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## Editor RACHEL PINKUS



### Published by: The Central States Insulation Association csia@assnsoffice.com www.csiaonline.org

The Insulator is a review of construction activity in the central states region.

The Insulator contains Industry News, Notices and Central States Insulation Association Activities.

All information contained herein is considered reliable to the best of our knowledge, and we accept no responsibility for incorrect material secured from outside sources.



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Hopefully you have registered for the National Insulation Associations 61st Annual Convention and WIACO April 20-23, to be held at the beautiful Boca Raton Resort and Club in Boca Raton, FL. This year's theme is Thermal Insulation: "Making a Global Difference". This is a great time for recharging your batteries and networking with friends and colleagues.

Also, don't forget to Register to attend our Central States Insulation Association Spring Labor Conference, April 26-27th at the Marriott Griffin Gate in Lexington, KY. This year's sessions are jam packed with all of the information you will need to stay on top of the industry and prepare for your next contract negotiation. Make sure to bring your clubs and be prepared to enjoy the newly renovated golf club at our annual golf outing. This is always a fun event even

when we get those April showers<sup>©</sup> For details, check out pages 14-17. To make this a successful meeting, your attendance/participation is needed! Thank you in advance for your help!

On a sad note, our Association lost a great friend and Colleague with the passing of Ed Beverage. For many years he was an inspiration and friend to many in our Industry. We will miss his wonderful smile and firm handshake! Please keep his family in your thoughts and prayers. Brother you are sorely missed!!!

Hoping everyone is having a great start to the year and looking forward to seeing you in in a few weeks!

Sincerely John C. Stevens





# **CONGRATULATIONS 2015 CSIA SCHOLARSHIP WINNERS!**

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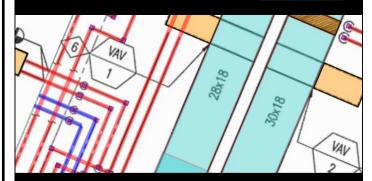


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#### Gary Auman Wins Safety Achievement Award

Allied Construction Industries (ACI), at its annual Safety Day on February 23, 2016, presented the Gene Demeter Safety Achieve-

ment Award to Gary W. Auman. Gary is a Shareholder of Dunlevey, Mahan & Furry, A Legal Professional Association of Dayton, Ohio.

Gary was recognized for his help in the defense of employers in workers' compensation and OSHA cases dating back to 1976. He defends OSHA cases nationally. Gary has also worked with OSHA in the development of safety and health standards. Even beyond his help to employers in understanding and defending safety and health issues, Gary is a regular volunteer in safety related matters across the country in many industries. He is a strong proponent of safety in the workplace and his knowledge in safety related areas is sought by many industry trade associations.



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[10] The Insulator April 2016

### W.Va. Legislators Override Veto of Prevailing Wage Repeal

The West Virginia Legislature voted Feb. 12 to override the governor's veto of a bill to repeal the state's prevailing wage law.

The House of Delegates voted 54-44 with two members abstaining, and the Senate voted 18-16 to pass the bill notwithstanding objections made by Gov. Earl Ray Tomblin (D) one day after he vetoed H.B. 4005.

Under the measure, contractors would not have to pay construction workers on public works projects prevailing wage rates and fringe benefits determined by the state's labor agency.

In his veto message, Tomblin reminded lawmakers of the compromise reached in 2015 on the state's prevailing wage law.

"Enrolled House Bill 4005 repeals the Act in an about-face from our eighty-one year history of paying laborers, workers, and mechanics fairly for constructing public improvements. Because I favor compromise and fairness over extreme measures, I disapprove and return this bill," Tomblin said in his Feb. 11 veto message.

Senate President Bill Cole (R) expressed his disappointment in the governor's veto in a Feb. 11 statement. He said he believes repealing the state's prevailing wage law will move the state forward.

Repeal Is Response to New Wage Rates

Nearly one year ago, Tomblin signed a bill that changed the way the state's prevailing wage rates are calculated. The bill represented a compromise between Republicans who wanted to repeal the prevailing wage law and Democrats who wanted to preserve it.

"I encouraged a less drastic course of action, and urged the Legislature to collaborate with Workforce West Virginia and our state's foremost universities to improve the Act's methodology for calculating prevailing wage rates. Working together, we achieved a reasonable compromise in 2015, modernizing the Act instead of extinguishing it," Tomblin said.

However, some lawmakers and construction contractors took issue with the new wage rates that were issued after the law was passed, claiming they were no different from the wage rates that were issued under the previous calculation method.

In response, Del. Daryl Cowles (R) introduced H.B. 4005 in January, which passed the House of Delegates and the Senate with overwhelming Republican support and Democratic opposition.

Before the vote to override the veto, a few Democrats urged lawmakers to agree with the governor's veto action. "It's very important that we again think of the workers of West Virginia. We think of the salaries of those workers. We think of the small construction companies we are about to destroy," Sen. Ronald Miller (D) said on the Senate floor.

The repeal is slated to take effect 90 days from passage.





HR MANAGERS MEETING

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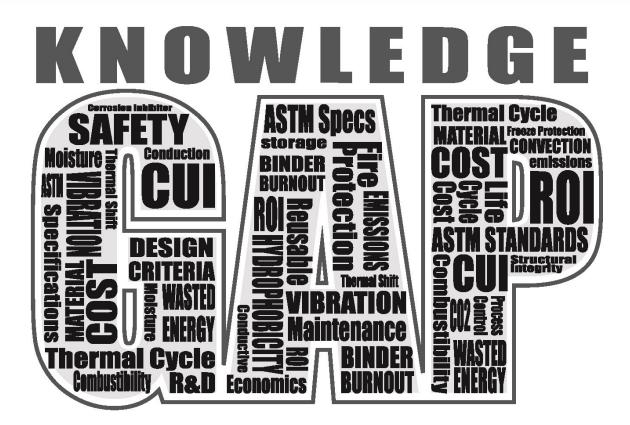
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Presenter Steve Watring of Dunlevey, Mahan & Furry will be answering these questions. There will also be a question and answer period at the end of the presentation. You don't want to miss out. Register today!

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<u>April 26, 2016</u>						
2:30 - 4:00 p.m.	CSIA Board of Directors Meeting					
4:00 - 5:00 p.m.	How to Handle a Grievance with an Employee					
-ine energenin	with Bob Dunlevey of Dunlevey, Mahan & Furry					
	<ul> <li>16 questions to ask yourself before responding to a grievance</li> </ul>					
	<ul> <li>Collective bargaining grievance/arbitration clauses to adopt and avoid</li> </ul>					
	<ul> <li>How to write a grievance response answer effectively</li> </ul>					
	The 10 Commandments of arbitration					
F 00 C 00	• Your checklist of things to do in preparing for arbitration					
5:00 - 6:00 p.m.	Pension Unfunded Liability					
	A Panel Discussion: with Fund Attorneys, Mike Ledbetter & Rachel Parisi of Ledbetter, Parisi LLC					
	and Actuary, Mike Rust of Cuni, Rust & Strenk Actuarial Consulting <ul> <li>Legal Definition of Unfunded Liability</li> </ul>					
	• De Minimis Rule					
	<ul> <li>Triggering Events</li> </ul>					
	Trustee Responsibility					
	Calculation and Interest Rate					
	• Impact					
6:00 - 7:00 p.m.	Reception for Registered Attendees with 50/50 Raffle for Scholarship Fund					
April 27, 2016						
7:00 - 7:30 a.m.	Registration and Full Breakfast					
8:00 - 8:30 a.m.	Introduction of International Vice President and Breath of Life Update					
	with New International Vice President (TBD)					
	Current Status of National Pension Plan					
	With Jim Gribbins of Gribbins Insulation Company, Inc.					
8:30 – 8:45 am	Kick-Off of CSIA Safety Awards Program					
8:45 - 9:00 a.m.	Break					
9:00 - 10:15 a.m.	Claims Avoidance, How to Handle Claims, What Should we be Covered for (General					
	Liability Insurance), How Should we Handle/Protect Information					
	A Panel Discussion: with Attorney, Doug Jenks of Dunlevey, Mahan & Furry (Workers' Comp. Attorney);					
	Attorney, Donald Rickert of Dunlevey, Mahan & Furry (Construction & Litigation Attorney); Evan Derr, of Neace Lukens Insurance (State Insurance); and Mark Bizer of Neace Lukens Insurance					
	(Private Insurance)					
	What should you have in your General Liability Policy					
	<ul> <li>What is the necessary documentation you should have to protect you from a claim</li> </ul>					
	Proper handling of Workers' Compensation Claims					
10.15 10.45	• What should you expect from your insurance carrier / TPA in defending a WC Claim					
10:15 - 10:45 a.m.	CSIA Labor Seminar					
	with Dave McCoy of Champaign A&K Insulation • Labor Book Changes/Highlights					
10:45 – 11:45 a.m.	Labor Issues Open Format Discussion / Roundtables					
10.45 11.45 0.111	(4 Tables of 8-10 individuals, 30 Minute Sessions, Individuals Choose 2)					
	• Right To Work					
	with Moderator, Mike O'Connell					
	Jurisdictional Disputes					
	with Moderator, Jim Gribbins					
	<ul> <li>Joint Apprenticeship Committee's and the New EEO Requirements</li> </ul>					
	with Moderator, Mike Ledbetter					
	• Local Pension and Health & Welfare Funds and the New Laws Regulating the					
	Auditors of these Funds					
12:15 - 1:00 p.m.	with Moderator, Rachel Parisi Golfers Lunch Buffet					
1:00 p.m.	Golf Challenge SHOTGUN START with Money Hole					





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# **OSHA** Update

Gary Auman of Dunlevey, Mahan & Furry

I have reported in the past that OSHA has issued a letter of interpretation (LOI) regarding the use of extension cords. When I discussed this with some clients their reaction was to "wait and see." They took this approach because they viewed the LOI as a narrow document that would be limited to the company that requested the interpretation. Well, OSHA has spoken with actions, not words. I have been advised that the Columbus Area Office of OSHA has recently issued citations to an Indiana subcontractor and an Ohio contractor for violations of 29 CFR 1926.403(b)(2). This section requires that all electrical equipment shall be used in accordance with all labels. If you will recall the LOI stated that if extension cords were labeled so as to prohibit their being used in series with other extension cords, OSHA would cite employers for not complying with those labeling requirements. So, I believe we now have evidence that OSHA is not restricting enforcement of this standard and/or the LOI to just the company that asked the question, but to all employers.

There is one other point of clarification arising out of the preceding paragraph; some employers believe, for some reason, that if they are based in a state controlled OSHA state, they cannot be cited by federal OSHA, even if they travel to work to a federal OSA state. This is NOT true. You, as an employer, fall under the jurisdiction of the state in which you are working. So, if you are in Indiana, as state OSHA state, and travel to Kentucky, another state OSHA state, you fall under the jurisdiction of Kentucky OSHA while working in Kentucky. The same is true if you travel to

a state in which federal OSHA has jurisdiction.

In the January 15, 2016 issue of the OSHA Newsletter, OSHA reported that a roofing contractor had been cited as a serial violator in Concord, NH. The company, High & Dry Roofing had been inspected by OSHA and found to be in violation of the fall protection standards for failure to provide fall protection to employees working at heights over 20-feet. OSHA returned to the jobsite two days later and found the same hazards. As a result High & Dry was issued two willful violations of workplace safety standards. According to the article, High & Dry now faces \$152,4600 in fines. This appears to have been a jobsite "wall to wall" inspection. In addition to the fall protection violations citations were also issued for (1) a lack of hard hats and safety glasses for workers; (2) failing to guard the operating parts of a compressor from contact; (3) having a scaffold too close to a 240-volt line; (4) using ladders on scaffold platforms; and (5) failing to provide fall protection training. These are not all of the items, but they do represent the range of items included in the citations.

I bring this to your attention because you need to be aware of the exposures your face as a contractor. Think about how many jobs you would need to complete to secure the profits necessary to offset these fines. I know you are thinking, well "I can negotiate the numbers down." That may well be possible, but remember, there is always a point below which the enforcement agency will not go. In addition, remember, after August 1<sup>st</sup> of this year fines go up by 82%; so if issued after August 1<sup>st</sup> these fines would be \$277,477. In addition, there are other costs which may be in play in such a situation.

I provide this example to point out the necessity for you to have your safety program up to date and up to full compliance. You need to look at your safety program from different perspectives. First, are you providing all the safeguards, PPE, programs and training necessary to ensure the safety of your employees? Second, are you communicating all the requirements of your program to all of your employees effectively? Third, are you auditing compliance with your safety program on at least a daily basis and recording the audits? Fourth, are you effectively enforcing ALL components of your safety program objectively? And, finally, have you trained your employees to recognize hazards that might appear on the jobsite and how they should respond to those hazards?

If you have not done all of these things, your company is at risk of receiving high fines following any OSHA compliance inspection. You need to be using the best materials and installation techniques available and you need to be producing the highest quality product possible, but all of that will not do you any good if you are not able to get past the pre-qual phase of the bid process because of an unacceptable safety record. You need ALL of the components set out in the preceding paragraph to have a complete and compliant safety program and to avoid significant fines in the case of an OSHA compliance inspection.

# **ATTENTION!**

The Marriott Griffin Gate is now officially sold out. If you have not yet reserved your room, there are several nearby hotels that may be able to accommodate you:

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### Prevailing Wage Repeals Said to Cut 400,000 Jobs

While libertarian advocacy groups and opponents of organized labor continue to push state legislatures to roll back prevailing wage protections, a study released Feb. 9 suggests the efforts would have a dangerous impact on the economic, fiscal and social well-being of the U.S., including the loss of 400,000 jobs.

The research study, "The Economic, Fiscal, and Social Impacts of State Prevailing Wage Laws: Choosing Between the High Road and the Low Road in the Construction Industry," compared various social and economic dynamics in the 25 states with strong or average prevailing wage statutes against states that impose minimal or no prevailing wage protections.

Since the study was released, significant legislative action has taken place in two of those 25 states. The West Virginia Legislature Feb. 12 overrode the governor's veto of legislation to repeal the state's prevailing wage law. The New Mexico House Feb. 9 approved a bill that would remove prevailing wage requirements from publicly funded highway and school construction projects.

The researchers were particularly interested in the affect on job growth, wages, productivity and reliance on government assistance. In addition, the researchers wanted to know how taxpayers, veterans and communities of color are affected by prevailing wage rules in their states.

Kevin Duncan, a co-author of the study and professor of economics at Colorado State University, said the research indicates states without prevailing wage laws undermine productivity and construction industry career advancement for racial minorities and veterans. Such states also endure higher social costs in the form of expenditures for food stamps, the Earned Income Tax Credit and public forms of insurance for low-income workers. In addition, the research pointed to lost opportunities for employment, wage growth and economic performance.

"If all the states with prevailing wage laws in place were to repeal, they could expect to see similar trends, with 400,000 lost jobs, a \$65 billion reduction in our national economy, and a loss of \$8 billion in tax revenue," Duncan said in a statement.

Duncan was joined in the study by researchers from the Illinois Economic Policy Institute, a non-partisan research and advocacy group focusing on construction industry investment and employment, and Smart Cities Prevail, a construction industry advocacy group.

#### Michigan Targeted for Repeal

Last year saw a major rollback of prevailing wage protections in Wisconsin, but California took steps to strengthen its existing statute. State-level debates over prevailing wage are expected to heat up this year in Michigan, New Hampshire, New Mexico and West Virginia.

Much of the report focused on the upcoming debate in Michigan. Last year prevailing wage opponents failed in an effort to mount a petition drive to repeal Michigan's law. The National Federation of Independent Business recently announced it would mount a similar drive this year and push repeal legislation in the state legislature. The report concluded, however, that repeal would be a mistake in Michigan.

#### **CONTINUED ON PAGE 20**

#### **CONTINUED FROM PAGE 19**

"Ultimately, the prevailing wage for publicly-financed construction projects is a positive economic development tool providing substantial benefits to workers, contractors, families, and the overall economy," the report stated. "Repeal would result in job losses and would reduce tax revenues in Michigan. Prevailing wage supports a dynamic, "high road" economy that promotes worker productivity and boosts economic activity."

#### **Impact on States**

Key findings from the prevailing wage study include: • Repealing state prevailing wage laws would have a negative affect on state governments. States with weak or no prevailing wage laws pay \$367 million more per year in food stamps and tax credits than prevailing wage states.

• Prevailing wage laws have no affect on total construction costs. The preponderance of the peer-reviewed research indicates construction costs are not affected by prevailing wage rates. In general, labor comprises only 23 percent of total construction costs.

• Prevailing wage laws close employment gaps linked to race, support veterans and reduce income inequality. In addition, prevailing wage laws support middle class families, with workers earning 17 percent more than counterparts in non-prevailingwage states.

Frank Manzo, a study co-author and policy director of the Illinois Economic Policy Institute, conceded that unions, industry and free-market advocates will have competing interests in the upcoming debates over state-level prevailing wage legislation. At the same time, he said the research supporting prevailing wage is overwhelming.

"Our goal is to ensure that voters and policy makers have the facts they need to make informed decisions that reflect the best interests of taxpayers and the economy as a whole—and our research shows that repeal of prevailing wage falls far short of that standard," Manzo said.



#### Bob Dunlevey - Ohio Super Lawyer 2016



**Dunlevey, Mahan & Furry** is pleased to announce that **Bob Dunlevey** has been selected once again as an Ohio Super Lawyer - 2016. He is a Board Certified Labor and Employment Law attorney and President of the firm. He has been recognized in Montclair Who's Who Among Law Professionals and has

been the recipient of the Ohio Super Lawyer's Award for the last seven years. For more than three decades, Bob has represented employers throughout the Midwest in labor and employment law matters.

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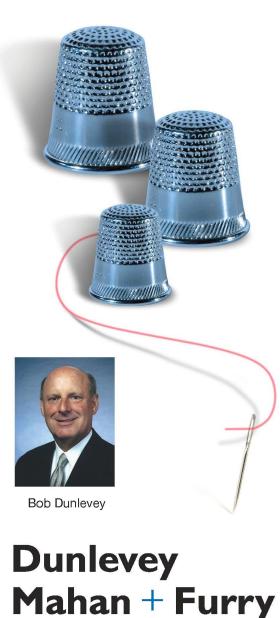


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### 2016 CSIA SCHOLARSHIP PROGRAM

The purpose of this Scholarship Program is to supplement financially up to two (2) college students per year in a field of study that is relevant to the

Mechanical Insulation Industry directly or indirectly. Each scholarship shall be a one-time payment of \$1000 that will be paid on or about September 30th to each recipient. The scholarship will be paid to the student(s) for payment of tuition, books, and/or fees.

- I. Eligibility will be based on the following criteria:
- a) Student must be the child of or under legal guardianship of a full-time employee not under Trade Agreement of a current CSIA member.
- b) Must be currently enrolled or preparing to enroll in undergraduate study at an accredited college, university or technical institute.
- c) Not previously awarded a CSIA scholarship.
- II. Scholarship(s) will be awarded based on the fol lowing criteria:
- a) A type-written essay of 500-800 words, regarding importance of insulation and how it affects the student's life and the lives of others.
- b) Field of study.
- c) Past academic achievement and leadership qualities.

An independent group shall make selection by the 2016 CSIA/ESICA Fall Conference. All selections are final. The application form and essay are due by August 15th of each calendar year. CSIA is not obligated to present a scholarship each year. Awards will be presented based on the criteria.

For your convenience, an application form is posted at www.csiaonline.org.

CENTRAL STATES INSULATION ASSOCIATION 2077 Embury Park Rd. Dayton, OH 45414

> PH: 937-278-0308 FAX: 937-278-0317 csia@assnsoffice.com www.csiaonline.org

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ATTORNEYS

# **2016 CSIA SCHOLARSHIP APPLICATION**

Name			
Address			
Telephone Number(	)		
E-mail Address			
Relationship to CSIA Member Employee			

### **CSIA MEMBER INFORMATION**

Name of CSIA Member Employee					
Employer's Name					
Address					
City, State, Zip Code					
Telephone Number ()					
Fax Number ()					
E-mail Address					
EDUCATIONAL BACKGROUND					
High School Name					
Address					
City, State, Zip Code					
Telephone Number()					
Office Contact / Guidance Counselor					
Current Grade Point Average: out of a scale					
Extra Activities, sports, clubs, achievements (use separate sheet if necessary)					
Probable Field of Study					
Educational Goals (use separate sheet if necessary)					
Selected University, College, or Institute					
Date Classes Begin / /					
Applicant Signature Print or type name and date					
Signature of Corporate Officer Print or type name and date					

Please include your 500-800 word essay and photo with this form when you return it to the CSIA Office 2077 Embury Park Rd. - Dayton, Ohio 45414

### **OSHA Releases Final Silica Rule**

The Occupational Safety and Health Administration (OSHA) released the long-anticipated Occupational Crystalline Silica Rule. The final rule's key components similar to what was proposed are as follows:

- Reduces the permissible exposure limit (PEL) for respirable crystalline silica to 50 micrograms per cubic meter of air, averaged over an 8-hour shift.
- Requires employers to: use engineering controls (such as water or ventilation) to limit worker exposure to the PEL; provide respirators when engineering controls cannot adequately limit exposure; limit worker access to high exposure areas; develop a written exposure control plan, offer medical exams to highly exposed workers, and train workers on silica risks and how to limit exposures.
- Provides medical exams to monitor highly exposed workers and gives them information about their lung health.
- Provides flexibility to help employers especially small businesses protect workers from silica exposure.
- Allows for use of compressed air, dry sweeping, and dry brushing where other cleaning methods are not feasible.

The rule is effective June 23, 2016; however, companies have anywhere from one to five year to comply based what category a company fits into. Manufacturers are considered in the "General Industry and Maritime" category and will have until June 23, 2018 to comply with most provisions. Of note, however the construction industry is will have until June 23, 2107 to comply and the hydraulic fracturing companies will have the June 23, 2018 date to comply with all provisions except engineering controls, which have a compliance date of June 23, 2021.

You can find OSHA's Fact Sheet here: https://www.osha.gov/Publications/OSHA3848.pdf



National Association of Manufacturers (NAM)

### **DISTRIBUTION INTERNATIONAL ACQUIRES 3i SUPPLY COMPANY**

**HOUSTON** – **March 7, 2016** – Distribution International, Inc. ("DI"), a leading distributor and fabricator in the mechanical insulation market, today announced it has acquired 3i Supply Company ("3i Supply"). Headquartered in Midland, Michigan, 3i Supply is a distributor of mechanical and industrial insulation, fabricated products, refractory, and removable insulation pads. Houston-based DI, a portfolio company of global private equity firm Advent International, is pursuing a growth strategy centered on acquisitions that expand DI's geographic presence and further its capabilities.

"In acquiring 3i Supply, we will be expanding our fabrication capabilities into Michigan," said Robert Hlavenka, Vice President and General Manager of Distribution International. "This acquisition is consistent with our strategy of providing unrivaled customer service throughout North America. Current 3i operations will become part of DI's Midwest region."

John Brooks, Regional Manager of DI in the Midwest said: "We are excited to further expand our fabrication operations in the Midwest territory. We are proud to be strengthening our ability to service our customers, and we welcome the 3i Supply team to DI."

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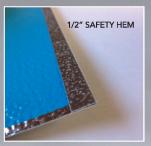
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# CENTRAL STATES INSULATION ASSOCIATION

### MEMBERSHIP APPLICATION

#### **APPLICANT INFORMATION**

	npany Name:						
	Iress:						
City	v, State & Zip:						
Tele	ephone:			Fax:			
Cor	ntact Name:						
Em	ail:			Website:			
TYI	PE OF MEMBERSHIP	REQUESTE	D (check only	one)			
□ Contractor \$425.00 □ Distributor/Fabricator \$425.00			Insulation	□ Abatement □ Unionized □ Merit			
	□ Associate \$513.00 □ Manufactur □ Engineer/Specifier \$ 95.00		Manufacture	er D Sales Manufacturing Representative			
	PLICANT INFORMATI	-	ay get to know you	better, and feel free to use additional sheets is necessary.			
1.	. Type of Work in which your company is engaged:						
	Length of time company has been in business; date established:						
	. Primary geographic area of operation:						
5.	. Identify Principals of Company and Titles:						
6	Number of Employees:						
	Is your company a memi						
0.	is your company a memi						
and term	when approved by the associa	tion's Board of D after all obligation	irectors, the applications to the association	ng such membership. It is understood and agreed that, if nt shall maintain membership in good standing and shall on have been met. The undersigned company and its ation's bylaws.			
Mer	mbership Proposed by: _	Existing CSIA Memb	ber				
Signature of Applicant: Date:							
	te dues check payable to C ment via Visa, MasterCard,			are also accepted.			
Car	d Number			Expiration Date			
Nan	me on Card Authorized Signature						
		Send bac	ck completed form	and payment to:			

FAX: (937) 278-0317 or MAIL: 2077 Embury Park Road - Dayton, Ohio 45414



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