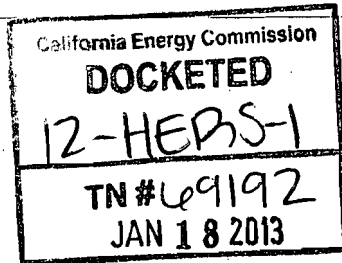


# Valley Duct Testing

Division of JaaR Sales, Inc



To Energy Commission,

January 16, 2013

This letter is to go over the 4 Items that you are reviewing for the HERS Program. I am very proud that you have asked for my opinion on these four items. I feel this is a great industry and I enjoy working within it. The goal as I see it is to give the end homeowner the best home and the most energy efficient home. How we get there is what we are discussing.

When rules are written the gray area is the problem. Some tests and evaluations are very black and white. A Duct Test is black and white. A Blower Door Test is very Black and White. A QII inspection is not. We are trained by the provider to do these inspections. They do their best with the time allotted but never can cover all scenarios. That is up to us to interpret the gray in the rules. In the past the CEC was available to help the rater in the interpretation of the rules as they wrote them. Now they send us to the Provider to interpret the rules the CEC wrote. They are very Black and White on a gray item. Very difficult to understand as there are situations that you have to interpret the rules to see if they comply.

I think there is one solution to this problem. Have Raters help with the rules and try and lessen the gray areas. We are out in the field every day and we see these gray areas. Also it is hard to comply when some building departments contradict our standards with their own.

I feel that the training of office staff is very important to this program working. They input results that the Rater gathers in the field. The rater never gets training by the provider on paperwork processing so the office staff and the Rater needs to learn on their own. This is a big part of failed QA's.

The only place we can go to get advanced training is the Utilities such as SMUD and PG&E. If the Utilities interpret the CEC rules differently than the provider then that also causes Failed QA's. If the provider could have advanced training classes at a reasonable rate that would be available to the Raters then the raters could get understanding of the way the Provider did QA's. I have been a rater since October of 2005. I went to one update class since then. The way I get updated is to read the Blueprints from the CEC, internal training from my other raters in my company and talking to other rating companies. Unfortunately it might not be what the Provider QA's.

1. Provider Quality Assurance Program requirements: This QA program is a real problem for the Raters. Here is a timeline for a typical QA.
  - a. We as a rater company get a call from a builder sometimes and they say that Provider is coming out to do a QA on a specific lot at a specific time.
  - b. We as the rater company check certs to determine what Rater is getting QA'd.
  - c. The QA is done by the provider and it could have been up to 1 month after the actual Rater testing is done.
  - d. A month later if there is any failed tests the Rater gets an email stating the fails and needs to explain what happened.

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- e. By that time the Rater could have done between 50 to 80 more jobs depending on what company he or she works for. It is very difficult to remember every job and every situation.
- f. If the Rater passes the QA they never get told they passed.
- g. If the builder does not call the Rater Company then the rater never knows how they are doing unless they have a Failed QA.
- h. If there is a fail the Provider inserts a statement on the directory in Red Writing telling everybody that this rater failed a QA.

In other professions there is a QA (Evaluation) process that helps the person get better. A teacher gets evaluated by their principal. They both sit down and go over the evaluation and discuss the teacher's strengths and weaknesses and the principal give the teacher ideas of how to improve. This happens a couple times a year. I have been a Rater for over 7 years and to my knowledge have never been QA'd. What is wrong with that picture? Here is my thought about the QA process that not only lets the Rater know how they are doing but also what they did wrong and help them to get better. Is that not the goal for this process? Not to try and decertify them.

- a. The provider lets the rater know they will be getting QA'd on a certain day and time and a general area as in Sacramento.
- b. The morning before the QA happens the rater gets notified the specific address so they can bring any paperwork that will help the Rater remember the job. They are also not to go into the house until the QA Rater gets there. The Rater observes the process of the QA Rater and they discuss the job together. If there are any problems with errors the QA Rater discusses how the rater can correct his mistakes by giving him ideas. If the QA is totally positive the QA Rater tells the Rater this also.
- c. This QA should be done no more than a few days after the Raters tests so this gives the best chance that the house will be in the same state.
- d. After the QA is done the Providers posts the results of the QA on their website so only the Rater that got the QA can see. This will provide a place that the Rater can review all of their QA's and see how they are improving.
- e. If the QA Rater feels that the Rater needs additional training he may recommend additional classes on the specific part of the QA that would help them.

Summary: I feel that this process not only make the communication better between the Provider and the Rater but also helps the Rater to get better. He learns about his mistakes but also he sees that he is doing a good job. Raters are human beings and they need positive not just negative. The responsibility of the provider is to train, certify, and make sure the raters are doing a good job. If a Provider does a QA on a rater once every few years how can the rater get better. Consistent QA's per year will only help the Rater to get better. I believe all of us want that.

- 2. De-certification and discipline actions by Providers: To take a person's livelihood away without due process is wrong. The Provider should be responsible to do QA's, help the rater to get better and if the Rater continually makes the same mistakes then have a process to help them get better. Not De-certify or discipline them. The Provider and the Rater sometimes have personality

conflicts for a number of reasons. For Provider to control the future of the Rater makes for an unhealthy environment. The Provider should not have the power to De-certify or Discipline a Rater. Here is my suggestion on the process for the De-certification and discipline.

- a. QA's need to be done based on the requirements of the CEC. If a rater fails a QA then the discussion should be with the QA Rater and the Rater being QA'd to help them understand what they did wrong. They also should give the Rater pointers on how to correct their mistakes.
- b. Additional QA's should be done to confirm that the Rater understood and is not testing correctly. No discipline needed.
- c. If a Rater continues to make the same mistakes on the next few QA's then they should be required to retake the classes that relate to the mistakes they are making. No discipline needed.
- d. If the Rater is to retake the class then they should not be able to test that portion of testing until completing the class. They should be able to do all other testing.
- e. If a Rater is found to be dishonest with their testing then the Provider should determine with a meeting with the Rater that there was dishonesty and then this should be brought up to a committee comprised of the CEC. The Provider gives all facts and the Rater give all his facts and the CEC Committee makes the determination of what discipline should be given. I feel that the Provider can't make a fair decision on this as they have developed too many relationships over the years and may not be fair to all Raters the same way. They should only submit the facts and not their recommendation for discipline. I feel that a person should have a chance to rectify their mistakes before Decertification takes place.

Summary: De-certification and discipline actions have been done with a lot of unfair practices done by the Provider. If the Rater must follow the rules that are set up for them then the Provider should be responsible for following the rules set up for them also. For a Provider to Decertify or Discipline a Rater for jobs done in a short period of time but the rater never got QA's done the previous few years is wrong. The Provider should try and make the Rater better by helping them understand what they did wrong and help them to get better. An Example is for a teacher to fail a student at the end of the year and never letting the parent of that student know there as a problem. If I was that parent I would be very mad.

3. HERS Rater Companies: A HERS Rating companies responsibility is to organize and schedule jobs, generate business with contractors and builders, and work with Raters to process paperwork. We also deal with all of the overhead billing and collections. There are two different types of HERS Rater companies. One type hires Raters as employees. The company pays Workers Comp, Liability, and Auto Insurance. The employees drive a company vehicle and are paid as an employee of the company. Valley Duct Testing is one of those companies. The other type of HERS Rating Company is a company that has Raters that are 1099 Independent Contractors. The HERS Rating company does not pay all the insurance. The Rater uses their own vehicle and is scheduled by the HERS Rating Company. I feel that the CEC and the providers have enough responsibility trying to stay up with new rules and training Raters that the HERS Rating Companies should be left alone. If a Provider has a problem with a Rater they sometimes make a decision that all the raters in that company are directed to do the same thing and that is not true at all. We as a HERS Rating Company do have meetings to discuss situations that come up. The

raters make the decision and not the company. The company always helps with information but never tells a rater to rate a house a certain way. That is totally up to the rater.

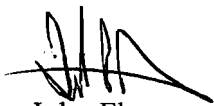
4. Conflicts of Interest:

- a. **Providers shall be independent entities from Raters:** I agree with this totally. The one part of this is that The Providers are hiring current working Hers Raters to do QA's on their competitors. This is not fair to the Rater that is having the QA. The QA Rater should only work for the provider and not even be listed on the Directory. Also a QA Rater should have had to go thru all of the training before they can QA a Rater.
- b. **Providers and Raters shall be independent entities from the builder and from the subcontractor installer of energy efficiency improvements field verified or diagnostically tested:** I also agree with this item. There has been some question if a Hers Rater can test a house for a subcontractor. Example: a HVAC contractor hires a rater to test a new home for them and the Hers Rater is also the Hers Rater of record on that house. I feel this is fine as long as the CEC requires that the house is 100% tested and not sampled. This was OK'd by the CEC for Beutler a while ago.
- c. **Providers and Raters shall be independent entities from any firm or person that performs work on the home for a California Home Energy Audit or a California Whole House Home Energy Rating:** I agree with this also. The only thing that I think should be added is that the HERS Rater can perform the Test In and the Test Out and produce the BLD File and Final HERS Index.

**Summary:** I feel that the HERS Rater has been looked at by the Provider as always trying to help the Builder to pass a house that is failing. This is not the case. The Raters fail houses all the time. Because the Subcontractor is required to enter their results maybe the builder should be provided a HERS Packet on what should be expected by their Sub contractors and HERS Raters. Also there is no training for Subcontractors to enter results. The provider puts this responsibility on the Rater.

**Final Summary:** I want to thank you for asking for my input on these three subjects. I hope my information can help. If you need any other information please don't hesitate to email or call.

Thanks,



John Flores  
President  
Valley Duct Testing