE DESIGNEES would require ~~thereby requiring~~ that other QADs or the Rating Quality Assurance Provider report the significant non-compliance to RESNET and additional action by RESNET may be taken pursuant to Section 903.2.2 – RESNET DISCIPLINARY ACTIONS AGAINST A QUALITY ASSURANCE DESIGNEE.

905.7.1 Significant non-compliance by Quality Assurance Designees shall include, but not be limited to, the following:

905.7.1.1 Failure by a Quality Assurance Designee to comply with multiple individual requirements for QADs, or requirements impacting multiple HERS Raters, HERS Modelers, RFIs, and/or ratings, as set forth in the RESNET Standards and enumerated in a RESNET Quality Assurance Checklist;

905.7.1.2 Failure ~~of~~ by a Quality Assurance Designee to comply with the RESNET Standards of Practice, Code of Ethics, or Conflict of Interest Disclosure reporting;

905.7.1.3 Failure by a Quality Assurance Designee to follow a QA Provider's written HERS Rater, HERS Modeler, and/or RFI disciplinary procedures for known or obvious non-compliance with the RESNET Standards, Standards of Practice, Code of Ethics, or Conflict of Interest Disclosure reporting;

905.7.1.4 Failure by a Quality Assurance Designee to report significant non-compliance to RESNET.

905.7.2 The QAD may appeal an Action taken by RESNET under this Section using the Appeals procedures stipulated in Section 911942– Hearing Procedures of these Standards.

## **905.8 Types Of Probation For Quality Assurance Designees**

905.8.1 Confidential Administrative Probation. Results from violations found through a Quality Assurance Designee's QA process, RESNET quality assurance monitoring, or through the RESNET complaint resolution process. Probations resulting from these violations shall remain confidential between RESNET and the QAD. These violations may include but are not limited to:

905.8.1.1 Failure to submit to RESNET any material information required to be submitted by the Quality Assurance Designee, in accordance with obtaining or maintaining accreditation;

905.8.1.2 Failure to comply with a QA Provider's Policies and Procedures as they pertain to Rater Quality Assurance outcomes and disciplinary tracking;

905.8.1.3 Failure by Primary QAD to report a change in status of any QAD to RESNET;

905.8.1.4 Failure to adhere to requirements for quality assurance of Raters and RFIs, such as RESNET Quality Assurance checklist, that causes a deficiency in the QA of one or more Raters or RFIs;

905.8.1.5 Failure to adhere to requirements to oversee Rater and RFI certification and recertification;

905.8.1.6 Failure to provide timely notification to RESNET regarding a Rating Quality Assurance Provider who fails to enforce corrective action requirements for Raters or RFIs having non-conforming QA results;

905.8.1.7 Failure to use the most recent version of RESNET Accredited Software within the prescribed time frame.

905.8.1.8 Failure to adhere to one or more administrative and documentation/reporting provisions of the RESNET Standards.

905.8.1.9 Failure of the Primary QAD to ensure the accuracy of a QA Provider's Annual Report pertaining to the Field and File Quality Assurance reports and the records of QA findings, corrective action and discipline;

905.8.2 Disciplinary Compliance Probation. More serious compliance violations found through a Quality Assurance Designee's QA process, RESNET quality assurance monitoring or through the RESNET complaint resolution process. These violations may include but are not limited to:



905.8.2.1 Failure to correct the terms of a confidential administrative probation during the time period defined in the issuance of probation;

905.8.2.2 Deliberate failure to report non-compliance of QA Providers, Raters, and/or RFIs to RESNET;

905.8.2.3 Ethics or compliance complaint(s) investigated and validated by RESNET against a Quality Assurance Designee;

905.8.2.4 Failure to follow complaint resolution process and/or disciplinary procedures;

905.8.2.5 Deliberate failure to follow a Provider's Rater and RFI Disciplinary procedures.

905.8.2.6 Deliberate failure to apply the appropriate RESNET Standards while performing QAD responsibilities;

## **905.9 Suspension Of Quality Assurance Designees**

905.9.1 Any certified Quality Assurance Designee may have their certification suspended. These violations may include, but are not limited to:

905.9.1.1 Quality Assurance Designee has had more than one (1) Disciplinary Probation violation within a three-year period;

905.9.1.2 Deliberate failure to report significant non-compliance of QA Providers, QADs, Raters, and/or RFIs to RESNET;

905.9.1.3 Failure to correct the terms of a Disciplinary Probation during the time period defined in the notice of probation;

905.9.1.4 Failure to adhere to requirements for quality assurance of Raters and/or RFIs that causes a major deficiency in the QA of one or more Raters and/or RFIs, such as falsifying records, or misrepresentation of qualifications for RESNET approved programs;

905.9.1.5 Submission of false information to RESNET in accordance with obtaining or maintaining certification of QADs, Raters, or RFIs and/or accreditation of QA Providers;

905.9.1.6 Misrepresentation of any certification status in marketing materials, or services offered or provided, for which the QAD does not possess the appropriate RESNET accreditation or certification;

905.9.1.7 Knowingly registering fraudulent ratings to the RESNET Registry;

905.9.1.8 Willful misconduct by QAD, defined as an intentional disregard of any provision of the RESNET Standards, which a Party knew or should have known if it was acting as a reasonable person, but shall not include any error of judgment or mistake made in good faith.

905.9.1.9 Violation of RESNET's Whistle Blower Protection Policy as specified in section 910944.

905.9.2 A Quality Assurance Designee shall at a minimum be placed on suspension if they have any Disciplinary Probation violations within twelve months of reinstatement from a suspension.

905.9.3 Prior to reinstatement, the Quality Assurance Designee shall successfully resolve the issue(s) that resulted in the Quality Assurance Designee being suspended and inform RESNET in writing as follows:

905.9.3.1 That the issue(s) has(have) been successfully resolved;

905.9.3.2 State the steps taken to resolve the issue(s);

905.9.3.3 State the steps that will be taken to prevent the issue(s) from occurring again in the future

## **905.10 Revocation Of Quality Assurance Designees**

905.10.1 Any Quality Assurance Designee certified by RESNET may have their certification revoked in any of the following circumstances:

905.10.1.1 A Quality Assurance Designee has had more than one (1) Disciplinary Probation violation within a five-year period;

905.10.1.2 In the event that deficiencies stipulated in a notice of suspension have not been remedied within the period set forth in such notice;

905.10.1.3 Quality Assurance Designee that elects not to renew or fails to meet renewal requirements;

905.10.1.4 Upon expiration of a QA Designee's right to appeal a suspension of certification pursuant to Section 911942 of this chapter or the conclusion of the appeals process in which a Quality Assurance Designee's appeals are unsuccessful;

905.10.1.5 Fraudulent Activity, including but not limited to:

905.10.1.5.1 Falsifying inspections, data, files, reports and other documents or information;

905.10.1.5.2 Registering ratings for EEPs or other programs knowing that inspections were not completed as required by the program (example – checklist inspection not completed, but registering the home as ENERGY STAR qualified);

905.10.1.5.3 Deliberately allowing non-certified persons to perform inspections, testing and ratings;

905.10.1.5.4 Deliberately allowing suspended or revoked Raters or RFIs to perform inspections, testing and/or ratings;

905.10.1.5.5 Colluding with Provider(s) or other QAD(s) to by-pass RESNET requirements;

905.10.1.5.6 Colluding with QA Provider(s) or other QAD(s) to price fix

905.10.1.5.7 Severe violation of the Code of Ethics;

## **905.11 Probation/Suspension/Revocation Due Process Of Quality Assurance Designees**

905.11.1 Quality Assurance Designees have the right to appeal a probation, suspension or revocation action in accordance with Section 911942 of this chapter.

905.11.2 Failure to maintain adequate knowledge of the RESNET Standards will not be considered a defense in the appeals process.

905.11.3 For any QAD who has had their certification revoked or suspended in accordance with this chapter, RESNET shall inform the QAD's Providers, Raters, RFIs, program administrators, rating software suppliers and any affected EEPs.

## **906.1 Third Party EEP**

See Appendix B- Glossary of Terms for definition of Third Party Energy Efficiency Program (EEP).

## **906.2 EEP QA**

Quality Assurance, as specified in Section 904, may be provided for EEP's by Quality Assurance Designees as part of the RESNET Quality Assurance process when RESNET and the EEP enter into a formal agreement. Where EEP Quality Assurance requirements are greater than specified in Section 904, those Quality Assurance requirements shall be specified in writing by an EEP and provided to RESNET for approval in order to be included in the RESNET Quality Assurance process.

### **906.3 QA Data Files and Onsite Rating Verification**

Quality Assurance data files and the results of onsite verification of ratings files will be made available by Providers to EEPs only for the EEP's quality assurance initiatives and, additionally, only if the EEP has agreements with rating clients in the program that allow for HERS Raters to release rating information.

### **906.4 QA Reporting**

EEP files will be inspected for quality assurance pursuant to Section 904.3-2.4 Quality Assurance of HERS Raters and Ratings and shall include those items related to energy efficiency specific to the EEP that may be in addition to the Home Energy Rating. Significant non-compliance by Providers shall be reported to EEP's when they become known to RESNET.

### **~~907 Quality Assurance Requirements for Contractor Education and Qualification (CEQ) Providers, Energy Smart Providers, Energy Smart Contractors, and Energy Smart Teams~~**

#### **~~907.1 RESNET Quality Assurance of CEQ Providers~~**

~~907.1.1 RESNET shall select a limited number of CEQ Providers and conduct an annual review of their Quality Assurance records.~~

~~907.1.2 A CEQ Provider shall have the right to challenge the findings of RESNET's quality assurance review.~~

~~907.1.3 CEQ records that must be reviewed include the following:~~

~~907.1.3.1 The CEQ's Energy Smart Contractor Registry;~~

~~907.1.3.2 The CEQ's Energy Smart Contractor Agreements;~~

~~907.1.3.3 Documentation of CEQ Provider's initial training course and continuing education offerings for Energy Smart Contractors;~~

~~907.1.3.4 Documentation of Energy Smart Contractor's Designated Qualification Representative completing required training and testing;~~

~~907.1.3.5 Documentation of the Representative's continuing education;~~

~~907.1.3.6 The CEQ's Energy Smart Contractor complaint files;~~

~~907.1.3.7 Documentation of disciplinary actions.~~

~~907.1.4 In the case of an unresolved complaint brought to the RESNET Executive Director, it will be the responsibility of the CEQ to secure the Energy Smart Project files from the Energy Smart Project Manager and present them to RESNET. Failure of the Energy Smart Project Manager to provide adequate records shall result in sanctions up to and including a 60-day suspension of the Energy Smart Contractor designation.~~

~~907.1.5 An on-site review by RESNET may be conducted if there are significant inconsistencies or errors in the reviewed CEQ files.~~

~~907.1.6 Complaints against a CEQ Provider submitted by the Complaint Resolution Officer (CRO) to RESNET shall be addressed by the Executive Director. The RESNET Executive Director shall:~~

~~907.1.6.1 Resolve the complaint in forty-five (45) calendar days.~~

~~907.1.6.2 A complaint will be considered resolved once a Complaint Resolution Form has been submitted, signed by the party who filed the complaint and the CEQ Provider.~~

~~907.1.6.3 A log of unresolved complaints shall be maintained by the RESNET Executive Director.~~

~~907.1.7 CEQ Providers are subject to Probation, Suspension, and Revocation of Accreditation by RESNET in accordance with these Standards.~~

~~907.1.7.1 Suspension and Revocation of Accreditation of a CEQ Provider may result from the following:~~

~~907.1.7.1.1 Failure to ensure that the Energy Smart Contractor followed the complaint resolution process in the case of a complaint against the Energy Smart Contractor or failure to follow required disciplinary and corrective action with respect to a contractor;~~

~~907.1.7.2 RESNET shall comply with the due process and appeals procedures contained in Section 910 of these Standards with respect to disciplinary actions against an accredited CEQ Provider.~~

## **907.2 CEQ Provider Quality Assurance of Energy Smart Contractors**

~~907.2.1 The CEQ Provider shall annually verify that the Energy Smart Contractor's representative is still with the company.~~

~~907.2.2 Respond to complaints against Energy Smart Contractors.~~

~~907.2.3 Follow written Energy Smart Contractor Disciplinary Procedures described in the CEQ Provider's written policies and procedure for Energy Smart Contractors.~~

## **907.3 CEQ Provider Complaint Resolution Procedures**

~~907.3.1 The CEQ Provider must conduct non-compliance resolution when a complaint is received about the work performance of an Energy Smart Contractor from any of the following: the client, Rater/Auditor, other Energy Smart Contractors, Final Verifier.~~

~~907.3.2 Complaints shall be managed and resolved by the CEQ Provider's CRO following the CEQ Provider's Complaint Response Process.~~

~~907.3.3 Each CEQ Provider shall retain records of complaints received and responses to complaints for a minimum of three (3) years after the date of the complaint.~~

~~907.3.4 The Complaint Response Process shall include, at a minimum, the following:~~

~~907.3.4.1 Consumer Complaint Form, available for submittal via the RESNET website. The form will be forwarded to the CEQ Provider to the attention of the CRO.~~

~~907.3.4.2 It is the responsibility of the CEQ Provider to secure the documentation from the Energy Smart Project Manager or Final Verifier for review by the CRO.~~

~~907.3.4.3 The CRO shall evaluate the complaint to determine if the contractor shall be deemed to be in non-compliance. Complaints must:~~

~~907.3.4.3.1 Be related to either structural or major deficiencies (over \$500) and must impact the energy efficiency of the home.~~

~~907.3.4.3.2 Include the work contract(s) and copies of checklists denoting unresolved deficiencies.~~

~~907.3.4.3.3 In the event the CRO cannot make a fair evaluation of the complaint based on the information submitted, the consumer shall have the option of hiring an independent Rater/Auditor to visit the site and submit his or her report and findings.~~

~~907.3.4.3.4 The Energy Smart Contractor Complaint Resolution Process shall consist of the following:~~

~~907.3.4.3.4.1 The CRO will notify the contractor of the complaint and the contractor shall have forty five (45) calendar days to resolve the complaint.~~

~~907.3.4.3.4.2 A complaint will be considered resolved once a Complaint Resolution Form has been submitted, signed by both the client and the party against whom the complaint was filed, and the resolution verified by the CRO.~~

~~907.3.4.3.4.3 If the complaint is not resolved in the allotted time, it will be considered unresolved.~~

~~907.3.4.4 Energy Smart Contractors with three (3) unresolved complaints within a 90 day period or with five (5) or more unresolved complaints at any given time shall have their certification suspended in accordance with the provisions of 907.3.5.~~

~~907.3.4.5 A log of unresolved complaints shall be maintained by the CEQ Provider and must be made available to RESNET upon request.~~

~~907.3.5 The minimum requirements for suspension of certification procedures are the following:~~

~~907.3.5.1 First Offense: First time an Energy Smart Contractor has three (3) unresolved complaints within a 90 day period or has five (5) outstanding unresolved complaints, the CEQ Provider shall suspend the contractor's certification for a period of not less than 30 days, and:~~

~~907.3.5.1.1 Shall inform RESNET that the contractor's certification has been suspended, and shall request that RESNET remove the contractor from the Directory.~~

~~907.3.5.1.2 Shall require the contractor, prior to reinstatement, to complete two (2) hours of Continuing Education specific to conflict resolution or customer relations, or successfully resolve at least one of the 90 day old complaints and all of the complaints older than 90 days. CEQ Providers may provide exceptions for complaints that cannot be resolved.~~

~~907.3.5.1.3 Shall inform RESNET when the contractor's certification has been reinstated, clarify the resolution, or reasons for not being able to resolve the complaint, and shall request that RESNET reinstate the listing on the Directory.~~

~~907.3.5.2 Second Offense: Second time an Energy Smart Contractor has three (3) unresolved complaints within a 90 day period or has five (5) outstanding unresolved complaints, the CEQ Provider shall suspend the contractor's certification for a period of not less than 90 days, and:~~

~~907.3.5.2.1 Shall inform RESNET that the contractor's certification has been suspended, and shall request that RESNET remove the contractor from the directory.~~

~~907.3.5.2.2 Shall require the contractor prior to reinstatement to complete three (3) additional hours of Continuing Education and successfully resolve at least one of the 90 day old complaints and all of the complaints older than 90 days. CEQ Providers may provide exceptions for complaints that cannot be resolved.~~

~~907.3.5.2.3 Shall inform RESNET when the contractor's certification has been reinstated, clarify the resolution, or reasons for not being able to resolve the complaint, and shall request that RESNET reinstate the listing on the Directory.~~

~~907.3.5.3 Third Offense: Third time an Energy Smart Contractor has three (3) unresolved complaints within a 90 day period, or has five (5) outstanding unresolved complaints, the CEQ Provider shall suspend the contractor's certification for a period of not less than twelve (12) months, and:~~

~~907.3.5.3.1 Shall inform RESNET that the contractor's certification has been suspended, and shall request that RESNET remove the contractor from the Directory.~~

~~907.3.5.3.2 Shall require the contractor, prior to reinstatement, to complete three (3) additional hours of Continuing Education and successfully resolve all of the outstanding complaints. CEQ Providers may provide exceptions for complaints that cannot be resolved.~~

~~907.3.5.3.3 Shall inform RESNET when the contractor has met the requirements of 907.3.5.3.2, clarify the resolution, or reasons for not being able to resolve the complaint. RESNET approval shall be required for reinstatement of certification and RESNET shall reinstate the contractor's listing on the Directory if appropriate.~~

#### **~~907.4 Quality Assurance Provider Quality Assurance Review of Rater Final Verification of Energy Smart Projects~~**

~~907.4.1 Quality assurance of HERS Raters' Final Verifications of an EnergySmart Projects shall be performed by the Provider's Quality Assurance Designee.~~

#### ~~907.4.2 Quality Assurance File Review~~

~~907.4.2.1 For each Rater/Auditor that performs Final Verification for an Energy Smart Project, the QA Provider's QA Designee shall annually conduct QA File Review of the Final Verification documentation file(s) the greater of one (1) projects or ten percent (10%) of the Contractor's annual total of projects completed. When determining the number of projects to review for a Contractor, round up to the next whole number when the percentage calculation yields a decimal point, e.g. 101 projects x 10% = 10.1 means that 11 projects shall be reviewed.~~

##### ~~907.4.2.1.1 Project documentation file(s) shall include~~

~~907.4.2.1.1.1 A copy of the original work scope and signed proposal;~~

~~907.4.2.1.1.2 Rater/Auditor and Contractor names and contact information;~~

~~907.4.2.1.1.3 Program sponsor name, completed final verification checklist;~~



~~907.4.2.1.1.4 Energy simulation software file;~~

~~907.4.2.1.1.5 All test out results.~~

~~907.4.2.1.2 When the QA Provider's QA Designee conducts the QA File Review, they shall review at least one (1) project documentation file for each Energy Smart Contractor and Energy Smart Team. The QA Designee shall equitably distribute the QA File Reviews of each individual Energy Smart Contractor's or Team's Projects.~~

~~907.4.2.2 The QA Designee will confirm that each Energy Smart Contractor for the project has been approved by a RESNET approved CEQ Provider as demonstrated by listing on the RESNET Energy Smart Contractor Directory.~~

~~907.4.2.3 The QA Designee will verify the completion of the Rater Final Verification checklist.~~

~~907.4.2.3.1 There must be consistency between the Final Verification Checklist and final test out results, copy of work scope, and signed proposal.~~

~~907.4.2.3.2 Must include reported results of non-conformance by Final Verification.~~

~~907.4.2.4 The QA Designee will review 10% of the Rater/Auditor Final Verifier energy simulation software file and projected estimated energy savings.~~

### ~~907.4.3 Quality Assurance Field Review (QA Field Review)~~

~~907.4.3.1 For each Rater/Auditor that performs Final Verification for an Energy Smart Project the QA Designee shall annually conduct QA Field Reviews of Energy Smart Projects at a rate of 1% of verified projects or one project, whichever is greater. QA Field Review shall include the greater of one (1) project or ten percent (10%) of each Contractor's annual total of projects completed. When determining the number of projects to review for a Rater and Contractor, round up to the next whole number when the percentage calculation yields a decimal point, e.g. 101 projects x 1% = 1.01 means that 2 projects shall be reviewed.~~

~~907.4.3.2 The QA Designee shall confirm the results of the Final Verifier's combustion appliance testing where applicable.~~

~~907.4.3.2.1 Where there are vented combustion appliances that use indoor air to vent combustion gases, re-test Worst Case Depressurization in accordance with the QH Standard.~~

~~907.4.3.2.2 Where any spaces contain combustion appliances, re-test for Carbon Monoxide in accordance with the QH Standard.~~

~~907.4.3.3 The QA Designee shall review the work scope and signed proposal, and shall confirm installed measures are consistent with selected measures and work scope in accordance with the QH Standard.~~

~~907.4.3.4 The QA Designee shall confirm the Final Verifier's Estimate of Project Energy Savings as follows:~~

~~907.4.3.4.1 Calculate an independent estimate of projected energy savings for the Energy Smart Project using the same RESNET-approved software used by the Final Verifier.~~

~~907.4.3.4.2 Compare the Final Verifier's final estimated energy savings against the QA Designee's independent calculation of estimated energy savings.~~

~~907.4.3.4.3 The QA Designee's results must be no more than three percent (3%)(+/-) variation in the HERS Index from the HERS Index result as determined by the QA Designee.~~

#### ~~907.4.4 Non-Compliance and Resolution~~

~~907.4.4.1 Reporting: Non-compliance of an Energy Smart Project with respect to installed measures or estimate of projected energy savings shall be reported to the CEQ Provider's Compliant Resolution Officer (CRO).~~

~~907.4.4.2 Discipline: Non-compliance of the Final Verifier's Final Verification of an Energy Smart Project with respect to installed measures or estimate of projected energy savings shall result in additional action in accordance with the QA Provider's written Disciplinary Procedures.~~

~~907.4.4.3 Record Keeping: Rating Providers shall maintain Quality Assurance records for every Energy Smart Project that has received Documentation or On-Site QA Review for a period of no less than three (3) years and that will include the following:~~

~~907.4.4.3.1 Copy of work scope and signed proposal;~~

~~907.4.4.3.2 Names and contact information of the Rater/Auditor, ES Contractors, and Final Verifier;~~

~~907.4.4.3.3 Program sponsor name;~~

~~907.4.4.3.4 Completed final verification checklist;~~

907.4.4.3.5 All test out results;

~~907.4.4.3.6 QA Review Results.~~

### **907908 Ethics and Appeals Committee**

The Ethics and Appeals Committee shall have the responsibility of holding hearings for RESNET disciplinary actions and resolving appeals of an Application or Renewal Application that has been denied. The ~~Committee~~Committee shall report to the RESNET Deputy Director.

#### **907.1908.1 Committee Membership**

The Ethics and Appeals Committee shall be chaired by a ~~member of the RESNET Board of Directors. The Chairperson shall be~~ approved by the RESNET Board of Directors. Nomination of Committee members shall be made by the Chairperson. The Committee shall be composed of six (6) members, including the Chairperson. The Chairperson is a ~~not~~ non-voting member of the committee. The entire Committee, including the Chairperson, shall be inactive in the HERS industry. "Inactive" shall mean a member who has not provided services as an ~~accredited~~ Certified HERS Rater, HERS Modeler, Rating Field Inspector, or an accredited Rating Quality Assurance or Training or Software Provider since at least January 1 of the calendar year preceding their nomination to the Committee. Any Committee member who resumes providing services as an ~~accredited~~ Certified HERS Rater, HERS Modeler, Rating Field Inspector, or an accredited Rating Quality Assurance or Training or Software Provider must resign from the Ethics and Appeals Committee.

### **908909 Ethics and Compliance Complaints**

#### **908909.1 Filing of Ethics and Compliance Complaints**

~~908909.1.1~~ Ethics complaints may be filed for violation of the RESNET Code of Ethics.

~~908909.1.2~~ Compliance complaints may be filed for failures to comply with the RESNET Standards

~~908909.1.3~~ Complaint Documentation. ~~To be acted upon, a complaint~~ Complaints shall document the alleged violation(s) or compliance issue(s). The complaint shall also be specific about which section(s) of the RESNET Code of Ethics or the RESNET Standards have been violated. To be considered, the full and complete complaint and supporting documentation shall be submitted on the RESNET's online ethics or compliance complaint form posted on the RESNET ~~web site~~ website and shall contain the following information:

~~908909.1.3.1~~ The name of the complainant and contact information;

908909.1.3.2 The name of the party that is the subject of the complaint;

908909.1.3.3 A complete description of the alleged violation(s);

908909.1.3.4 A recitation of all the facts documenting the complaint; and

908909.1.3.5 Copies of all relevant documents.

## **908909.2 Investigation of Complaints**

908909.2.1 ~~RESNET has a tiered approach to investigation of complaints; RESNET makes an initial determination and all parties have the right to appeal the decision to the RESNET Ethics and Appeals Committee. Furthermore, a provider has the right to appeal any decision made by the Ethics and Appeals Committee to the RESNET Ethics Panel per section 910.2.3. Upon receipt of a complaint, RESNET~~ the RESNET Quality Assurance Director shall assign a case number and RESNET staff shall review the evidence submitted. ~~The~~ the Chair of the Ethics and Appeals Committee shall be informed by electronic mail within 10 business days. ~~RESNET staff~~ The RESNET Quality Assurance Director shall consider the documentation contained ~~documentation submitted pursuant to Section 908909.1.3 – Complaint Documentation as the means of deciding whether in making a determination to proceed with an investigation or dismiss the complaint~~ within 45 business days.

908909.2.2 In cases where ~~RESNET staff~~ the RESNET Quality Assurance Director finds the documentation submitted does not meet ~~the minimum standards for~~ adequately allege an ethics or compliance ~~complaint violation~~, the complaint ~~may~~ shall be dismissed. ~~Both parties~~ The Chair of the Ethics and Appeals Committee, the complainant, and the party that is the subject of the complaint shall be notified of the RESNET Quality Assurance Director's RESNET staff's finding by electronic mail.

908909.2.3 Upon a decision by ~~RESNET staff~~ the RESNET Quality Assurance Director that the complaint ~~should proceed to the next step~~ adequately alleges an ethics or compliance violation, ~~RESNET~~ the RESNET Quality Assurance Director shall ~~send a copy of the complaint~~ immediately (i) notify the complainant of RESNET staff's finding by electronic mail to the subject of the complaint immediately and (ii) notify the party that is the subject of the complaint by electronic mail, and (iii) notify the Rating Quality Assurance Provider and Primary QAD by electronic mail. ~~The respondent has 20 business days to submit a full and complete response to the complaint. All relevant information and documentation shall be included in the response. The response shall be in writing and sent to RESNET by electronic mail.~~ Notification shall include:

908909.2.3.1 Entire basis and justification for the complaint, including a copy of the complaint and supporting documentation;

~~908909.2.3.2 Proposed disciplinary action and any applicable corrective action and its effective date, which shall be no less than fifteen (15) business days after the notification is delivered, and no less than five (5) business days after any hearing on the complain under Section 911 – Hearing Procedures; and~~

~~908909.2.3.3 Clarification of the procedures and Respondent’s right to a hearing under Section 911 – Hearing Procedures of this chapter, including the deadline and process for submitting a written challenge to the complaint, proposed corrective action, and/or proposed disciplinary action pursuant to Section 911 – Hearing Procedures.~~

~~908909.2.4 Upon receipt of the response, RESNET shall within thirty (30) business days of receiving the complaint, take action on the complaint. The action may include, but is not limited to:~~

~~908909.2.4.1 Dismissal of complaint;~~

~~908909.2.4.2 Require that steps be taken by the subject of the complaint to correct the problem; and/or~~

~~908909.2.4.3 Specify sanctions under Section 912 (Probation, Suspension and Revocation of Accreditation) of this chapter.~~

~~908909.2.5 All parties to the complaint shall be informed by electronic mail of the RESNET's action.~~

~~908909.2.6 Actions shall be subject to appeal in accordance with Section 913 of these Standards.~~

~~908909.2.4 All complaints, responses, and supporting documentation received by RESNET shall be handled in strict confidence by RESNET staff, and the Ethics and Appeals Committee, and the RESNET Appeals Panel.~~

### **909910 Probation, Suspension, and Revocation of Accreditation of Providers**

It is the expectation of RESNET that Providers fully comply with all the requirements set forth in these Standards. Discovery of one or more areas of non-compliance via the RESNET Quality Assurance process, via reporting by a Quality Assurance Designee as part of a Provider’s Quality Assurance process, or in the course of RESNET’s research of an ethics or compliance complaint will result in RESNET and/or the Quality Assurance Designee working with a Provider to come back into compliance. However, on occasion, there may be instances where actions by a Provider are truly egregious and, as such, would be deemed to be “significant non-compliance”. This Section defines the thresholds when actions by a Provider are deemed to be significant non-compliance. In cases of significant non-compliance or violations meriting suspension or

revocation listed in Sections 909940.4 – Suspension of a Provider and 909940.5 – Revocation of a Rating Quality Assurance Provider, Training Provider, or Software Provider, all RESNET Providers, Quality Assurance Designees, HERS Raters, Rating Field Inspectors, and HERS Modelers are required to report the significant non-compliance or violation to RESNET. Any stakeholder may report significant non-compliance or a violation to RESNET. Upon receipt of a report of significant non-compliance or a violation, additional action may be taken by RESNET pursuant to this Section 910 – Probation, Suspension, and Revocation of Accreditation of Providers.

#### **909940.1 Disciplinary Actions Against A Provider**

RESNET shall comply with the following due process procedures in considering any probation, suspension or revocation actions against a Provider

#### **909940.2 Notification of Non-Compliance and Proposed Disciplinary Action**

If RESNET determines at any time that an accredited Provider failed to adhere to the requirements set forth in these Standards, RESNET shall notify by email, or other method which provides evidence of delivery, the Provider of the non-compliance and disciplinary actions under this section. Notification shall include:

909940.2.1 Entire basis and justification for the disciplinary action;

909940.2.2 Corrective Action. Any applicable corrective action required to be taken no later than twenty (20) business days after the date set forth in such notification;

909940.2.3 Proposed disciplinary action and its effective date, which shall be no less than fifteen (15) business days after the notification is delivered, no less than five (5) business days after any hearing on the proposed disciplinary action under Section 911942– Hearing Procedures, and in any event no later than any corrective action required pursuant to Section 910.2.2 – Corrective Action; and

909940.2.4 Clarification of the procedures as stipulated in this Standard and the Provider's right to a hearing under Section 911942– Hearing Procedures of this chapter, including the deadline and process for submitting a written challenge to the finding of noncompliance, proposed corrective action, and/or proposed disciplinary action pursuant to Section 911942– Hearing Procedures.

#### **909940.3 Probation of a Provider**

After satisfaction of the due process procedures set forth in Section 909940.2 and Section 911942 of this chapter, RESNET may impose one or more of the following probation actions.

909940.3.1 Administrative probation results from violations found through RESNET quality assurance monitoring or through the RESNET complaint

resolution process shall remain confidential between RESNET and the Provider. These violations may include but are not limited to:

909940.3.1.1 Failure to submit to RESNET any material information required to be submitted by the Provider, in accordance with obtaining or maintaining accreditation;

909940.3.1.2 Failure to adhere to one or more administrative and documentation/reporting provisions of the RESNET Standards.

909940.3.2 More serious compliance violations found through RESNET's Quality Assurance process, RESNET quality assurance monitoring or through the RESNET complaint resolution process shall result in disciplinary compliance probation. These violations may include but are not limited to:

909940.3.2.1 Failure to correct the terms of an administrative probation during the time period defined in the issuance of probation;

909940.3.2.2 Ethics or compliance complaint(s) investigated and validated by RESNET against a Provider;

909940.3.2.3 A Provider shall at a minimum be placed on Disciplinary Probation if they have been placed on Administrative Probation twice within twelve months.

909940.3.3 RESNET shall, at its discretion, make a final determination regarding the necessity of posting a disciplinary probation on the RESNET web site.

909940.3.4 RESNET shall determine the length of administrative or disciplinary probation resulting from violations defined in this chapter not to exceed 12 months.

#### **909940.4 Suspension of a Provider**

After satisfaction of the due process procedures set forth in Section 909940.2 Notification of Non-Compliance and Proposed Disciplinary Action and Section 909940 Hearing Procedures of this chapter, RESNET may impose one or more of the following suspension actions.

909940.4.1 A Provider may have their accreditation suspended. These violations may include, but are not limited to:

909940.4.1.1 A Provider has had more than one (1) Disciplinary Probation violation within a three-year period;

909940.4.1.2 Failure to correct the terms of a Disciplinary Probation during the time period defined in the notice of probation;

909940.4.1.3 Submission of false information to RESNET in accordance with obtaining or maintaining accreditation;

909940.4.1.4 Misrepresentation of any accreditation or certification status in marketing materials, Services offered or actually provided for which the Provider organization does not possess the appropriate RESNET accreditation or affiliated individuals do not possess the appropriate RESNET certification;

909940.4.1.5 Knowingly allowing ratings to be submitted under a primary rater without those ratings being under that primary rater's supervisory control or without allowing that primary rater to review the final product;

909940.4.1.6 Willful Misconduct by the Provider, defined as an intentional disregard of any provision of the RESNET Standards, which a Party knew or should have known if it was acting as a reasonable person, but shall not include any error of judgment or mistake made in good faith;

909940.4.1.7 Sixty (60) days or mote of delinquency of rating registration fees.

909940.4.2 A Provider shall, at a minimum, be placed on suspension if they have any Disciplinary Probation violations within twelve months of reinstatement from a suspension.

909940.4.3 A Provider shall, at a minimum, be placed on suspension if they have any violation of RESNET's Whistle Blower Protection Policy as specified in section 911 – RESNET Whistle Blower Protection Policy.

909940.4.4 RESNET shall remove the Provider from the appropriate National Registry of Accredited Providers when accreditation is suspended.

909940.4.5 RESNET shall restrict the Provider from uploading rating files into the RESNET National Registry until the Provider successfully complies with the terms of the suspension. Any rating files uploaded by the Provider after it received the notification of non-compliance shall be removed from the RESNET Building Registry until the Provider successfully complies with the terms of the suspension.

909940.4.6 RESNET shall post on its website Providers whose accreditation has been suspended. The Provider suspension listing shall be removed when the Provider successfully complies with the terms of the suspension, within five (5) business days of successfully resolving the issue.



909940.4.7 RESNET shall electronically inform known clients, HERS Raters, RFIs, HERS Modelers, other Providers, program administrators using HERS or or HERSH20 Ratings, ~~rating software providers~~ Rating Software Providers, Accredited Instructors, and any affected EEPs of a Provider's accreditation suspension. To the extent feasible, the Provider shall assist RESNET with notifications.

909940.4.8 Prior to reinstatement, the Provider shall successfully resolve to RESNET's satisfaction the issue(s) that resulted in the Provider being suspended and Inform RESNET in writing:

909940.4.8.1 That issue(s) that resulted in the Provider being suspended have been successfully resolved;

909940.4.8.2 State the steps taken to resolve the issue(s);

909940.4.8.3 State the steps that will be taken to prevent the issue(s) from occurring again in the future.

### **909.5 Right to Hearing**

An accredited Rating Quality Assurance Provider, Software Provider, or Training Provider has the right to challenge the finding of noncompliance, proposed corrective action, and/or proposed disciplinary action under this Section pursuant to the Hearing Procedures in Section 911 – Hearing Procedures.

909.5.1 The effective date of a proposed disciplinary action under this Section shall be no less than fifteen (15) business days after the notification is delivered to the Rating Quality Assurance Provider, Software Provider, or Training Provider, no less than five (5) business days after any hearing on the proposed disciplinary action under Section 911 – Hearing Procedures, and in any event no later than any corrective action required pursuant to Section 909.2.2 – Corrective Action. The Rating Quality Assurance Provider, Software Provider, or Training Provider shall be notified in writing of the result of any hearing on the proposed disciplinary action under Section 911 – Hearing Procedures prior to the effective date of the disciplinary action.

909.5.2 Failure to maintain adequate knowledge of the RESNET Standards will not be considered a defense in the hearing process.

### **909940.65 Revocation of a Rating Quality Assurance Provider or Training Provider, or Software Provider**

After satisfaction of the due process procedures set forth in Section 909940.2 – Notification of Non-Compliance and Proposed Disciplinary Action and Section 909940 – Hearing Procedures of this chapter, RESNET may impose one or more of the following revocation actions.

909940.65.1 A Provider may have their accreditation revoked. These violations may include, but are not limited to:

909940.65.1.1 A Provider has had more than one (1) suspension within a five-year period;

909940.65.1.2 Fraudulent Activity involving RESNET, including but not limited to:

909940.65.1.2.1 Falsifying inspections;

909940.65.1.2.2 Altering data from another Accredited Provider's rating submission to the RESNET National Registry without the previous provider's authorization;

909940.65.1.2.3 Falsifying data submitted to the RESNET National Registry, include building files, reports, and any other documents related to ratings for energy or water efficiency programs or codes;

909940.65.1.2.4 Registering ratings with knowledge or reasonable suspicion that inspections were not completed as required by the program;

909940.65.1.2.5 Allowing "non-certified" persons to perform inspections, testing, quality assurance, energy modeling or any aspect of ratings that are required to be complete by certified persons;

909940.65.1.2.6 Allowing HERS Raters, HERS Modelers, or RFI's to perform modeling, inspections, testing and/or ratings while on any RESNET disciplinary actions barring them from doing so;

909940.65.1.2.7 Colluding with other Provider(s) to bypass RESNET requirements;

909940.65.1.2.8 Colluding with other Provider(s) to fix pricing;

909940.65.1.3 Non-payment per RESNET's Fee Payment Policy for Providers;

910.65.1.4 Severe violation of the RESNET Code of Ethics;

909940.65.2 At the discretion of RESNET, any Provider accredited by RESNET may have their accreditation revoked in any of, but not limited to the following circumstances:

909940.65.2.1 A Provider has two (2) or more Disciplinary Probation violations after completing the terms of a suspension;

909940.65.2.2 In the event that deficiencies stipulated in a notice of suspension have not been remedied within the period set forth in such notice;

909940.65.2.3 Provider engages in any conduct that is detrimental to the reputation or the best interests of RESNET, the profession or the service.

909940.65.3 A Training Provider may have their accreditation revoked. These violations may include, but are not limited to:

909940.65.3.1 Compromising the security or integrity of any RESNET certification test. The examination and the items contained therein are the exclusive property of RESNET.

909940.65.3.2 Intentionally misrepresenting their RESNET Accreditation by training to curricula that differ from that submitted to RESNET.

909940.65.3.3 Violation of RESNET defined test-proctoring procedures.

909940.65.3.4 Intentionally misrepresenting their RESNET Accreditation by changing their rater instructor and not notifying RESNET.

909940.65.4 RESNET shall remove the Rating Quality Assurance Provider, Software Provider, or Training Provider from the appropriate National Registry of Accredited Providers, restrict the Rating Quality Assurance Provider, Software Provider, or Training Provider from access to the RESNET National Registry, and, as applicable, not allow the Training Provider to set up and/or administer RESNET's tests when accreditation is revoked until the Rating Quality Assurance Provider, Software Provider, or Training Provider successfully complies with the terms of the revocation. Any rating files uploaded by the Rating Quality Assurance Provider or Software Provider after it received the notification of noncompliance shall be removed from the appropriate RESNET Building Registry until the Rating Quality Assurance Provider or Software Provider successfully complies with the terms of the revocation.

909940.65.5 RESNET shall post on its website Rating Quality Assurance Providers, Software Providers, and Training Providers whose accreditation has been revoked. The Provider or Training Provider revocation listing shall be removed when they have successfully complied with the terms of the revocation, within five (5) business days of successfully resolving the issue.

909940.65.6 RESNET shall electronically inform the Rating Quality Assurance Provider, Software Provider, or Training Provider's known clients, Raters, RFIs, HERS Modelers, Accredited Instructors, other Providers, program administrators using HERS or HERSH20 Ratings, ~~rating software providers~~ and any affected

EEPs about the revocation of the Rating Quality Assurance Provider, Software Provider, or Training Provider's accreditation in accordance with this chapter. To the extent feasible, the Rating Quality Assurance Provider, Software Provider, or Training Provider shall assist RESNET with notifications.

909940.65.7 Prior to reinstatement, the Provider shall successfully resolve to RESNET's satisfaction the issue(s) that resulted in the Provider being suspended and inform RESNET in writing:

909940.65.7.1 That issue(s) that resulted in the Provider being suspended have been successfully resolved;

909940.65.7.2 State the steps taken to resolve the issue(s);

909940910.65.7.3 State the steps that will be taken to prevent the issue(s) from occurring again in the future.

909940.65.8 In the event a Rating Quality Assurance Provider, Software Provider, or Training Provider has its accreditation revoked due to the actions of an owner, founder, or chief executive officer of that Rating Quality Assurance Provider, Software Provider, or Training Provider (Principal), the Principal's Certified HERS Rater, RFI and/or HERS Modeler certification(s), if any, shall also be revoked for the duration of the Provider's revocation.

### **910.6 Right to Hearing**

~~An accredited Provider or Training Provider has the right to challenge the finding of noncompliance, proposed corrective action, and/or proposed disciplinary action under this Section pursuant to the Hearing Procedures in Section 912.~~

~~910.6.1 The effective date of a proposed disciplinary action under this Section shall be no less than fifteen (15) business days after the notification is delivered to the Provider or Training Provider, no less than five (5) business days after any hearing on the proposed disciplinary action under Section 912, and in any event no later than any corrective action required pursuant to Section 910.2.2. The Provider or Training Provider shall be notified in writing of the result of any hearing on the proposed disciplinary action under Section 912 prior to the effective date of the disciplinary action.~~

~~910.6.2 Failure to maintain adequate knowledge of the RESNET Standards will not be considered a defense in the hearing process.~~

### **910944 RESNET Whistle Blower Protection Policy**

910944.0.1 Provider shall not retaliate against a Quality Assurance Designee, HERS Rater, Rating Field Inspector, or HERS Modeler ~~or RFI~~ in the terms and conditions of their status with the Provider for any of the following reasons:

910944.0.1.1 Reporting to a supervisor, to RESNET or to a federal, state or local agency what the individual believes in good faith to be a violation of the RESNET Standards and/or a local, state or federal law; or

910944.0.1.2 Participation in good faith in any resulting RESNET complaint investigation or proceeding;

~~911.0.1.3 Exercising his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action against the Provider to protect the Quality Assurance Designee's, HERS Rater's or RFI's rights.~~

## **911942 Hearing Procedures**

### **911942.1 Hearing Procedures**

911942.1 The RESNET Ethics and Appeals Committee shall hold hearings for RESNET disciplinary actions and shall resolve appeals of an Application or Renewal Application that has been denied. The Chairperson of the RESNET Ethics and Appeals Committee shall preside over hearings but shall not vote on hearings or appeals.

911942.2 Within fifteen (15) business days of receipt of a complaint, other notice of proposed RESNET disciplinary actions, or appealable action by RESNET, the Respondent shall submit any challenge to the finding of non-compliance, proposed corrective action, and/or proposed disciplinary action in writing to the RESNET Ethics and Appeals Committee by electronic mail. All relevant information and documentation shall be included in the Respondent's response. Failure to respond within fifteen (15) business days shall result in a forfeiture of Respondent's hearing or appeal right under this Section 911942 – Hearing Procedures.

911942.3 If additional information is requested by Respondent prior to responding, a one-time extension of ten (10) business days may be applied in order to allow RESNET staff and/or the complainant sufficient time to respond.

911942.4 The RESNET Ethics and Appeals Committee shall set a date for a hearing no later than five (5) business days before the effective date of any proposed disciplinary or corrective action and shall notify Respondent and RESNET staff in writing of the hearing date, location, and procedures. The Committee may request in writing additional information from RESNET staff and/or Respondent. If additional information is requested by the Committee, a one-time extension of the hearing date of ten (10) business days may be applied in order to allow the Respondent and/or RESNET staff sufficient time to respond. Access to the hearing will be closed to the public and any recording of the hearing will remain confidential between the Respondent and RESNET. The Respondent will present first at the hearing, followed by RESNET staff. It is not necessary that a Respondent retain an attorney to represent its interests at the hearing, and if a Respondent elects to have an attorney appear on its behalf, the Respondent

must authorize such representation in writing submitted to the Committee at least three (3) days in advance of the hearing. Unless the Committee directs otherwise, each side is allowed one hour for argument but is not required to use all of its the allotted time. Members of the Committee may ask questions during the arguments, time for which will not be deducted from a side's allotted time.

911912.5 The RESNET Ethics and Appeals Committee shall render a decision on the complaint, other notice of proposed RESNET disciplinary action, or appealable action by RESNET by majority vote no later than five (5) business days after receipt of the Respondent's challenge. Decisions made by the Committee are final. In the event the effective date of any proposed disciplinary or corrective action shall fall before the date by which the RESNET Ethics and Appeals Committee will issue its decision, the Committee shall issue a stay of the effective date until such time as it can issue a decision.

911912.6 The Respondent, the Chair of the Ethics and Appeals Committee, the RESNET Deputy Director, and any complainant shall be notified of the Committee's decision by electronic mail.

**Definitions to Add to Appendix B:**

**IN-FIELD FIELD QA:** An unbiased evaluation of the quality of a specific rating file utilizing data collection performed by the Quality Assurance Designee in the field at the address of the specified Home Energy Rating. An In-Field Field QA may be performed at the pre-drywall or construction complete stage of construction, and may be performed with the Rater of record in attendance (Ridealong Initial Final Field QA) or independently (Blind Field QA) by the Quality Assurance Designee.

**QA Evaluation Period:** The twelve (12) month period of QA File and Field Reviews from January 1st through December 31st.

**Certification Period:** The three-year period of certification for a HERS Rater, Rating Field Inspector, or HERS Modeler.