



Standard Revision

MINHERS Addendum 37

QAD, Rating Quality Assurance Provider and Training Provider Disciplinary Actions

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Purpose:

Provide for the incorporation of Quality Assurance Designees and Rating Quality Assurance Provider disciplinary actions in Chapter Nine of the RESNET MINHERS Standards. Establish grounds for revoking the accreditation of RESNET accredited Training Providers.

Draft PDS-02 MINHERS Addendum 37

Chapter 9 -2021

RESNET STANDARDS

RESNET NATIONAL STANDARD FOR QUALITY ASSURANCE

901 General Provisions

901.1 Purpose

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

902 Definitions and Acronyms

See Appendix B.

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 ~~REVIEW OF~~ Rating Quality Assurance Provider Report Submission 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.

903.1.2.1.1 This checklist shall be provided to Rating Quality Assurance Providers by ~~January~~ October 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..

903.1.2.1.2 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 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.

~~903.1.2.2.3 903.3 Quality Assurance File Review~~ RESNET will centrally administer quality assurance review of ratings using data in the National RESNET Registry.

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 may include, but are not limited to, a representative sample of the following:

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

903.1.2.6 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 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 Clarification of the procedures as stipulated in this Standard, and include, where applicable, a Statement of the Rating Quality Assurance Provider's rights to appeal under Section 912 of this chapter.

903.1.3.1.3 Specific corrective action required to be taken no later than twenty (20) business days after the date set forth in such notification;

903.1.3.1.4 Notice of disciplinary action shall include disciplinary status.

903.1.3.2 Disciplinary Action Options

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:

903.1.3.2.1 The QA Provider being placed in the disciplinary status of probation or suspension;

903.1.3.2.2 Revocation of the Accreditation of a Rating Quality Assurance Provider.

903.1.3.2.3 Removal of the QA Provider from the RESNET Directory of accredited Providers;

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

903.1.3.3 Probation

903.1.3.3.1 Administrative probation resulting from violations defined in this chapter shall remain confidential between the Rating Quality Assurance Provider and RESNET. RESNET shall determine the length of administrative probation not to exceed 12 months.

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

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

903.1.3.4 Suspension or Revocation

903.1.3.4.1 RESNET shall determine the length of the Rating Quality Assurance Provider's suspension not to exceed 12 months based on the severity of the incident.

903.1.3.4.2 RESNET shall remove the Rating Quality Assurance Provider from the appropriate RESNET Directory when accreditation is suspended or revoked, pending the results of any appeal per Section 912.

903.1.3.4.3 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.

903.1.3.4.4 RESNET shall post on its website, pending the results of any appeal, 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.

903.1.3.4.5 RESNET shall electronically inform a Rating Quality Assurance Provider's known client(s), other accredited Providers, program administrators, rating software suppliers, Quality Assurance Designees, Home Energy Raters, 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.

903.1.3.5 Right to Challenge

An accredited Rating Quality Assurance Provider has the right to challenge the findings of a RESNET Quality Assurance review. The Appeals Procedures shall apply to the submission and consideration of a challenge to Quality Assurance findings.

903.1.3.5.1 RESNET shall respond within ten (10) business days to the written notification on whether or not the Rating Quality Assurance Provider will be reinstated to the registry or if other action will be required.

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 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 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.

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;

903.2.2.1.4 Notice of disciplinary action shall include disciplinary status, depending on the severity of the incident.

903.2.2.2 DISCIPLINARY ACTION OPTIONS.

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:

903.2.2.2.1 The QAD being placed on probation or suspension;

903.2.2.2.2 Revocation of QAD certification;

903.2.2.2.3 Removal of the QAD from the RESNET Directory of certified QADs;

903.2.2.2.4 RESNET no longer recognizing the QAD as a Home Energy 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

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.

903.2.2.3.2 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.

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

903.2.2.4 SUSPENSION OR REVOCATION

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

903.2.2.4.2 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.

903.2.2.4.3 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 within 10 business days of successfully resolving the issue; once the QAD has successfully complied with the terms of the suspension or revocation.

903.2.2.4.4 RESNET shall inform a Quality Assurance Designee's known client(s), QA Providers, Raters, 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.

903.2.2.5 RIGHT TO CHALLENGE

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.

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.

904 Responsibilities And ~~QUALITY ASSURANCE~~ 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 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 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.

904.3.2.2 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 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.

904.3.2.3 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.

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

904.3.2.4.1 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. 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%).

904.3.2.4.2 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.

904.3.2.4.3 For of 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;

904.3.2.4.4 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;

904.3.2.5 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.

904.3.2.5.1 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.

904.3.2.5.2 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.

904.3.2.5.2.1 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.

904.3.2.5.2.2 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.

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

904.3.3.1.1 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 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.

904.3.3.1.2 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 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.

904.3.3.1.3 Pre-drywall QA Field reviews. In addition to QA Field reviews on completed homes, for ratings on new homes, the Quality Assurance Designee may perform a pre-drywall QA Field review on each HERS Rater or RFI. Pre-drywall QA Field reviews can be used to meet the 1% QA Field review requirement for a HERS Rater or RFI in addition to the QA Field reviews on completed homes, and can replace 10%, but no more than 25%, of the total number of QA Field reviews (rounded up).

For example, if a HERS Rater or RFI is required to have one (1) QA Field review, one (1) review can be on a completed home and one (1) additional QA Field review can be on the same or a different home before drywall is installed. If a HERS Rater or RFI is required to have two (2) to ten (10) QA Field reviews, one (1) pre-drywall QA Field review may be performed and can count towards one, but no more than one, of the QA Field reviews. If a HERS Rater or RFI is required to have eleven (11) or more QA Field reviews, two (2) pre-drywall QA Field reviews may be performed and they can count towards two, but no more than two, of the QA Field reviews.

904.3.3.1.4 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.

904.3.3.1.5 “Remote” QA Field reviews. All HERS Raters and RFI’s must annually receive a minimum of one (1) on-site, in-person QA Field reviews on one percent (1%) of the annual the total annual of confirmed or sampled ratings or inspections 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.

904.3.3.1.6 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.

904.3.3.1.7 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.

904.3.3.2 Requirements for QA Field reviews.

904.3.3.2.1 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.

904.3.3.2.1.1 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 Chapters 3 and 8 and Appendix A of these Standards.

904.3.3.2.1.2 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 Chapters 3 and 8 and Appendix A of these Standards.

904.3.3.2.1.3 Evaluate inputs entered by the HERS Rater into the energy simulation file for the rated home to determine conformance with data from 904.3.3.2.1.1 and 904.3.3.2.1.2 as well as Chapters 3 and 8 and Appendix A of these Standards.

904.3.3.2.2 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.

904.3.3.2.2.1 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 Chapter 8 and Appendix A of these Standards.

904.3.3.2.2.2 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 Chapter 8 and Appendix A of these Standards.

904.3.3.2.3 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 Chapter 8 and Appendix A of these Standards.

904.3.3.2.4 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.

904.3.3.2.5 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.

904.3.4 Quality Assurance for Multifamily Projects

904.3.4.1 In addition to the Quality Assurance requirements specified in this Chapter, quality assurance for multifamily projects shall include, at a minimum, the following:

904.3.4.1.1 All dwelling units that are certified or qualified by the use of sampling shall be considered to be "Ratings". QA File and QA Field reviews shall be conducted on a percentage of all the dwelling units certified or qualified under sampling, rather than the percentage of tested and inspected dwelling units.

904.3.4.1.3 If units within a multifamily building have multiple space conditioning configurations such that some units have ducts and other units do not, the Quality Assurance Designee shall choose a unit with ducts for QA Field review. Additionally, if the building has some units with ducts that are within conditioned space while others have ducts that are outside of the building envelope, the Quality Assurance Designee shall choose a unit with ducts outside of the envelope for QA Field review.

904.3.4.1.4 For multifamily projects, when selected, QA Field reviews shall include a comprehensive inspection of all minimum rated features that are possible to be inspected within the selected units and within the building during the time of the QA Field review. This means that the Quality Assurance Designee shall

inspect attic insulation via a common attic access where present, mechanical rooms that house common mechanical systems that serve multiple units, common ventilation systems, common laundry etc.

904.3.4.2 If the annual rating volume of a HERS Rater is such that more than one QA Field review is required for that annual period's QA Field review quota (i.e. the HERS Rater completed more than 100 ratings during the annual period), no more than one QA Field review within a particular multifamily development shall count toward meeting the total QA Field review quota.

904.3.4.2.1 Exception. If a Rater/RFI did not perform ratings on any other single or multifamily buildings for the calendar year and the multifamily building is 100 units or less, then pre-drywall and final QA Field reviews may be performed on the multifamily building that was rated.

904.3.4.2.2 Exception. If a particular multifamily development contained more than 100 units. In such an instance, one QA Field review per every 100 units of that development shall count towards the annual QA Field review quota.

904.3.4.2.3 Exception. If the HERS Rater had one or more RFI's who worked with them throughout the annual period, the Quality Assurance Designee may select multiple units within a particular multifamily development to count towards the annual QA Field review quota for each RFI as long as those additional QA Field reviews represent work performed by each individual RFI during the annual period.

904.3.5 QA Provider Disciplinary Action for Raters and RFIs

In the case of non-compliance of a reviewed rating or misconduct of a HERS Rater or RFI, Rating Quality Assurance Providers are obligated to ~~shall enforce corrective~~ disciplinary action if corrective action outlined by the Quality Assurance Designee is not effective.

904.3.5.14 The Provider shall work jointly with QAD to initiate appropriate disciplinary action on the HERS Rater/RFI in accordance with the Provider's written HERS Rater/RFI disciplinary procedures.

904.3.5.2 If a Rater or RFI refuses disciplinary action, Rating Quality Assurance Providers are required to report any non-compliance to RESNET Registry.

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

904.4.1 Rating Quality Assurance providers 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 Raters and RFIs affiliated with the Rating Quality Assurance Provider;

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

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

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

904.4.1.3.3 Changing the Rater or RFI to “inactive” when the Rater or RFI is no longer conducting ratings;

904.4.1.3.4 If a Rater 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 Rater or RFI refused corrective action, the Provider shall place the Rater or RFI under disciplinary probation and update the Rater or RFI’s profile in the RESNET Registry to reflect the status change;

904.4.1.3.6 If a Rater 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 Rater 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

904.4.2.4.2 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 Rater and RFI, including, at a minimum, for each home reviewed:

904.4.2.4.3.1 Rater 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.

904.4.2.5 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).

904.52 QUALITY ASSURANCE BY Annual Rating Quality Assurance Provider’s Report Submission

904.52.1 Rating Quality Assurance Providers are responsible for completing an annual submission of their Quality Assurance results and professional records to RESNET. RESNET shall designate annually notify Rating Quality Assurance Providers of the date submissions are due and, the content of each submission, and the time frame for which data shall be provided is provided for the annual submissions shall be the calendar year, e.g. i.e. the twelve month period from 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.

904.4904.6 Failure Of Rating Quality Assurance Providers To Fulfill Responsibilities

SIGNIFICANT NON-COMPLIANCE BY RATING QUALITY ASSURANCE PROVIDERS.

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, thereby requiring that the Quality Assurance Designee report the significant non-compliance to RESNET and additional action by RESNET may be taken.

904.6.1 904.4.1—Significant non-compliance by Rating Quality Assurance Providers shall include, but not be limited to, the following:

~~904.4.1.1~~—~~Failure to comply with multiple individual requirements, or requirements impacting multiple HERS Raters and/or ratings, for Providers set forth in the RESNET Standards and enumerated in a RESNET Quality Assurance Checklist;~~

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;

904.6.1.2 904.4.1.2—Failure ~~of~~ by a QA Provider to comply with the RESNET Standards of Practice, Code of Ethics, or Conflict of Interest Disclosure;

904.6.1.3 904.4.1.3—Failure by a QA Provider to follow a QA Provider’s own written HERS Rater and/ RFI disciplinary procedures for known or obvious non-compliance with the RESNET Standards, Standards of Practice, Code of Ethics, or Conflict of Interest Disclosure.

~~904.4.2~~—~~Reporting of significant non-compliance to RESNET.~~

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

~~904.6.2~~904.4.2.1—Quality Assurance Designees must report all significant non-compliance by a QA Provider to RESNET when it becomes known to the Quality Assurance Designee so that RESNET may assist the Quality Assurance Designee in working with a Provider to come back into compliance.

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.

~~904.4.2.2~~—~~Failure of a Quality Assurance Designee to report significant non-compliance issues may result in actions taken by RESNET as stipulated in Section 905.2.7.~~

904.7 Types Of Probation For A Rating Quality Assurance Provider

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

904.7.1.1 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;

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

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

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

904.7.1.5 Failure to adhere to requirements for quality assurance of Raters and RFIs, per RESNET Standards;

904.7.1.6 Failure to adhere to requirements for Rater and RFI certification and recertification;

904.7.1.7 Failure to enforce disciplinary action requirements for Raters and RFIs having non-conforming QA results.

904.7.1.8 Failure to meet the requirements of RESNET programs, such as RESNET approved EEPs, for which the Rating Quality Assurance Provider submits rating files.

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

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

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

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

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

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

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

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

904.8 Suspension Of A Rating Quality Assurance Provider

904.8.1 Any accredited Rating Quality Assurance Provider may have their accreditation suspended. These violations may include, but are not limited to:

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

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

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

904.8.1.4 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;

904.8.1.5 Knowingly registering fraudulent ratings to the RESNET Registry;

904.8.1.6 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.

904.8.1.7 Violation of RESNET's Whistle Blower Protection Policy as specified in section 911.

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

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

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

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

904.9 Revocation Of Rating Quality Assurance Provider

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

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

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

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

904.9.4 Rating Quality Assurance Provider goes out of business;

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

904.9.5.1 Falsifying inspections;

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

904.9.5.3 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";

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

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

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

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

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

904.9.7 Severe violation of the Code of Ethics;

904.9.8 Upon the expiration of the notice to appeal period, failure to submit appeal documentation as stipulated in these standards, or the conclusion of the appeals process in which a Rating Quality Assurance Provider appeals are unsuccessful.

904.10 Probation/Suspension/Revocation Due Process Of A Rating Quality Assurance Provider

904.10.1 Rating Quality Assurance Providers have the right to appeal a probation, suspension or revocation action in accordance with Section 912 of this chapter.

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

904.10.3 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 Certification, Responsibilities, And Requirements For a Quality Assurance Designees (QADS)

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.

905.2.3 Professional Development For Quality Assurance Designees

905.2.1~~905.2.3.1~~ All Quality Assurance Designees annually shall:

905.2.1.1 ~~905.2.3.1.1~~ Document attendance at the RESNET Conference or 12 hours of RESNET approved CEUs; and

905.2.1.2 Attend a RESNET Roundtable; and

905.2.1.3 ~~905.2.3.1.2~~ Attend (either in-person or by reviewing the recording) all RESNET in-person or remote QAD update and training sessions. Participate in a one-day in-person (or virtual) RESNET update and training.

905.2.3.2 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 ~~905.2.4~~ General Responsibilities Of Quality Assurance Designees-

905.4.1 ~~905.2.4.1~~ Provide thorough Quality Assurance reviews to ensure that QA Providers submit accurate and current files to the RESNET Registry.

905.4.2 ~~905.2.4.x~~ Complete all QA File and QA Field reviews for a Rating Quality Assurance Provider as required by these Standards.

905.4.3 ~~905.2.4.x~~—Maintain higher knowledge of RESNET Standards to mentor RESNET Raters, RFIs, and Providers.

905.4.4 ~~905.2.4.2~~—Serve as a liaison between RESNET and Rating Quality Assurance Providers, assisting with the following:

905.4.4.1 ~~905.2.4.2.1~~ Confirm that Rating Quality Assurance Providers are informed of all changes to the RESNET ANSI and non-ANSI standards.

905.4.4.2 ~~905.2.4.2.2~~—Querying RESNET on behalf of QA Providers if interpretive questions arise about technical or administrative issues regarding ratings.

905.4.4.3 ~~905.2.4.2.3~~—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 ~~905.2.4.2.4~~—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 ~~905.2.4.3~~—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.

~~**905.2.4.4**—Complete annual submission of Quality Assurance results to RESNET in accordance with Section 904.2;~~

~~**905.2.4.6**—Maintain the Quality Assurance Data File for each rating that receives quality assurance review at a minimum containing the information required by Section 904.3. The Data Files shall be archived for a minimum of three (3) years~~

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;

905.5.4.2 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.

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

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

905.8.10.3 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, 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.

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

905.7.1.1 Failure to comply with multiple individual requirements for QADs, or requirements impacting multiple Raters, 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 a Quality Assurance Designee to comply with the RESNET Standards of Practice, Code of Ethics, or Conflict of Interest Disclosure;

905.7.1.3 Failure to follow a Provider's written Rater and RFI disciplinary procedures for known or obvious non-compliance with the RESNET Standards, Standards of Practice, Code of Ethics, or Conflict of Interest Disclosure;

905.7.1.4 Failure 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 912 of these Standards.

905.8 Types Of Probation For Quality Assurance Designee

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

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.

904.9.1.9 Violation of RESNET's Whistle Blower Protection Policy as specified in section 911.

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 912 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 912 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 Quality Assurance Requirements For Third-Party Energy Efficiency Programs

906.1 See Appendix B for definition of Third Party Energy Efficiency Program (EEP).

906.2 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.

906.2.1 Unless formally authorized by RESNET, RESNET's oversight of a Quality Assurance Designee shall only cover areas covered in these Standards and in the RESNET Home Energy Rating Standards of Practice.

906.3 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 EEP files will be inspected for quality assurance pursuant to section 904.4 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, Energysmart Contractors And Energysmart 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 shall be reviewed include the following:

907.1.3.1 The CEQ's EnergySmart Contractor Registry;

907.1.3.2 The CEQ's EnergySmart Contractor Agreements;

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

907.1.3.4 Documentation of EnergySmart 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 EnergySmart 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 EnergySmart Project files from the EnergySmart Project Manager and present them to RESNET. Failure of the EnergySmart Project Manager to provide adequate records shall result in sanctions up to and including a 60 day suspension of the EnergySmart 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 ~~Section 912~~ of these Standards.

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

~~907.1.71.1 The provisions described in 912.3;~~

~~907.1.74.22~~ Failure to ensure that the EnergySmart Contractor followed the complaint resolution process in the case of a complaint against the EnergySmart Contractor or failure to follow required disciplinary and corrective action with respect to a contractor;

~~907.1.7.32~~ RESNET shall comply with the due process and appeals procedures contained in Section 910~~4~~ of these Standards with respect to disciplinary actions against an accredited CEQ Provider.

907.2 CEQ Provider Quality Assurance of EnergySmart Contractors

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

907.2.2 Respond to complaints against EnergySmart Contractors.

907.2.3 Follow written EnergySmart Contractor Disciplinary Procedures described in the CEQ Provider's written policies and procedure for EnergySmart 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 EnergySmart Contractor from any of the following: the client, HERS Rater, other EnergySmart 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 EnergySmart 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 (resulting in over \$500 of repairs for the homeowner) and must impact the energy efficiency and/or durability 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 HERS Rater to visit the site and submit his or her report and findings.

907.3.4.4 The EnergySmart Contractor Complaint Resolution Process shall consist of the following:

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

907.3.4.4.2 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.

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

907.3.4.5 EnergySmart 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.

907.3.4.6 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 EnergySmart 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 EnergySmart 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 EnergySmart 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 Rating Quality Assurance Provider Quality Assurance Review of HERS Rater Final Verification of EnergySmart 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 HERS Rater that performs Final Verification for an EnergySmart Project, the Rating Quality Assurance Provider's Quality Assurance 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 HERS Rater 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 Rating Quality Assurance Provider's Quality Assurance Designee conducts the QA File review, they shall review at least one (1) project documentation file for each EnergySmart Contractor and EnergySmart Team. The Quality Assurance Designee shall equitably distribute the QA File reviews of each individual EnergySmart Contractor's or Team's Projects.

907.4.2.2 The Quality Assurance Designee will confirm that each EnergySmart Contractor for the project has been approved by a RESNET-approved CEQ Provider as demonstrated by listing on the RESNET EnergySmart Contractor Directory.

907.4.2.3 The Quality Assurance Designee will verify the completion of the HERS 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 nonconformance by Final Verification.

907.4.2.4 The Quality Assurance Designee will review 10% of the HERS Rater 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 HERS Rater that performs Final Verification for an EnergySmart Project the Quality Assurance Designee shall annually conduct QA Field reviews of EnergySmart 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 Quality Assurance 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 gasses, 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 Quality Assurance 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 Quality Assurance 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 EnergySmart Project using the same RESNET-approved software used by the Final Verifier.

907.4.3.4.2~~4~~ Compare the Final Verifier's final estimated energy savings against the Quality Assurance Designee's independent calculation of estimated energy savings.

907.4.3.4.3~~2~~ A Quality Assurance Designee 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.

907.4.4 Non-Compliance and Resolution

907.4.4.1 Reporting: Non-compliance of an EnergySmart 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 EnergySmart Project with respect to installed measures or estimate of projected energy savings shall result in additional action in accordance with the Rating Provider's written Disciplinary Procedures.

907.4.4.3 Record-Keeping: Rating Providers shall maintain Quality Assurance records for every EnergySmart Project that has received Documentation or On-Site QA Field 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 HERS Rater, 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.

908 Ethics aAnd Appeals Committee

The Ethics and Appeals Committee shall have the responsibility of investigating ethics and consumer complaints and hearing appeals of an Application or Renewal Application that has been denied, or if a Provider has been placed on probation, or if a Provider's accreditation has been suspended or revoked. The Committee shall report to the RESNET Executive Director.

908.1 Committee Membership.

The Ethics and Appeals Committee shall be chaired by a member of the RESNET Board of Directors. The Chair shall be approved by the RESNET Board. Nomination of Committee members shall be made by the Chairman. The Committee shall be composed of a minimum of five (5) members, but no more than seven (7) members including the chairman. The Committee shall consist of a minimum of two (2) HERS Raters and a minimum of two (2) representatives of Provider organizations.

908.2 Committee Responsibilities.

The Ethics and Appeals Committee shall have the responsibility of investigating ethics and consumer complaints and hearing appeals of an Application or Renewal Application that has been denied, or if a Provider has been placed on probation, or if a Provider's accreditation has been suspended or revoked within 30 business days.

909 Ethics aAnd Compliance Complaints

909.1 Filing of Ethics and Compliance Complaints

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

909.1.2 Compliance Complaints may be filed for failure to comply with the RESNET Standards

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

909.1.3.1 The name of the complainant and contact information;

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

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

909.1.3.4 A recitation of all the facts documenting the complaint;

909.1.3.5 Copies of all relevant documents.

909.2 Investigation of Complaints

909.2.1 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 shall assign a case number and RESNET staff shall review the evidence submitted. The Chair of the Ethics and Appeals Committee shall be informed. RESNET staff shall consider the documentation contained in 909.1.3 in making a determination to proceed or dismiss the complaint.

909.2.2 In cases where RESNET staff finds the documentation submitted does not meet the minimum standards for an ethics or compliance complaint, the complaint may be dismissed. Both parties shall be notified of RESNET staff's finding by electronic mail.

909.2.3 Upon a decision by RESNET staff that the complaint should proceed to the next step, RESNET shall send a copy of the complaint by electronic mail to the subject of the complaint immediately. 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.

909.2.4 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:

909.2.4.1 Dismissal of complaint;

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

909.2.4.3 Specify sanctions under Section 910~~2~~ (Probation, Suspension and Revocation of Accreditation) of this chapter.

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

909.2.6 Actions shall be subject to appeal in accordance with Section 912~~3~~ of these Standards.

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

910 Probation, Suspension, aAnd Revocation oOf Accreditation

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, reporting by a Quality Assurance Designee as part of the Provider's Quality Assurance process, or in the course of RESNET's research of an ethics or consumer 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 seeks to define the thresholds when actions by a Provider are deemed to be significant non-compliance, thereby requiring that another Provider or Quality Assurance Designee report the significant non-compliance to RESNET and additional action by RESNET may be taken.

910.1 Notification.

If RESNET determines at any time that an accredited Provider failed to adhere to the requirements set forth in these Standards, RESNET shall provide written notification to the Providers of any decisions under this section. All notices shall be sent by ~~certified e-mail~~, or other method which provides evidence of delivery. All notices shall include:

910.1.1 Entire basis and justification for the disciplinary action;

910.1.2 clarify Clarification of the procedures being followed, as stipulated in this Standard, and;

910.1.3 Include, where applicable, a statement of the Provider's rights to appeal under Section 9124 of this Chapter;

910.1.4 Specific corrective action required to be taken no later than twenty (20) business days after the date set forth in such notification;

910.1.5 Notice of disciplinary action shall include disciplinary status.

910.2 Types Probation For A Provider

~~If RESNET determines at any time that a Provider has failed to adhere to the accreditation requirements set forth in these Standards, RESNET shall notify the Provider of the specified deficiencies and shall require that specific corrective action, set forth in the notification, be taken within a specified time after the date set forth in such notification. A notice of probation may be appealed under Section 911 of this Chapter.~~

~~910.2.1~~ Types of probation:

~~910.2.1.1 Confidential Administrative Probation. Results from violations found through a Rating Quality Assurance Provider's QA process, RESNET quality assurance monitoring or through the RESNET complaint resolution process. RESNET shall notify the Provider of the specified deficiencies and shall require that specific corrective action, set forth in the notification, be taken not later than twenty (20) business days after the date set forth in such notification. Probations resulting from these violations shall remain confidential between RESNET and the Provider. These violations may include but are not limited to:~~

~~910.2.1.1.1 Failure to submit to RESNET any material information required to be submitted by the Provider, in accordance with obtaining or maintaining accreditation;~~

~~910.2.1.1.2 Failure by a Rating Quality Assurance Provider to make annual changes/updates to their Policies and Procedures;~~

~~910.2.1.1.3 Failure by a Rating Quality Assurance Provider to adhere to requirements for quality assurance of HERS Raters that causes a minor deficiency in the Quality Assurance of one or more HERS Raters;~~

~~910.2.1.1.4 Failure by a Rating Quality Assurance Provider to adhere to requirements for HERS Rater certification and re-certification;~~

~~910.2.1.1.5 Failure by a Rating Quality Assurance Provider to enforce corrective action requirements for HERS Raters having non-conforming Quality Assurance results;~~

~~910.2.1.2.1-6 Failure to adhere to one or more administrative and documentation/reporting provisions of the RESNET Standards.~~

910.2.1.2 Disciplinary Compliance Probation. More serious compliance violations found through RESNET's a Rating Quality Assurance Provider's Quality Assurance process, RESNET quality assurance monitoring or through the RESNET complaint resolution process. RESNET shall, at its discretion, make a final determination regarding the necessity of posting a probation resulting from these violations on the RESNET web site. These violations may include but are not limited to:

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

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

~~910.2.1.2.3 Failure by a Rating Quality Assurance Provider to follow their complaint resolution process regarding actions of the Provider or their HERS Raters;~~

~~910.2.1.2.4 Failure by a Rating Quality Assurance Provider to follow their HERS Rater/RFI Disciplinary Procedures;~~

~~910.2.1.2.5 Misrepresentation of any accreditation or certification status in marketing materials, or 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;~~

~~910.2.1.2.6 A Rating Quality Assurance Provider knowingly registering fraudulent ratings to the National RESNET Registry;~~

~~910.2.1.2.7 Willful misconduct;~~

910.2.2.3-2.8 A Provider shall at a minimum be placed on Disciplinary Probation if they have been placed on Administrative Probation twice within twelve months.

~~910.2.1.2.9 Rating Quality Assurance Providers placed on Disciplinary Compliance Probation by RESNET will be subject to a fine set by the RESNET Board of Directors.~~

910.3 Suspension of Providers

910.3.1 At the discretion of RESNET, any Provider accredited by RESNET may have their accreditation suspended in any circumstances, including but not limited to ~~of the following circumstances but are not limited to~~:

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

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

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

910.3.1.4 Misrepresentation of any accreditation or certification status in marketing materials, or 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;

910.3.1.5 ~~A Rating Quality Assurance Provider k~~Knowingly registering fraudulent ratings or information to the National RESNET Registry;

910.3.1.6 Willful misconduct, 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.;

910.3.1.7 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.

910.3.1.78 Violation of RESNET's Whistle Blower Protection Policy as specified in section 911.

910.3.2 RESNET shall notify the Provider that their accreditation has been suspended and, unless the Provider chooses to appeal, the Provider shall be removed from the appropriate National RESNET Provider Directory.

910.3.3 RESNET shall post Providers whose accreditation has been suspended. The Provider's suspension listing shall be removed when the Provider successfully complies with the terms of the suspension.

910.3.4 RESNET shall electronically inform accredited Rating Quality Assurance Providers, HERS Rating Software Providers, Rater Instructors/Assessors and HERS Raters/RFIs of a Provider's accreditation suspension.

910.3.5 Prior to reinstatement, the Provider shall successfully resolve the issue(s) that resulted in the Provider being suspended and Inform RESNET in writing as follows: :

~~910.3.5.1 Successfully resolve the issue(s) that resulted in the Provider being suspended;~~

~~910.3.5.2 Inform RESNET in writing as follows:~~

~~910.3.5.2-1 That issue(s) that resulted in the Provider being suspended have been successfully resolved;~~

~~910.3.5.2-2 Stateing the steps taken to resolve the issue(s);~~

~~910.3.5.2-3 Stateing the steps that will be taken to prevent the issue(s) from occurring again in the future; and~~

~~910.3.5.2.4 Requesting that RESNET reinstate the Provider's listing on the Directory.~~

~~910.3.5.3 Rating Quality Assurance Providers Suspended by RESNET who wish to be reinstated must pay a fine set by the RESNET Board of Directors.~~

910.4 Revocation of Providers

910.4.1 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:

910.4.1.1 A Provider has had more than ~~one-two~~ (12) Disciplinary Probation violations within a ~~twelve month~~five-year period;

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

910.4.1.3 Accredited Providers that elect not to renew or fail to meet renewal requirements;
Pursuant to any of the express provisions of sections 103.3.5, non-renewal;

910.4.1.4 Provider goes out of business;

~~910.4.1.5 Upon expiration of a Provider's right to appeal a suspension of accreditation pursuant to Section 913 of this Chapter;~~

910.4.1.56 Fraudulent; Activity involving RESNET, including but not limited to:

910.4.1.5.1 Falsifying inspections;

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

910.4.1.5.3 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";

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

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

910.4.1.5.6 Colluding with other Provider(s) to by-pass RESNET requirements;

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

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

910.4.1.7 Severe violation of the Code of Ethics;

910.4.1.8 Upon the expiration of the notice to appeal period, failure to submit appeal documentation as stipulated in these standards, or the conclusion of the appeals process in which a Provider's appeals are unsuccessful.

910.4.2 RESNET Training Providers can have their may have their accreditation revoked in any of, but not limited to the following circumstances:

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

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

910.4.2.3 Violation of RESNET defined test-proctoring procedures.

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

910.4.32 RESNET shall notify the Provider that their accreditation has been revoked and, unless the Provider chooses to appeal, the Provider shall be removed from the appropriate National RESNET Provider Directory.

910.4.43 RESNET shall post Providers whose accreditation has been revoked. The Providers revocation listing shall be removed when the Provider successfully complies with the terms of the revocation.

910.4.54 For any RESNET accredited Providers who have their accreditation revoked or suspended in accordance with this chapter, RESNET shall electronically inform accredited Rating Quality Assurance Providers, HERS Rating Software Providers, Rater Instructors/Assessors and HER Raters of a Provider's accreditation revocation within 30 business days after a decision by the committee, the Provider's known clients, Raters, RFIs, other Providers, program administrators, rating software suppliers and any affected EEPs.

910.5 Probation/Suspension/Revocation Due Process

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

910.5.1 RESNET may, at its discretion, initiate a probation, suspension or revocation action against an accredited Provider by ~~providing~~ giving the Provider written notice of the action. Such notice shall inform the subject Provider of the entire basis and justification for the action.

910.5.2 Providers have the right to appeal a probation, suspension or revocation action in accordance with Section 912 of this Chapter.

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

910.5.43 Upon the expiration of the notice to appeal period, failure to submit appeal documentation, as stipulated in Section 912, or the conclusion of the appeals process in which a Provider's appeals are unsuccessful. RESNET will remove the Provider's name and any directory listing from the RESNET website and post their probation, suspension or revocation status on the RESNET website with other Providers and HERS Raters or RFIs who are under probation, suspension or revocation, and will, at a minimum, inform EEP's of their suspended/revoked status.

911 Resnet Whistle Blower Protection Policy

~~905.2.5 11 — Resnet Whistle Blower Protection Policy~~

~~911.1 05.2.5.1~~ A ~~Rating Quality Assurance Provider~~ shall not retaliate against a Quality Assurance Designee or HERS Rater or RFI in the terms and conditions of their status with the Provider for any of the following reasons:

~~905.2.5.11.1.1~~ Reporting to a supervisor, to RESNET, or to a federal, state or local agency what the ~~Quality Assurance Designee or HERS Rater~~ individual believes in good faith to be a violation of the RESNET Standards and/or a local, state or federal law; or

~~905.2.5.11.1.2~~ Participation in good faith in any resulting investigation or proceeding;

~~905.2.5.11.1.3~~ 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, ~~or HERS Rater's,~~ or RFI's rights.

9124 Appeals Procedures

9124.1 Appeals of Provider and RESNET actions shall be made first to the RESNET Ethics and Appeals Committee, then to the RESNET Ethics Appeals Panel.

9124.2 Within five (5) business days after receipt of an appealable action, the Appellant shall notify the RESNET Executive Director of their intent to appeal. The Appellant shall then have fifteen (15) business days after the date of notice to submit appeal documentation to the RESNET Executive Director.

9124.3 Appeals shall include all relevant information and documentation and be sent in writing by electronic mail to the RESNET Executive Director.

9124.4 During the appeals process, all parties to the appeal may petition the body hearing the appeal for a stay of action on suspension or revocation upon expiration of the appeals process. A decision on the petition shall be rendered by the hearing body not later than ten (10) business days after receipt of the petition. In the event that additional information is requested, an extension of ten (10) business days may be applied in order to allow the appellant sufficient time to respond.

9124.5 Within twenty (20) business days of receiving the appeal, the Ethics and Appeals Committee shall render a decision on the appeal. In the event that additional information is requested, a one-time extension of ten (10) business days may be applied in order to allow the appellant sufficient time to respond.

9124.6 Within five (5) business days after receipt of the decision of the RESNET Ethics and Appeals Committee, the Appellant shall notify the RESNET Executive Director of their intent to appeal the decision of the RESNET Ethics and Appeals Committee to an independent hearing by a RESNET Ethics Appeal Panel. The Appellant shall then have ten (10) business days after the date of notice to submit appeal documentation to the RESNET Executive Director.

9124.6.1 A hearing shall be scheduled at a time convenient to all participants within a thirty (30) day period. At least a ten (10) business days' notice shall be provided.

9124.6.2 The Ethics Appeal Panel shall comprise three (3) voting members and one alternate who have not been directly involved in the dispute and who will not be materially or directly affected by the result of the decision made in the appeal.

9124.6.3 At least two (2) persons shall be selected by the Appellant and at least two (2) persons shall be selected by RESNET as represented by the RESNET Executive Director, the RESNET Standards Manager and a member of the RESNET Board of Directors who will not be materially or directly affected by the result of the decision made in the appeal.

9124.6.4 In cases where the Appellant does not wish to appoint any persons to the Ethics Appeal Panel, RESNET as represented by the RESNET Executive Director, the RESNET Standards Manager and a member of the RESNET Board of Directors shall appoint the members of the Ethics Appeal Panel.

9124.6.5 The four (4) members selected shall hear the appeal. One (1) of the four (4) members shall be selected randomly as the alternate by the RESNET Standards Manager by a blind drawing. In the case that one of the three (3) voting members are unable to serve, this alternate will serve as the third voting member.

9124.6.6 All decisions of the Ethics Appeal Panel shall be determined by a two thirds (2/3) majority. The Appellant shall have the burden of proof to demonstrate the fault of the RESNET Ethics and Appeals Committee decision. RESNET shall have the burden of proof to demonstrate that all actions taken were in compliance with the due process procedures of this standard.

9124.7 Within thirty (30) business days of the date of a hearing, the RESNET Ethics Appeal Panel shall render a written decision on the appeal. In the event that additional information is requested, a one-time extension of ten (10) business days may be applied in order to allow the Appellant sufficient time to respond.

912.84.6 All parties to the appeal shall be informed by electronic mail of the decision.

912.9 4.7—All appeals documentation received by RESNET shall be handled in strict confidence by RESNET staff, the Ethics and Appeals Committee, and the RESNET Ethics Appeal Panel.