



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

7/14/2021 1:58:13 PM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education TITLE-SERIES: 126-175
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: West Virginia Department of Education Heating,
Ventilating, and Air-Conditioning (HVAC)
Technicians (6203)
CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler,
180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/16/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Micah Whitlow, Manager
ADDRESS: WVDE School Facilities Services
1900 Kanawha Blvd., E, Capitol Bldg. 6, Room 318, Charleston, WV 25305
EMAIL: micah.whitlow@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 6203 addresses services provided by heating ventilating and air conditioning (HVAC) technicians hired by the West Virginia Department of Education (WVDE) and the repository of the job description for HVAC technicians.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Policy 6203 is being repealed and replaced to state that the HVAC technicians job description will be updated as needed to address current hiring practices and employment expectations; and WVDE HVAC Technicians may assist counties with indoor air quality complaints.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of the proposed amendment of 126CSR175, Policy 6203.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of the proposed amendment of 126CSR175, Policy 6203.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no economic impact on the state or its residents as a result of the proposed amendment of 126CSR175, Policy 6203.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There will be no economic impact on revenues of state government, special revenue accounts, or the state or its residents as a result of the proposed amendment of 126CSR175, Policy 6203.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Policy 6203, West Virginia Department of Education
Heating, Ventilating, and Air-Conditioning (HVAC) Technicians
Executive Summary**

**West Virginia Department of Education
Office of School Operations and Finance / School Facilities Services**

Policy Cycle: 30 Day Comment Period Adoption of Policy

Policy Process: Revision Repeal and Replace New

Introduction: This proposed revision to Policy 6203 addresses the need for periodic updates to the WVDE-employed HVAC Technician job description and clarifies the HVAC Technicians’ role in assisting county boards of education with complaints regarding Indoor Air Quality (IAQ).

Background: The policy addresses the servicing and inspection of public-school buildings by heating ventilating and air conditioning technicians and sets forth the WVDE’s role in establishing the requisite job description. This policy was last revised on November 12, 1999.

A virtual stakeholder meeting was held on April 23, 2021, where these revisions were summarized and explained to the group. A draft copy was subsequently provided, and the stakeholders were encouraged to offer questions, comments, and suggestions regarding the policy. The stakeholders involved in the revision of Policy 6203 included county superintendents, county facility directors, school principals, staff members from the School Building Authority, and staff members from the West Virginia Department of Education. The proposed policy revisions were approved by the stakeholders. Dr. Deborah Koester, Director of the Division of Community Health at Marshall University’s Joan C. Edwards School of Medicine and Executive Director of West Virginia Local Health Inc., was consulted before placing the amended policy on public comment.

Proposed Changes: The policy was revised to state that the HVAC Technician’s job description will be updated as needed to address current hiring practices and employment expectations; and WVDE HVAC Technicians may assist counties with IAQ complaints.

Impact: The proposed changes facilitate regular updates to the HVAC Technician’s job description and make it permissible for county boards to resolve IAQ complaints at the county level without assistance from the HVAC Technicians. However, the county boards may request the HVAC Technicians to help resolve an IAQ complaint on an as-needed basis.

Action:

- Release for 30 day public comment.
 - Approve by WVBE with effective date of ____/____/20__.
-

**Policy 6203, West Virginia Department of Education
Heating, Ventilating, and Air-Conditioning (HVAC) Technicians
List of Stakeholders**

West Virginia Department of Education

External Stakeholders

- Randall Farley, Superintendent, Marion County
- Todd Alexander, Superintendent, Wayne County
- Deborah Akers, Superintendent, Mercer County
- Dwayne C Smith, Facilities Director, Kanawha County
- Martin Best, Facilities Director, Wood County
- Rosemarie Kelly, Principal Ridgeview Elementary, Raleigh County
- Trent Sherman, Principal Martinsburg High School, Berkeley County
- Benjamin Ashley, Director of Architectural Services, School Building Authority
- David Roach, Executive Director, School Building Authority

Internal Stakeholders

- Amy Willard, Officer, Office of School Operations & Finance
- Micah Whitlow, Manager, Office of School Operations & Finance, School Facilities
- Emmit Allen, HVAC Technician, Office of School Operations & Finance, School Facilities
- Ken Hughart, HVAC Technician, Office of School Operations & Finance, School Facilities
- James Richmond, HVAC Technician, Office of School Operations & Finance, School Facilities
- Jerry Milliken, Coordinator, Office of School Operations & Finance, School Facilities
- Heather Hutchens, General Counsel, Legal Services

126CSR175

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 175
WEST VIRGINIA DEPARTMENT OF EDUCATION
HEATING, VENTILATING, AND AIR-CONDITIONING (HVAC) TECHNICIANS (6203)

§126-175-1. General.

1.1. Scope. -- This legislative rule addresses services provided by heating ventilating and air-conditioning (HVAC) technicians hired by the West Virginia Department of Education (WVDE) and the repository of the job description for HVAC technicians.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §18-2-5 and §18-9E-4.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. 126CSR175, Policy 6203, Heating, Ventilating, and Air-Conditioning Technicians (HVAC), filed October 13, 1999, and effective November 12, 1999.

§126-175-2. Program Regulations for WVDE-Employed HVAC Technicians.

2.1. Salaries for HVAC technicians shall be competitive with other employers of HVAC technicians in the region after accounting for benefits such as annual leave, sick leave, insurance benefits, retirement benefits, and any other provided benefits.

2.2. Continuing professional learning opportunities for HVAC technicians shall be provided to develop and maintain proficiency in existing and emerging HVAC technology.

2.3. The job description for HVAC technicians employed to service public school facilities shall be maintained by the WVDE Human Resources unit. The job description shall be updated as needed to address current hiring practices and employment expectations.

2.4. HVAC technicians may assist counties in investigating and resolving complaints relating to indoor air quality.

2.5. HVAC technicians shall provide technical assistance and training for county personnel as requested and will utilize appropriate equipment and tools to determine necessary actions to operate and maintain HVAC systems in accordance with design specifications.

§126-175-3. Severability.

3.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

**W. Va. 126CSR175, Policy 6203, West Virginia Department of Education
Heating, Ventilating, and Air-Conditioning (HVAC) Technicians
Comment Response Form**

Comment Period Ends: August 16, 2021

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 6203, West Virginia Department of Education Heating, Ventilating, and Air-Conditioning (HVAC) Technicians**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|---|
| <input type="checkbox"/> Superintendent | <input type="checkbox"/> Higher Educator | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Community Member |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Other |

COMMENTS/SUGGESTIONS
§126-175-1. General.
§126-175-2. Program Regulations for WVDE-Employed HVAC Technicians.
§126-175-3. Severability.

Please direct all comments to:

Micah Whitlow, Manager
School Facilities Services
West Virginia Department of Education
Capitol Building 6, Room 318
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: micah.whitlow@k12.wv.us
Fax No.: 304.558.8867