

DOCKETED

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Refrigeration Service Engineers Society

Application for
California Title 24
Mechanical Non-Residential
Acceptance Test Technician Certification Provider

Overview

Refrigeration Service Engineers Society is making application to become a Mechanical Acceptance Test Technician Certification Provider (Mechanical - ATTCP) under California Energy Commission (CEC) Title 24, Part 6, Section 10 – 103.2, paragraph (c) *Qualifications and Approval of Certification Providers* of the ‘2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings.’

Organizational Structure

- Type 501(c)6 Non-Profit Trade Association
- Ownership Structure: Non-Profit Organization
- Certification: Program Provider and Administration

RSES By-Laws

REFRIGERATION SERVICE ENGINEERS SOCIETY

(Adopted November 2010)

ARTICLE I · NAME AND PURPOSES

Section 1–Name. The name of this corporation shall be the Refrigeration Service Engineers Society (hereinafter referred to as the “Society”), an Illinois not-for-profit corporation.

Section 2–Purpose. In addition to the purposes set forth in the Society’s Articles of Incorporation, as may be amended, the purposes of the Society are to further the education of its members in the operation, installation, maintenance, application, and servicing of all types of heating, ventilating, air conditioning, and refrigeration (HVAC/R) equipment.

Section 3–Offices. The Society shall have and continuously maintain in the State of Illinois a registered office and a registered agent whose office is identical with that registered office and may have such other offices, within or without the State of Illinois, as the Board of Directors may determine.

ARTICLE II · MEMBERSHIP

Section 1–Membership Qualifications. Membership may be granted to any individual, corporation or other entity that: (i) meets the criteria set forth for each category of membership in the Society; (ii) shares interest in and supports the purposes of the Society; (iii) abides by these Bylaws, the Society’s Code of Ethics, and such other policies, rules, and regulations as the Society may adopt; and (iv) meets such additional criteria for each category of membership in the Society as the Board of Directors may establish.

Section 2–Application. The Board of Directors, or its designee(s), shall adopt an application form and procedures to facilitate the consideration of applicants for membership in the Society. All applicants shall complete the application form. The application along with the designated fee, if any, shall be forwarded to the administrative office of the Society. The Board of Directors, or its designee(s), shall review all applications for membership and determine, based on the criteria set forth in these Bylaws and such other guidelines as the Board of Directors may prescribe, whether individual applicants meet the qualifications necessary for membership in the Society. All such qualified applicants shall become members upon notice from the Society and payment of dues.

Section 3–Membership Categories. The membership of the Society shall be composed of the following categories:

a. Voting Members.

- 1. Active Member.** Active membership may be granted to any individual who operates, installs, maintains, or services heating, ventilating, air conditioning, or refrigeration (HVAC/R) equipment.
- 2. Associate Member.** Associate membership may be granted to any individual who is employed in the HVAC/R industry but does not meet the criteria for Active membership.
- 3. Specialized Member (SM).** Specialized membership may be granted to any individual who: (i) is an Active Member in good standing; (ii) has passed one or more of the Society’s “Specialist Examinations”; and (iii) meets such additional criteria for Specialized membership as may be established from time to time by the Board of Directors. Specialized members must remain in good standing at all times in order to retain Specialized membership.
- 4. Certificate Member (CM).** Certificate membership may be granted to any individual who: (i) is an Active member in good standing; (ii) has passed the Society’s Certificate Membership Examination; and (iii) meets such additional criteria for Certificate membership as may be established by the Board of Directors from time to time. Certificate members must remain in good standing at all times in order to retain Certificate membership.
- 5. Certificate Member Specialist (CMS).** Certificate Member Specialist membership may be granted to any individual who: (i) is a Certificate member in good standing who has passed one or more of the Society’s Specialist Examinations; or (ii) is a Specialized Member who has passed the Society’s Certificate Member Examination; and (iii) meets such additional criteria for Certificate Member Specialist membership as may be established by the Board of Directors from time to time. Certificate Member Specialist members must remain in good standing at all times in order to retain Certificate Member Specialist membership.

- 6. Student Member.** Student membership may be granted to any student currently enrolled in: (i) an HVAC/R technology program within a regionally accredited vocational training institution; or (ii) a registered apprenticeship program.
- 7. Honorary Member.** Honorary membership may be granted by the Board of Directors to any individual or corporation, partnership, limited liability company, or other entity that (i) is not otherwise eligible for membership in the Society; and (ii) has made outstanding contributions to the HVAC/R industry.
- 8. Special Status.**

(i) Retired Status. Any voting member who has reached the age of sixty (60), has been a voting member of the Society for an aggregate total of twenty (20) years, and who is no longer employed in the HVAC/R industry may apply for Retired status.

(ii) Disabled Status. Any voting member who is unable to work due to a verified permanent disability may apply for Disabled status. All such applications must be verified by the Society, and must be accompanied by proof of eligibility.

(iii) Life Member. Life membership may be granted to any individual otherwise qualified for voting membership in the Society who (a) applies for Life membership status; and (b) remits the required fee, as determined by the Board from time to time. In order to retain their status as Life members, Life members must continue at all times to be eligible for membership in the Society and meet all requirements of their underlying membership category.

b. Nonvoting Members

- 1. Staff Member.** Staff membership may be granted by the Board of Directors to any individual who is employed by the Society.

Section 4—Rights and Duties.

- a. All Active, Associate, SM, CM, CMS, Student, and Honorary members (sometimes collectively referred to herein as “voting members”) must be members of one of the Society’s Chapters (if such exist in the general area where the member works or resides). Voting members may belong to the Chapter of their choosing.
- b. All members shall be entitled to attend the member meetings and social functions of the Society.
- c. Only voting members may vote in the Society’s elections, hold office in the Society, or serve on the Board of Directors.

- d. Notwithstanding anything set forth to the contrary herein, the voting members' right to vote is specifically limited to elections of Directors and Officers, the amendment of the Society's Articles of Incorporation, the merger or dissolution of the Society, the amendment of its Bylaws, and no other matter. Each eligible voting member shall have one (1) vote. The voting members may not vote by proxy.

Section 5–Disciplinary Action/Termination of Membership.

- a. **Grounds for Discipline.** The Society may discipline a member for any of the following reasons:
 - 1. Failure to comply with these Bylaws, the Society's Code of Ethics, or any other policies, rules or regulations of the Society;
 - 2. Conviction of a felony or a crime related to, or arising out of, their work in the HVAC/R industry or involving moral turpitude; or
 - 3. Immoral, dishonorable, or unprofessional conduct considered prejudicial to the best interests of, or inconsistent with, the purposes of the Society.
- b. **Procedures.** Discipline may include, but not be limited to, censure, suspension, probation, and expulsion. Disciplinary action may be taken provided that a statement of the charges shall have been sent by certified mail to the last recorded address of the member at least fifteen (15) days before final action is to be taken. This statement shall be accompanied by a notice of the time and place of the meeting at which the charges shall be considered, and the member shall have the opportunity to appear in person and/or to be represented by counsel and to present any defense to such charges before action is taken by the Society. Such disciplinary actions shall be conducted in accordance with procedures established by the Board of Directors.
- c. **Non-Payment of Dues.** The membership of any member who is in default of payment of dues or assessments for more than one (1) month, or otherwise becomes ineligible for membership, shall be terminated automatically, according to such rules or procedures as the Board of Directors or their designee(s) shall establish, unless such termination is delayed by the Board of Directors, or its designee(s).

Section 6–Reinstatement. Members who have resigned or been terminated for non- payment of dues or assessments may be reinstated upon: (i) payment of delinquent dues or assessments; (ii) application to the Society; and (iii) meeting such additional terms and conditions as may be established by the Board of Directors. Notwithstanding the foregoing, former Specialized, Certificate and Specialist members seeking reinstatement will not be reinstated to their former membership category. If eligible, such members will be required to retake all examinations required to obtain such previously held membership category in accordance with these Bylaws and such additional requirements as may be established by the Board of Directors from time to time.

ARTICLE III - DUES AND ASSESSMENTS

The initial and annual dues for all members of the Society, and the time for paying such dues and other assessments, if any, shall be determined by the Board of Directors.

Under special circumstances, the Board of Directors, or its designee(s), may waive or reduce the annual dues and/or assessments for any member.

ARTICLE IV - MEMBERSHIP MEETINGS

Section 1—Annual Meeting. An annual business meeting of the voting members of the Society shall be held at such time and place as shall be determined by the Board of Directors.

Section 2—Special Meetings. Special meetings of the voting members of the Society may be called at the request of the President or two-thirds (2/3) of the members of the Board of Directors, or at the written request of two-thirds (2/3) of the Society's voting members. The time and place for holding special meetings shall be determined by the Board of Directors.

Section 3—Notice. Notice of any annual or special meeting of the voting members shall state the time, date, place, and purpose of the meeting, and shall be delivered not more than sixty (60) and not less than thirty (30) days prior to the date of such meeting, unless otherwise required by applicable law.

Section 4—Quorum. The lesser of: (i) ten percent (10%) of the eligible voting members of the Society; or (ii) one hundred (100) eligible voting members of the Society shall constitute a quorum for the transaction of business at any duly called meeting of the voting members, provided that if less than a quorum is present, a majority of the voting members present may adjourn the meeting to another time without further notice.

Section 5—Manner of Acting. The act of a majority or more of the voting members present at a duly called meeting at which a quorum is present shall be the act of the members, unless the act of a greater number is required by law, the Articles of Incorporation, or these Bylaws.

Section 6—Mail/Electronic Voting. Voting by mail or electronic means shall be permitted for any item of business, including, without limitation, the election of Officers and Directors, to the full extent allowed by the Illinois General Not For Profit Corporation Act of 1986, as may be amended. A mail or electronic vote may be called by the Board of Directors.

ARTICLE V - BOARD OF DIRECTORS

Section 1—Authority and Responsibility. The affairs of the Society shall be managed by the Board of Directors which shall have supervision, control, and direction of the Society, shall determine its policies or changes therein within the limits of these Bylaws, shall actively promote its purposes, and shall have discretion in the disbursement of its funds. The Board of Directors may adopt such rules and regulations for the conduct of its business as shall be deemed advisable and may, in the execution of the powers granted, appoint such agents as it may consider necessary.

Section 2—Composition. The Board of Directors shall be composed of between seven (7) and twelve (12) members, as determined by the Board of Directors, as follows: the President, one (1) member elected from each of the Society's nine (9) Geographical Areas (as defined in Section 4—Geographical Areas) (collectively, the "Regional Directors"); and up to two (2) industry representatives nominated by the President and elected by the Board of Directors.

Section 3—Invited Participants. The Executive Vice President shall be invited to attend and participate in all regular and special meetings of the Board of Directors (except those held in executive session). The Executive Vice President will not have a vote at any meetings or sessions of the Board.

Section 4—Geographical Areas. The Society shall be divided into a maximum of nine (9) geographical areas as determined by the Board of Directors from time to time ("Geographical Area").

Section 5—Qualifications.

- a. Only individuals that have been voting members of the Society for the four (4) years preceding their nomination shall be eligible to serve on the Board of Directors.
- b. Regional Directors must have maintained membership in a Chartered Organization located within the Geographical Area that they have been elected to represent for a minimum of four (4) years.
- c. Regional Directors must previously have held elective office in one of the Society's Chapters or Affiliated Chapters for four (4) or more years preceding their nomination to the Society's Board of Directors.

Section 6—Manner of Election of Regional Directors.

- a. **Interested Candidates.** Eligible members interested in standing for election to the Board shall notify the Society by submitting a written statement expressing such interest to the Society's headquarters no later than ninety (90) days after the annual business meeting prior to the year

in which the term of the directorship in question is set to expire or otherwise become vacant. All such statements shall be submitted to the Nominating Committee for consideration.

- b. **Nominating Committee Recommended Slate.** The Nominating Committee shall recommend a slate of qualified candidates to the Board of Directors to fill each seat on the Board of Directors that is either vacant or set to expire. The Board of Directors shall approve such slate, with such changes as it deems necessary or prudent, in its sole discretion.
- c. **Publication of Slate.** Upon approval of the Board, the Nominating Committee's recommended slate shall be announced to all members.
- d. **Additional Nominations.** The voting members shall have thirty (30) days from the date the Nominating Committee's slate is announced to submit additional nominations to the Society. Such additional nominations must be supported by a written petition signed by at least ten percent (10%) of the Society's voting members residing in the Geographical Area represented by the Regional Director position that is either vacant or set to expire.
- e. **Contested Election.** If there are nominees by petition, the Board of Directors shall submit a ballot to the voting members at least ninety (90) days prior to the next annual business of voting members identifying those candidates nominated by the Nominating Committee and those nominated by petition. Such elections shall be held pursuant to such rules and procedures as may be determined by the Board from time to time. In the event there are nominees by petition in a particular Geographical Area, such Regional Directors shall be elected by the voting members that reside in the Geographical Area to be represented by such Regional Director. The results of such election shall be announced no later than the next annual business meeting of voting members following the election.
- f. **Uncontested Election.** If there are no additional nominations by petition in a Geographical Area, the Board of Directors annually shall elect such uncontested candidates on the slate, and shall announce the results of such election no later than the next Annual Meeting of voting members following the election.

Section 7—Terms.

- a. Regional Directors shall serve a two (2) year term, or until such time as their successors are duly elected, qualified, and assume their position, and may not serve more than four (4) consecutive terms. Fulfilling an unexpired term of less than one (1) year shall not be considered a full term and shall not apply toward the term limit. Directors completing four (4) consecutive terms in office shall be ineligible for nomination or election to the Board for a period of two (2) years following the completion of their last term in office. In order to stagger the terms of the Regional Directors, approximately one-half (1/2) of the Regional Directors shall stand for reelection each year.

- b. Officers shall remain on the Board of Directors for the duration of their term in office.
- c. Regional Directors shall take office and assume their duties as Directors immediately following the close of the annual business meeting of the voting members at which their election is announced and their terms shall run until the close of the second annual business meeting of the voting members following their election.

Section 8—Regular Meetings. The Board of Directors may take action to set the time, date, and place for the holding of a regular annual meeting of the Board of Directors and additional regular meetings of the Board of Directors without other notice than such action.

Section 9—Special Meetings. Special meetings of the Board of Directors may be called by, or at the request of, the President or upon a written request to the Secretary/Treasurer of five (5) members of the Board of Directors. Notice of any special meeting of the Board of Directors shall state the time, date, and place of the meeting and shall be delivered at least five (5) days prior to the date of such meeting. Attendance of a Director at any meeting shall constitute a waiver of notice of such meeting except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called and convened.

Section 10—Meeting by Conference Call. Any action to be taken at a meeting of the Board of Directors or any committee thereof may be taken through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such a meeting shall constitute presence in person at the meeting of the persons so participating. Notwithstanding anything set forth to the contrary in these Bylaws, notice of any meeting to be held by conference call (whether regular or special) may be delivered a minimum of twenty-four (24) hours prior to the meeting.

Section 11—Attendance. Attendance at Board meetings is mandatory. In the event a Director fails to attend two (2) consecutive Board meetings without receiving prior permission from the President for such absence shall automatically be deemed to have vacated his or her office and such vacancy shall be filled in accordance with these Bylaws.

Section 12—Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any duly called meeting of the Board of Directors; provided that when less than a quorum is present at said meeting, a majority of the Board of Directors members present may adjourn the meeting to another time without further notice.

Section 13—Manner of Acting. The act of a majority of Directors present at a duly called meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law, the Articles of Incorporation, or these Bylaws.

Section 14–Action by Written Consent. Any action requiring a vote of the Board of Directors may be taken without a meeting if a consent in writing, setting forth the action taken, is signed by all of the members of the Board of Directors entitled to vote with respect to the subject matter thereof.

Section 15–Resignation and Removal. Any member of the Board of Directors may resign at any time by giving written notice to the Executive Vice President. In addition, any member of the Board of Directors may be removed by a majority vote of the persons entitled to elect such Director, whenever, in their judgment, the best interests of the Society would be served by such removal.

Section 16–Vacancies. Vacancies in any Regional Director position shall be filled by the President, subject to the approval of the Board of Directors, without undue delay. A Regional Director elected pursuant to this Section shall hold their position for the remainder of the original term for which he or she was elected to fill.

ARTICLE VI - OFFICERS

Section 1–Officers. The officers of the Society shall be a President, Vice President, Secretary/Treasurer, Sergeant at Arms and Chair of the Educational and Examining Board (collectively, “Officers”). No two (2) offices may be held simultaneously by the same person.

Section 2–President. The President shall be the principal elected officer of the Society and shall, in general, supervise all of the business affairs of the Society, subject to the direction and control of the Board of Directors, by communicating with the Executive Vice President as necessary regarding the business of the Society. The President shall be a member, without vote, of all committees, except as otherwise provided by these Bylaws. The President shall, in general, perform all duties customarily incident to the office of President and such other duties as may be prescribed by the Board of Directors.

Section 3–Vice President. The Vice President shall assist the President and shall substitute for the President when required. The Vice President shall be a member, without vote, of all committees, except as otherwise provided by these Bylaws. The Vice President shall, in general, perform all duties customarily incident to the office of Vice President and such other duties as may be prescribed by the Board of Directors. The Vice President shall succeed to the office of President in the event of the death, resignation, removal, or incapacity of the President.

Section 4–Secretary/Treasurer. The Secretary/Treasurer shall be the principal accounting and financial officer of the Society and shall: have charge of and be responsible for the maintenance of adequate books of account for the Society; have charge and custody of all funds and securities of the Society, and be responsible therefore, and for the receipt and disbursement thereof; and deposit all funds and securities of the Society in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of these Bylaws. The Secretary/Treasurer also shall: keep the minutes of the meetings of the voting members and of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; be custodian of the Society’s records; keep a

register of the post office address of each member which shall be furnished to the Secretary/Treasurer by such member; and in general perform all duties incident to the office of Secretary/Treasurer and such other duties as from time to time may be assigned by the President or by the Board of Directors. The duties of the Secretary/Treasurer may be assigned by the Board of Directors in whole or in part to the Executive Vice President, or his or her designee(s).

Section 5–Sergeant at Arms. The Sergeant at Arms shall attend all meetings of the Board of Directors and Executive Committee and shall perform such duties incident to the office of Sergeant at Arms at such meetings; and perform such other duties as may be prescribed by the Board of Directors.

Section 6–Chair of the Educational and Examining Board. The Chair of the Educational and Examining Board shall be a voting member of the Executive Committee and shall have such duties as may be prescribed by the Board of Directors. The Chair of the Educational and Examining Board shall not be a member of the Board of Directors.

Section 7–Qualifications for Office. To be eligible for nomination and election as an Officer, except the chair of the Educational and Examining Board, candidates must currently serve on the Board of Directors and have completed at least one (1) term on the Board of Directors. In the event no potential candidate has served one (1) term on the Board of Directors, any other Director may be nominated and elected.

Section 8–Term.

- a. The Officers, except the Chair of the Educational and Examining Board, shall serve a one (1) year term in office, or until such time as their successors are duly elected, qualified, and take office. The Chair of the Educational and Examining Board shall serve a two (2) year term in office, or until such time as their successor is duly elected, qualified, and takes office.
- b. Officers, except the Chair of the Educational and Examining Board, may not serve more than two (2) consecutive terms in the same office. Officers serving more than one-half (1/2) of a full term shall be deemed to have served a full term in office. The Chair of the Educational and Examining Board may serve consecutive terms until such time as a successor is duly elected, qualified and takes office.

Section 9–Election.

- a. The Officers, except for the Chair of the Educational and Examining Board, shall be elected annually by the voting members at the annual business meeting of the voting members. The Chair of the Educational and Examining Board shall be elected biannually by the voting members at the annual business meeting of the voting members. Such elections shall be held pursuant to such rules and procedures as may be determined by the Board of Directors from time to time, and may be conducted by mail or electronic means prior to the annual meeting in the sole discretion of the Board of Directors.

- b. In the event that no candidate receives a majority of the votes cast, the vote shall be conducted again with only the two candidates receiving the highest number of votes eligible for election.
- c. Officers shall take office and assume the duties of their respective offices immediately following the close of the annual business meeting of the voting members at which they are elected (or during which their election is announced).

Section 10—Resignation and Removal of Officers. Any Officer may resign at anytime by giving written notice to the President or Executive Vice President. In addition, any Officer may be removed by a majority vote of the Board of Directors or by a majority vote of the persons entitled to elect such Officer, whenever, in their judgment, the best interests of the Society would be served by such removal. Such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election of an Officer or agent shall not of itself create any contract rights.

Section 11—Officer Vacancies. Vacancies in any office shall be filled by the Board of Directors at its next scheduled meeting, or at a special meeting called for that purpose, provided, however, the Vice President automatically shall succeed to the office of President in the event of the death, resignation, removal, or incapacity of the President. In the event the Vice President position is vacant at such time as there becomes a vacancy in the office of President, the Board of Directors immediately shall fill the office of President and such appointee shall hold office until the next annual business meeting of the voting members. An Officer elected pursuant to this Section shall hold office until the next annual business meeting of the voting members at which the election of Officers is in the regular order of business, or until such other date as the Board of Directors may designate.

ARTICLE VII - EXECUTIVE VICE PRESIDENT

The administrative and day-to-day operation of the Society shall be the responsibility of a salaried staff head or firm employed or appointed by, and responsible to, the Board of Directors. The salaried staff head or, in the case of a firm, chief staff officer retained by the firm shall have the title of “Executive Vice President.” The Executive Vice President shall have the authority to execute contracts on behalf of the Society and as approved by the Board of Directors. The Executive Vice President shall perform the duties normally expected of the secretary of an Illinois not-for-profit corporation, including seeing that all notices are duly given in accordance with applicable law, the Articles of Incorporation, and these Bylaws; being custodian of the corporate records; keeping minutes of the meetings of the Board of Directors; and keeping a record of the mailing address of each member of the Society. The Executive Vice President may carry out such other duties as may be specified by the Board of Directors. The Executive Vice President shall employ and may terminate the employment of members of the staff necessary to carry out the work of the Society. The Executive Vice President shall attend and participate in all meetings of the Society’s Board of Directors (except those held in executive session), annual business meetings of the voting members, and committees, except as otherwise provided by these Bylaws.

ARTICLE VIII - COMMITTEES AND TASK FORCES

Section 1–Executive Committee.

- a. **Composition.** The Executive Committee shall be comprised of the President, Vice President, Secretary/Treasurer, Sergeant at Arms, and Chair of the Educational and Examining Board. The Executive Vice President shall be invited to attend and participate in all meetings, without vote, of the Executive Committee, except those held in executive session. The President shall serve as the chair of the Executive Committee.
- b. **Authority.** The Executive Committee shall have the authority to perform the business and functions of the Society between meetings of the Board of Directors, except as otherwise set forth in these Bylaws or the Illinois General Not For Profit Corporation Act of 1986, as may be amended, reporting to the Board of Directors any action taken; but the delegation of authority to the Executive Committee shall not operate to relieve the Board of Directors or any individual Officer or member of the Board of Directors of any responsibility imposed bylaw.
- c. **Meetings and Voting.** The Executive Committee shall meet in person or by conference call upon the request of the Chair or a majority of the Executive Committee. Each member shall have one (1) vote. A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business at any duly called meeting of the Executive Committee; provided when less than a quorum is present at said meeting, a majority of the members present may adjourn the meeting without further notice. The act of a majority of the members present at a duly called meeting at which a quorum is present shall be the act of the Executive Committee.

Section 2–Other Standing Committees. The Board of Directors may establish such other standing committees as it deems necessary or prudent in the exercise of its authority and responsibility as set forth in these Bylaws.

- a. **Authority/Composition/Qualifications.** The action establishing a standing committee shall set forth the committee’s purpose, authority, and composition, and the qualifications required for membership on the committee. In the absence of any direction to the contrary in the authorizing action, the President shall appoint the Chair and members of all standing committees, subject to the approval of the Board of Directors. Any committee having the authority of the Board of Directors shall have members of the Board of Directors as a majority of its members.
- b. **Quorum and Manner of Acting.** At all meetings of any standing committee, a majority of the members shall constitute a quorum for the transaction of business unless otherwise set forth in these Bylaws or the resolution establishing such committee. A majority vote by committee members present and voting at a meeting at which a quorum is present shall be required for anyaction.

- c. **Committee Vacancies.** Except as otherwise provided herein, vacancies in the membership of a council or committee shall be filled by the President.
- d. **Policies and Procedures.** The Board of Directors shall develop and approve policies and procedures for the operation of all councils and standing committees. All councils and standing committees shall report to the Board of Directors, unless otherwise set forth in the resolution establishing such council/committee.

Section 3–Advisory/Ad Hoc Committees and Task Forces. The President or Board of Directors may appoint such advisory or ad hoc committees or task forces as are necessary or appropriate in the exercise of its authority and responsibility as set forth in these Bylaws. An ad hoc committee shall terminate two (2) years from the date of its creation, unless renewed by the Board of Directors. A task force shall terminate one (1) year from the date of its creation, unless renewed by the Board of Directors. Ad hoc committees and task forces may be established for longer periods with the approval of the Board of Directors. The action establishing such a committee or task force shall set forth the committee’s or task force’s purpose and composition.

- a. **Quorum and Manner of Acting.** At all meetings of any advisory or ad hoc committee or task force, a majority of the members thereof shall constitute a quorum for the transaction of business. A majority vote by committee or task force members present and voting at a meeting at which a quorum is present shall be required for any action.
- b. **Committee and Task Force Vacancies.** Except as otherwise provided herein, vacancies in the membership of a committee or task force shall be filled by appointments made in the same manner as the original appointments to that committee or task force.
- c. **Policies and Procedures.** The Board of Directors shall develop and approve general policies and procedures for the operating of all committees and task forces. All committees and task forces shall report to the entity creating the committee or task force.

ARTICLE IX - CHAPTERS AND ASSOCIATIONS

Section 1–Chapters. Voting members of the Society who are employed or reside within a particular geographical region may be organized as a Chapter of the Society (each of which is referred to as a “Chapter”). The Board of Directors may authorize the establishment of Chapters which shall: (i) be organized and operated in accordance with these Bylaws, and such additional rules and policies as may be adopted by the Board of Directors from time to time; (ii) fulfill criteria for affiliation as may be established by the Board of Directors from time to time; (iii) enter into Chapter agreements with the Society; and (iv) be issued a charter. All voting members of a Chapter must be members of the Society.

- a. **Application for Recognition as a Chapter.** The Board of Directors, or its designee(s), shall adopt an application form and procedures to facilitate the consideration of applicants seeking to be organized as a Chapter of the Society. All applicants must complete the application form and submit the application, along with the designated fee, if any, to the administrative office of the Society. The Board of Directors, or its designee(s), shall review the application of all applicants and determine, based on the criteria set forth in these Bylaws and such other requirements and guidelines as the Board of Directors may prescribe, if applicants meet the qualifications necessary for recognition as a Chapter.
- b. **Revocation.** Charters for the operation of Chapters may be revoked by the Board of Directors at any time and in such manner and after such investigation as the Board of Directors may deem necessary. Upon revocation of a Chapter's charter, the Chapter immediately shall remit all of its funds and records to the Society's Executive Vice President.
- c. **Name.** No Chapter shall use the name of the Society in any manner whatsoever unless duly authorized to do so by the Society pursuant to the terms of a written agreement.
- d. **Organization.** Each Chapter shall have a Board of Directors, Officers and Bylaws in such form as shall be approved by the Society's Board of Directors. Chapters must maintain voting membership categories and criteria that are identical to the Society's (with the exception of Life membership). Changes to a Chapter's Bylaws must receive the prior written approval of the Board of Directors.
- e. **Meetings.** Each Chapter may hold such meetings as it deems appropriate, provided, however, it must hold at least one (1) meeting every year.
- f. **Choice of Chapter.** Voting members must maintain an active membership in one of the Society's Chapters (if such exist where the member is employed or resides). Members may belong to only one Chapter, and may join the Chapter of their choice (no matter where located).
- g. **Transfers.** A member of a Chapter may transfer to another Chapter by written request addressed to the Society. The Society shall affect the transfer and promptly shall notify the affected Chapters. Full membership privileges shall be granted to the transferring member in the new Chapter, and the new Chapter shall give the transferring member a credit for the full amount of any dues paid to the previous Chapter to be applied towards dues in the new Chapter.

Section 2—Associations. Chapters located within a particular geographical region may organize state, regional and/or sectional affiliations (each of which is referred to as an "Association"). The name, boundaries, and eligibility requirements for Associations shall be determined by the Society's Board of Directors. All Associations shall: (i) be organized and operated in accordance with these Bylaws, and such additional rules and policies as may be adopted by the Board of Directors from time to time; (ii) fulfill criteria for affiliation as may be established by the Board of Directors from time to time; (iii) enter into an agreement with the Society; and (iv) be issued a charter.

- a. **Application for Recognition as an Association.** The Board of Directors, or its designee(s), shall adopt an application form and procedures to facilitate the consideration of Chapters seeking to organize an Association. All applicants must complete the application form and submit the application, along with the designated fee, if any, to the administrative office of the Society. The Board of Directors, or its designee(s), shall review the application of all applicants and determine, based on the criteria set forth in these Bylaws and such other requirements and guidelines as the Board of Directors may prescribe from time to time, if applicants meet the qualifications necessary for recognition as an Association.
- b. **Name.** No Association or other entity shall use the name of the Society in any manner whatsoever unless duly authorized to do so by the Society pursuant to the terms of a written agreement.
- c. **Organization.** Each Association shall have a Board of Directors, Officers and Bylaws in such form as shall be approved by the Society's Board of Directors. Only Chapters may be voting members of an Association. Changes to an Association's Bylaws must receive the prior written approval of the Board of Directors.
- d. **Meetings.** Each Association may hold such meetings as it deems appropriate, provided, however, it must hold at least one (1) meeting every year.
- e. **Revocation.** Charters for the operation of Associations may be revoked by the Board of Directors at any time and in such manner and after such investigation as the Board of Directors may deem necessary. The Chapters responsible for organizing an Association shall have the right to request that the Board of Directors revoke the charter of any Association created by such Chapters. Upon revocation of an Association's charter, the Association immediately shall remit all of its funds and records to the Society.

ARTICLE X - ELECTRONIC MEETINGS

Any action to be taken at a Board of Directors, voting member, or committee meeting may be taken through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other simultaneously. Participation in such a meeting shall constitute presence in person at the meeting of the persons so participating. Notwithstanding anything set forth to the contrary in these Bylaws, notice of an electronic meeting must be delivered at least twenty-four (24) hours prior to the meeting.

ARTICLE XI - USE OF ELECTRONIC COMMUNICATION

Unless otherwise prohibited by law: (i) any action to be taken or notice delivered under these Bylaws may be taken or transmitted by fax, electronic mail or other electronic means; and (ii) any action or approval required to be written or in writing may be transmitted or received by fax, electronic mail or other electronic means.

ARTICLE XII - FINANCE

Section 1—Contracts. The Board of Directors may authorize any Officer or Officers, agent or agents of the Society, in addition to the Officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Society, and such authority may be general or confined to specific instances.

Section 2—Payment of Indebtedness. All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Society shall be signed by such Officer or Officers, agent or agents of the Society and in such manner as shall be determined by action of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Secretary/Treasurer and countersigned by the Executive Vice President.

Section 3—Deposits. All funds of the Society shall be deposited to the credit of the Society in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 4—Bonding. The Board of Directors may provide for the bonding of such Officers and employees of the Society as it may determine is necessary and/or appropriate.

Section 5—Gifts. The Board of Directors may accept on behalf of the Society any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Society.

Section 6—Books and Records. The Society shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the Board of Directors, and any committees having the authority of the Board of Directors.

Section 7—Annual Audit. The Board of Directors shall provide for an annual audit of the financial records of the Society by a certified public accountant. A report of the financial condition of the Society shall be made to the membership of the Society annually.

Section 8—Fiscal Year. The fiscal year of the Society shall be determined by the Board of Directors.

ARTICLE XIII - INDEMNIFICATION

The Society shall indemnify all past and present Officers, Directors, employees, committees, members, and all other volunteers of the Society to the full extent permitted by the Illinois General Not For Profit Corporation Act of 1986, as may be amended, and shall be entitled to purchase insurance for such indemnification of Officers and Directors to the full extent as determined by the Board of Directors.

ARTICLE XIV - WAIVER OF NOTICE

Whenever notice is required to be given under applicable law, the Articles of Incorporation or these Bylaws, waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XV - AMENDMENTS

These Bylaws may be amended, altered or repealed, and new Bylaws may be adopted by a majority vote of the voting members present at a meeting at which a quorum is present, provided, however, that any such amendment, alteration or repeal has been: (i) first approved by the Board of Directors; and (ii) been made available to the voting members by mail, electronic mail, or by publishing such amendment, alteration or repeal on the Society's website, or in the print or online version of the *RSES Journal* (or its contemporary equivalent) at least thirty (30) and not more than sixty (60) days prior to the date by which the same is to be considered by the voting members.

ARTICLE XVI - DISSOLUTION

In the event of the dissolution of the Society, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Society, dispose of all of the remaining assets of the Society (except any assets held by the Society upon condition requiring return, transfer or other conveyance in the event of dissolution, which assets shall be returned, transferred or conveyed in accordance with such requirements) exclusively for the purposes of the Society in such manner, or to such organization or organizations as shall at the time qualify as a tax-exempt organization or organizations recognized under Sections 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended (the "Code") or the corresponding provisions of any future United States Internal Revenue statute, as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the court of general jurisdiction of the county in which the principal office of the Society is then located, exclusively for such purposes in such manner, or to such organization or organizations that are organized and operated exclusively for such purposes, as said court shall determine.

CEC T24 Oversight and Accountability Program

RSES Title 24 Oversight and Accountability Committee

RSES International Office

Address: 1911 Rohlwing Road, Suite A
Rolling Meadows, IL 60008-1397

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URL: www.rses.org

Committee Liaison:

Arthur T. Miller, CMS, RCT

RSES Region 2 Director

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Committee Chairman:

Roger M. Hensley, CMS, RCT

Educational and Examining Board Chairman

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Committee Coordinator:

Lori Schiavo

Executive Vice President

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Introduction

RSES's Title 24 Oversight and Accountability Program (T24 O&A) will include independent oversight and accountability measures such as independent oversight of the certification processes and procedures, computer generated reports for each certified employer and technician, auditor visits to sites where certified technicians are completing acceptance tests (when required), certification process evaluations, building department surveys to determine acceptance testing effectiveness, and expert review of the training curricula developed for the Building Energy Efficiency Standards (BEES), Section 120.5.

The online Non-Residential Mechanical Data Registry program will provide all those with login rights (mechanical contractors, mechanical engineers, architects, technicians, building departments), procedures for submitting complaints regarding the performance of any certified employer (ATE) or mechanical certified acceptance test technician (ATT).

Technicians shall not perform acceptance tests nor submit forms for which they are not certified.

RSES requires:

1. All Employers and Technicians to use exclusively the Mechanical Registry for completing and submitting Mechanical Acceptance Test Forms.
2. All Technicians carry a photo ID and their wallet-sized Certification card when performing acceptance testing.
3. Each Certification card will have a unique ID number.

Costs and Funding

Costs for T24 O&A are offset by a fee added to each form and processed through the Registry. All Certified Employers are required to use the RSES Approved Registry at: <http://www.esdocreg.com>.

Technician Certification

RSES will institute a separate certification for each Non-Residential Certificate of Acceptance-Mechanical Cooling Heating form, hereafter abbreviated as: NRCA-MCH. RSES has determined that the cost of training and certifying a technician in all eighteen acceptance testing protocols is expensive and would most likely result in the exclusion of the small HVACR contractor. The majority of contractors within the state may be classified as 'Small.' Light, or small, commercial work is generally completed by contractors who do not possess the experience or knowledge working with hydronics, chillers, thermal storage or building and energy management systems.

Prequalification Criteria: Technician participation in the technician certification program will be limited to individuals who have at least three years of verifiable professional experience and expertise in mechanical controls and systems of the specific acceptance test as determined by RSES.

Additionally, all applicants must pass a written prequalification exam. Individual prequalification exams have been created to verify the applicant's knowledge as it pertains to each form.

Exception: NRCA-MCH-02-A requires two written prequalification exams.

Exam 1 contains questions related to CAV systems.

Exam 2 contains questions related to VAV systems.

Reason: Most small contractors and their technicians work on light commercial and residential systems and most likely have never designed, installed or serviced VAV systems. In order to include the light commercial contractors and their technicians within the certification program, RSES will require that:

Technicians who have passed Exam 1, CAV systems exam, will only be certified in CAV Outdoor Air Acceptance Testing and therefore will not be certified in form NRCA-MCH-02-A VAV, which concerns VAV systems.

Technicians who have passed Exam 2, VAV systems exam, will only be certified in VAV Outdoor Air Acceptance Testing and therefore will not be certified in form NRCA-MCH-02-A CAV, which concerns CAV systems.

Note: If any technician wishes to be certified in both VAV and CAV, they would have to take both Exam 1 and 2.

Curricula: Eighteen separate training programs have been developed. Two programs address NRCA-MCH-02-A and sixteen address each of the remaining forms.

Instructor to Trainee Ratio

Online webinar training would be a one-on-one ratio so the Instructor would be able to focus completely on that one participant.

Online eLearning training would involve only the individual and additional training support would be available to the online eLearner.

Classroom training would be no greater than a 1 to 12 ratio. The class would be small and all participants would have an opportunity to have the Instructors attention. Many times in the classroom, the ratio is much greater than 1 to 12 and this is not very good for the participants. The hands-on training would be no greater than a 1 to 2 ratio for the benefit of the participants.

Certification Exams: Technicians who are seeking certification must pass the Prequalification Exam, a Post Training Exam, and a Performance (hands-on) exam.

The Post Training Exam has been designed to determine whether the applicant for certification possesses all of the knowledge relevant to the specific discipline and protocols contained within the acceptance form related to the certification. The exam will be a Professionally Administered, closed book secure online format.

The Performance exam is designed so that the technician can demonstrate their ability to understand and proficiently and reliably perform the Mechanical Acceptance Test for which they have been training for. The performance exam will be conducted in a manner that replicates field acceptance testing conditions and shall be conducted by an RSES Appointed Examiner.

Certification Identification Numbers and Cards

All RSES certified individuals will be issued a Certification Identification Number that will be assigned by the Registry. All Certified Technicians will receive a wallet size certification card. Also note that technicians are required to have their certification card on their person when performing acceptance testing.

Verification of Acceptance Test Technicians (ATT)

Certified technicians and employers, and their certification status, will be available through RSES via the Registry website.

Employer Certification

Training for Mechanical Acceptance Test Employers will involve attending a class or webinar, with a minimum of four hours of instruction that covers the scope and process of the acceptance tests in Building Efficiency Standards, Section 120.5. In advance of the class or webinar, applicants are required to read a summary of the code sections related to the specific forms in which they are seeking certification.

The class/webinar/online training will review the acceptance forms, their purpose, when and under what circumstances they are applicable, and the specific sections of the code related to each acceptance form, as well as the employer's administrative responsibility.

Employer Certification Exam: The exam is a written exam based on the ‘Training Program’ for the employer.

Recertification

RSES will require recertification of all affected technicians and employers when updates in the California Building Energy Efficiency Standards occur. Training and testing will be limited to the new and/or modifications of the California Building Energy Efficiency Standards updates.

To insure technicians remain current on their certifications, RSES will require recertification of technicians who have not performed a specific acceptance test in 24 months. The recertification may be limited to a performance test.

Likewise, RSES may require certified employers to recertify if changes in either Codes or Standards modify the employer’s administrative responsibilities. This recertification may require one or all of the following:

- a signed statement that they have read and understand the new or modified changes.
- that the employers attend a class or webinar.
- pass a written exam.

Audit and Complaint Process

Refrigeration Service Engineers Society

Amendment of 2016 Quality Control Process

Major Changes:

1. The 2013 process focused on the Acceptance Test Technician (ATT) whereby an onsite audit of 1% of all acceptance tests conducted by the ATT would be performed. Prior notification of an onsite audit was provided to the ATT.
2. The 2016 process focuses on the Acceptance Test Employer (ATE) whereby the performance of an onsite audit of 1% of each ATE’s projects per calendar year, is required. Onsite audits will be conducted on a random basis without prior notification to the ATE or ATT.
3. RSES has contracted the ESCO Group to provide third party independent onsite audits.

RSES Quality Control Process:

Audit Frequency and Triggers

Paper Audit of Acceptance Test Employer (ATE)

Required: 1% of ATE's Acceptance Test forms completed per calendar year.

The Non-Residential Mechanical Document Registry (escodocreg.com) uses "Trip Wires" and certain algorithms within each form to analyze every form for anomalies. The Registry notifies RSES, of those forms that have been earmarked as anomalous so that they may be reviewed. This process reviews 100% of the completed forms exceeding the 1% review requirement.

Complaint Generated Audit of an ATE's Project

A complaint must be initiated by a party with standing. e.g. the project's property owner, commissioning agent, installing contractor, etc. RSES, upon investigation, may choose to order a partial or complete onsite audit of the project in question.

Complaints

The extent of complaints is limited to actions related to the knowledge or technical performance of the non-residential mechanical certified acceptance test technician(s) or certified employer(s).

Recognition of receipt of a reviewable complaint will be sent to the claimant within fourteen days. Recognition that a complaint is not within the scope of the T24 O&A will be sent to the claimant within fourteen days.

PHASES

Phase 1. Complaint Phase

- a. **Sources of Complaint:** A project's owner, his representative, general contractor, mechanical contractor, engineer, or a representative of the Permit Issuing Authority (PIA) may initiate a complaint. Any other claimant will be considered outside the scope of RSES's Oversight and Accountability Program.
- b. **Procedures:** A complaint is commenced by completing the complaint form on the Registry to RSES. The Registry will forward a copy of the complaint to the RSES Committee Liaison, Committee Chairman and the RSES International Office. Members of the RSES leadership committee will review the complaint.
- c. **Requirements for a Valid Complaint:** Limitations for complaints will only be those which are from forms only. No contractual issues will be reviewed.
- d. **Format for Complaint:** Complete a complaint form found on the Registry: www.escodocreg.com.

This form will include:

Claimant's: Name, Title, Company, Mailing Address, Contact Information, and a description of the Claimant's Role in Project.

Project: Project Registry Number, Project Name, Street Address, City, State, ZIP Code, Contact Name, Contact Title, Company, Contact Information, and a description of Project.

Certified Employer: Company, Certified Employer Number, Contact Name, Title, Mailing Address, Contact Information and Description of Certified Employer's role in the Project.

Certified Mechanical Acceptance Technician: Certified Technician Number, Name, Title, Mailing Address, Contact Information and Description of Certified Technician's role in the Project.

Complaint Detail: Summary of Complaint, Details, Evidence of Complaint (including PDF, DOC, and JPG file), Requested Resolution.

Electronic: Signature and Date.

- e. **Complaint Filing Process:** Once complaint is received, RSES will conduct an investigation of the complaint. A decision will be made relative to any necessary action: no action, corrections for additional training or decertification. Upon determination that either action or no action is decided upon, all parties will be notified as to the disposition of the complaint, preferably in a timely manner.

Phase 2. Examiner Stage

- a. **Appointment of Examiner:** RSES will select a qualified, third party professional within fourteen working days to examine, evaluate and address all issues within the initial complaint.
- b. **Examiner process and timeline:** RSES's selected reviewer will contact the certified acceptance test technician, employer and the person who initiated the complaint within fourteen working days of receiving the complaint.

During an initial review the RSES selected reviewer may: review applicable plans and specifications, review job specific procedures and submittals, review applicable reports and field conditions, review the accuracy of field data, attempt to mediate a solution with the appropriate parties, take further action as deemed appropriate.

- c. **Report Format:** At the conclusion of the initial examination, the selected reviewer will issue a written report to the RSES O&A Committee based on the communications and mediation attempts with all parties related to the complaint.
- d. **Sources of Data Collection:** The Registry is the primary source of Data Collection.
- e. **Authority to Act:** All parties involved in the examination relative to the complaint must cooperate with the Examiner. Failure to cooperate with an Examiner will result in immediate suspension or revocation of their certificate.
- f. **Confidentiality agreement:** The Examiner must sign a Confidentiality Agreement with RSES.

Phase 3. Assessment:

- a. **Extent of client impact:** The Examiner's report must determine whether the employer, its agent(s) and/or the technician's adequately and properly performed the required acceptance test(s), and completed the paperwork as required under T24, or detail those areas of the test(s) and/or paperwork that was not adequately and properly performed and/or completed.

If the Examiner's report validates the complaint, the Examiner will then include in the report the extent of the impact on the client.

- b. **Training Issue:** The report shall be delivered by the Examiner to the RSES T24 O&A Committee, whose duties shall include determining from the Examiner's report, what, if any, action is required.

The RSES T24 O&A Committee reserves the right, based on the Examiner's report, to either require no corrective action, or corrective action. The corrective action may include the decertification of the Certified Employer and/or the Certified Technician. The corrective action may also require additional training and/or recertification of the Certified Technician.

- c. **Intentional non-compliance:** In a case of intentional non-compliance RSES will suspend the Employer or the Technician, or both, and require them to go through re-training with possible subsequent Probation.
- d. **Corrective Actions:** If RSES determines that corrective action is required, RSES will perform one or more of the following actions to resolve the issue:

Prepare a scope of work document that outlines the corrective action that is necessary.

Review the required corrective action with the original certified employer, provided the original certified employer agrees to perform the work. Said certified employer will pay all costs for re-review and re-verification of the performed work. If payment is not made, then

the certified employer shall be de-certified, as well as suspend the certificates of all technicians in its employ. If the certified employer does not comply with a determination requiring corrective action, RSES shall decertify the certified employer and suspend the certificates of all technicians in its employ.

The RSES Registry administrator maintains the status of certified employers and technicians, e.g.: active, suspended, or revoked. The Registry shall immediately be notified of any change in the status of an employer or technician.

Employers and technicians may appeal a de-certification and present additional information and evidence in support of reversal of de-certification.

Decertification or Suspension: The RSES T24 O&A Committee, upon review of the Examiner's report, may select to decertify or suspend an employer and/or technician.

- e. **Notice of Determination:** A copy of the written determination, of either Corrective Action or Decertification, shall be sent to all parties including the certified technician and employer, the California Energy Commission and RSES.

Phase 4. Appeal Phase

- a. **Decertified and/or Suspended employers and/or technicians:** Employers or technicians may request to appeal their certificate status. All appeals must be submitted in writing within 60 days of decertification or suspension.
- b. **Review/Appeal Process:** If the non-residential mechanical acceptance test technician or employer disagrees with RSES's decision to decertify or suspend their certificate, the non-residential mechanical acceptance test technician and/or employer may appeal the decision and present information and evidence heretofore not considered, for consideration by the RSES T24 O&A Committee.

Phase 5. Discernment Phase

- a. **Examiner formulates resolution:** The Examiner formulates a resolution which is binding on all parties.
- b. **Review/appeal process:** Decertified or suspended Employers and Technicians may request to appeal their certificate status.

All appeals must be submitted in writing within 90 days of decertification or suspension.

If the Technician or Employer disagrees with RSES's decision to decertify or suspend their certificate, the Technician or Employer may appeal the decision and present information and evidence heretofore not considered, for consideration by the RSES Title 24 Oversight and Accountability Committee.

- c. **Acceptance of loss of certification:** If the certificate holder does not comply with the determination, the consequence is an immediate loss of certification.

Phase 6. Determination Phase

- a. **Examiner determination:** A copy of Notification of Determination, either Corrective Action or Decertification, shall be sent to all parties including the certified technician and employer, the California Energy Commission and RSES.
- b. **Failure to comply with determination:** If the individual that is certified fails to comply with the Mediator's Determination, they will be notified of the non-compliance in writing.
- c. **Follow up:** If a certificate holder's certificate has been suspended for a certain period, upon completion of the suspension and reactivation, in addition to the annual performance review, additional review and auditing will be conducted.

A reinstatement fee, as well as additional review fees may be imposed upon the reinstated certificate holder.

- d. **Reporting the status of determination:** RSES will report to the complainant and CEC, with copies to the Certificate holders, the resolution of the complaint.

Complaint Program Limitation

RSES will not intervene if the complaint is filed with RSES later than three (3) months from the date of acceptance testing completion.

Annual Audit

RSES shall use ESCO for the auditing process. Therefore, there is an agreement between RSES and ESCO in order for ESCO to provide this function of Title 24.

Onsite Audit of ATE

Required: 1% of each ATE's Projects per calendar year

General Overview

RSES has contracted the ESCO Group to provide, independent third party, onsite audit services. ESCO Group will perform onsite audits of no less than 1% of each Acceptance Test Employer's (ATE) calendar year projects. Whenever feasible, onsite audits will be performed across multiple projects at various building-sites and include multiple Acceptance Test Technicians (ATT) employed by the ATE.

Onsite audits shall be performed on or before each ATE's 50th project within a calendar year.*

*Some ATEs, due to the infrequency of their projects, may require audits after as few as 10 projects. ATEs performing less than 10 projects per calendar year may not have an onsite audit until the following calendar year.

The Independent Quality Assurance Provider (IQAP) shall submit a report to the CEC no later than January 31, of each year. The report shall contain a list of ATEs that did not receive an onsite audit during the previous calendar year. The IQAP will make a good faith effort to audit all ATEs listed in the annual unaudited ATE report on a priority basis (as early in the calendar year as possible).

ESCO Group performs onsite audits utilizing the “job shadow” method conducted by trained and credentialed Quality Assurance Inspectors (QAI).

RSES will record and make available to the California Energy Commission (CEC) all remedial actions resulting from an audit. This record will include but shall not be limited to remediation and/or discipline actions such as: retraining, suspension, or revocation of an ATE’s or ATT’s certification.

General Responsibilities

Responsible Person Requirements

A Responsible Person must initiate the acceptance testing job opportunity in the Non-Residential Mechanical Document Registry at www.escodocreg.com. The Responsible Person may then put the job out to bid generally or select and assign an ATE of their choice. Once the ATE is accepted by the Responsible Person, it is the ATE’s responsibility to insure that the ATT completes all necessary inputs for the acceptance testing job.

ATT Requirements

During an audit, all ATT’s certified by RSES must provide documentation of their test instruments calibration to any QAI upon request. Therefore, it is a requirement of certification that all ATTs have such documents available, at the jobsite, while performing Acceptance Tests.

ATE Requirements

All ATEs certified by RSES are required to register and maintain their projects in the online Non-Residential Mechanical Document Registry at www.escodocreg.com .

All ATEs are required to provide to their Independent Quality Assurance Provider (IQAP) a list of Acceptance Testing Projects (jobs) a **minimum** of 2 weeks in advance of the scheduled Acceptance Test and notify the IQAP of all date changes. This is will be accomplished via the Non-Residential Mechanical Document Registry.

1. General Onsite Audit Procedural Outline

Acceptance forms are procured by the ATE through the Document Registry by use of a valid ATT identification code and the entry of an expected date the acceptance test(s) is to be performed.

At the time of procurement from the Document Registry, the use of each compliance document requires the assignment of an ATT and the date that the acceptance test will be performed. The ATT cannot be assigned to an acceptance form without also assigning the date the test is to be performed. In case of a schedule and / or ATT change, the date must be changed by the ATE.

RSES has access to the audit schedule report, which is filtered by date range. The report includes (by ATE, by ATT) the Project name, forms, and quantity of each form scheduled within the specified date range.

The expected date of the acceptance test must be no less than two weeks from the date of the procurement of the compliance document from the Document Registry and can be updated at any point by the ATE as needed. The ATE must also confirm (or extend, if necessary) the expected date of the acceptance test no less than 24 hours prior to the expected date (this is a simple check box on the Document Registry system). The Document Registry will send an automated alert to the ATE of all acceptance test dates that require 24-hour confirmation at least two days prior to the expected date, as well as, an alert for any acceptance test dates that have not been confirmed on the day of the expected date.

2. The IQAP shall assign and schedule a QA Inspector (QAI) to perform an audit of an ATE's project (jobsite).

A list of ATTs assigned to the project will be provided via the Document Registry. The QAI will attempt to monitor and audit as many of the ATTs as practical. The QAI may audit as little as a single form per ATT. Multiple QAIs may be assigned to a given project.

Neither the ATE or ATT shall be notified of any pending audit. The audit process is intended to be random and without notice.

- a. The IQAP will select at random a list of projects for the QAI to inspect. The IQAP will take into consideration the estimated time for a QAI to observe at least one acceptance test at each jobsite and the distance traveled between project sites to the best of their abilities. The IQAP will select project sites from a list of available jobsites provided by ESCO Group in general compliance with the following criteria:
 - i. Onsite audits will be performed on or before each ATE's 50th project within a calendar year.
 - ii. In the event that an ATE works on less than 50 projects within a single year, the project count will be added to the following year.
- b. Prior to beginning an audit, the QAI will present their credentials to the ATT and the project site control authority.

- c. The ATT shall provide valid proof of identity such as a driver's license or other Government issued picture ID, as well as documentation of test instrument calibration to the QAI. Calibration certificates must be dated less than one year prior to using the test instrument in completing an acceptance test.
 - d. The QAI shall conduct the audit and submit their completed audit forms and notes to the IQAP.
 - e. The IQAP shall enter all completed audit forms and notes into the Document Registry.
 - f. Upon completion of an audit day, the QAI will enter the completed audit forms, along with all recommendations relative to any suggested additional training into the Registry. The report may include suggested remediation and / or commendations for excellence or indicate that the ATT could not complete a specific Acceptance Test.
 - g. The IQAP will determine if each audit performed is a pass, a pass with minor infraction, or a fail. The IQAP may rely on the recommendations of the QAI.
 - h. The IQAP shall notify by email: RSES, the ATE, and the ATT of the audit results.
3. Based on the audit results, RSES shall notify the ATE, and the ATT by email of what, if any, remedial actions are required.
- a. RSES will take the following actions upon receipt of a quality assurance report from the IQAP.
 - i. Minor infraction: warning issued (ATE and ATT)
 - ii. First Failure: targeted retraining and retesting (ATE or ATT)
 - iii. Second Failure: decertification (ATE or ATT) with the option to restore certification with the successful completion of the full training and testing requirements.
 - b. RSES will maintain a record of all remedial actions for any ATE or ATT for no less than five years and will submit a descriptive report annually to the Energy Commission of all quality assurance activities with the assistance of ESCO Group.
4. QAI quality verification process

In an effort to maintain the quality of the audit verification process, several special auditors will provide oversight of the QAIs. They will, without prior notification provide onsite monitoring of the QAIs. They will monitor a minimum of 1% of the QAIs assigned projects.

RSES and the Registry

The Registry will:

- Act as the application portal for certification candidates.
- Retain application during review and approval process.
- Retain examination results.
- Act as a portal for processing and retaining Mechanical Acceptance forms by Certificate holders and others.
- Act as the complaint portal.
- Verify that an engineer's, contractor's and technician's state license is in good standing.
- Provide analytical reports for Audit and other purposes.
- Provide information as requested to Acceptance Providers and appropriate CEC staff.

Annual Reports

RSES will provide an annual report:

- A summary of the certification services provided over the reporting period, which will include the total number of Acceptance Test Technicians and Employers certified by the agency, both during the reporting period and to date.
- Summarizing all the actions taken against any Acceptance Test Technician or Employer as a result of the complaint or quality assurance procedures.

Update Report:

RSES will, no less than six months following the adoption of an update to the Building Energy Efficiency Standards:

- submit an update report on any changes and adjustments to the curricula to address changes to the Building Energy Efficiency Standards Acceptance Testing requirements, adopted updates to the Building Energy Efficiency Standards, training personnel, training location and equipment, as well as auditor and examiner changes.
- submit a signed certification that the ATTCP has met all requirements for the updated program.

Additionally, there will be a report generated by the Registry and contain the number of certified employers and technicians and the number of acceptance tests performed.

The report will be presented with a signed certification that RSES has met all requirements for this program.

Abbreviations

ATE	Acceptance Test Employer
ATT	Acceptance Test Technician
ATTCP	Acceptance Test Technician Certification Provider
CARB	California Air Resources Board
IQAP	Independent Quality Assurance Provider
QAI	Quality Assurance Inspector