



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

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)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

October 12, 2021

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.

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. -- September 9, 2021.

1.4. Effective Date. -- October 12, 2021.

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.