

# MR

MIDWEST ROOFER

Midwest Roofing Contractors Association

July/August 2015

## REGULATIONS

### Entrepreneur's Series 3

*New OSHA Concerns for Roofing Contractors*

*Supreme Court Decision  
on Affordable Care Act*

*How to Get Employees  
to Play by the Rules*

*Same Sex Marriage  
Impact on Employers*

*Illinois Professional  
Regulations Update*



**IN THIS ISSUE: ANNUAL PRESIDENT'S REPORT**



# **HISPANIC<sup>TM</sup>** **HIRING KIT**

***Sustainable business growth is impossible  
without long-term labor stability.***

***Workforce development in the roofing industry  
is a constant challenge.***

**You can count on the **Hispanic Hiring Kit** to help:**

In partnership with Bilingual America, the industry's foremost subject matter expert, MRCA is pleased to offer the recruiting, hiring, and development tools you've been looking for. They are all in one place and ***totally customized*** in just days with your logo to fit seamlessly into your existing business materials!

Your Completely Customized Hispanic Hiring Kit includes:

## **Recruiting Tools**

- Letters to community leaders and ministers (Spanish and English)
- Postcards for mailing (two art versions in Spanish)
- Posters promoting work opportunity (two art versions in Spanish)
- Poster in English to recruit English dominant Hispanics (Spanish)
- Newspaper and magazine ads (3 sizes, Color and BW, English and Spanish.)
- Poster to encourage employees to recruit others
- Social Media training session with Ricardo González online (up to five people)

## **Hiring Tools** (All hiring tools are in both Spanish and English.)

- Applications
- Interview Questions
- Assessment for Entry Level Employees
- Assessment for Potential Leaders
- Letter of Welcome
- Letter of Reprimand
- Guide to Work Visas for Foreign Nationals
- Guide to Legal and Illegal Interview Questions
- Opportunity Axis Power Point Slides and Teaching

## **Onboard Process** (Completely in Spanish and the HHK includes access for 5 people.)

- Cómo Tener Éxito<sup>TM</sup> course.
- 20 day continuity program to internalize teaching of course.
- Teaches how to succeed personally and in your company.

If you're employing Hispanics, or want to, the Hispanic Hiring Kit is a must-have suite of culturally relevant and professional grade tools.

It provides you with everything you need, and more,  
**to attract AND retain** Hispanic employees.



Go to: [www.bilingualamerica.com/mrca](http://www.bilingualamerica.com/mrca)  
for your fully customized kit today!





July / Aug 2015

## Contents

CERTA/MRCA News .....	4
MRCA Benefits : Technical and Research .....	5
MRCA 2015 Conference Information .....	6-7
T&R Update: Low Rise Foam; The Good and the Bad .....	8-9
Gary's Corner: New OSHA Concerns for Roofing Contractors .....	26
Annual President's Report .....	12
MRCA Mission Statement .....	13
Committee Overviews .....	14-17
MRCA Foundation Report .....	18-19

## Features

Illinois Division of Professional Regulations Update .....	10
U.S. Supreme Court Issues Two Major Rulings .....	20-21
U.S. Supreme Court Decision Same Sex Marriage: Impact For Employers .....	22
How to Get Employees to Play by the Rules .....	23

## Ad Index

Bilingual America .....	2
Safety Resources .....	9
Gary Auman: Dunlevey Mahan & Furry Attorneys .....	10
Brauner Saftey Services .....	22
ABC Supply Co Inc .....	22
Amerisafe .....	25
Malarkey Roofing Products .....	27
Eagleview .....	28



Midwest  
Roofing  
Contractors  
Association

## MRCA Leadership Directory

### Officers/Executive Committee

**President**  
**Larry Marshall**  
L. Marshall Roofing & Sheet Metal, Inc.  
lpmarshall@lmarshallroofing.com

**First Vice President**  
**Bob Schenkel**

CL Schust Company  
rschenkel@clschust.com

**Vice President/Treasurer**  
**Mark Langer**

**Finance Committee Chair**  
Langer Roofing and Sheet Metal  
mlanger@langer-roofing.com

**Secretary**  
**Greg Sprague**

**CERTA Chair**  
Sprague Roofing Co.  
gmsprague@spraguerooting.com

**Chairman of the Board**  
**Nominating Committee Chair**

**Steve Little**  
KPost Company  
steve.little@kpostcompany.com

### Directors

**Randy R. Adams**

**T&R Chair**  
R. Adams Roofing Co., Inc.  
randy\_a@radamsroofing.com

**Terry Buss**

**Operations & Safety Co-Chair**  
E.D. Chase Inc.  
tbuss@edchase.com

**Kelly Lea**

**Operations & Safety Co-Chair**  
Empire Roofing Company  
kelly@empireroofing.com

**Miguel Arzola**

CIM Roofing  
marzola@cimroofing.com

**Kevin Gwaltney**

**YCC Chair**  
Diamond Roofing  
kevin@diamond-roofing.com

**Mark Gwaltney**

**Business Management Chair**  
Diamond-Everley Roofing  
Contractors  
mark@diamondeverley.com

**Fred Horner**

**Membership Co-Chair**  
Advanced Industrial Roofing  
fred\_horner@airoofing.com

**Tracey Donels**

**Membership Co-Chair**  
K Post Company  
tracey.donels@kpostcompany.com

**Dale Tyler**

National Roofing Partners LLC  
dale.tyler@nationalroofingpartners.com

**Jim Peterson**

Peterson Roofing Inc.  
jim@petersonroofinginc.com

**Laurie Moore**

Krelling Roofing Co  
lmoore@krelling.com

**Bill Seibert**

Fisher Roofing of Kearney  
bill@callfisher.com

**Heidi Ellsworth**

**Women in Roofing Co-Chair**  
EagleView Technologies  
heidi.ellsworth@eagleview.com

**Shari Carlozzi**

**Women in Roofing Co-Chair**  
Hapco Inc  
shari@hapcoinc.com

**Greg Bloom**

**Advisory Council Chair**  
Allied Building Products  
greg.bloom@alliedbuilding.com

**James Boland**

The Quality Roofing Company  
james@thequalityroofingco.com

### Advisors

**Rene Dupuis, PhD PE**  
Structural Research, Inc.  
rdupuis@sri-engineering.com

**Matt Dupuis, PhD**

Structural Research, Inc.  
mdupuis@sri-engineering.com

### Legal Counsel

**Gary Auman**  
gwa@dmfdayton.com

### Staff

**Bob Pope**  
**Executive Director**  
bpope@assnsoffice.com

**Rachel Pinkus**

**Managing Director & MR Editor**  
rpinkus@assnsoffice.com

**Valerie Dahlberg**

**Director of Association Partnerships**  
vdahlberg@assnsoffice.com

**Megan Miller**

**Accounts Manager**  
mmiller@assnsoffice.com

**Joe Williams**

**Graphic Designer**  
jwilliams@assnsoffice.com

### MRCA Headquarters

2077 Embury Park Rd. | Dayton, OH 45342  
Phone: 800.497.6722 | Fax: 937.278.0317  
www.mrca.org

Find us on



Midwest Roofing Contractors Association • 2015-2016



# MRCA Begins Effort to Promote CERTA

The Certified Roofing Torch Applicator Program (CERTA) has served the industry well for many years by providing a highly successful safety program for the installation of torch applied roofing systems and general rooftop torch safety.

Recently, MRCA has formulated a new marketing program to promote the positive aspects of CERTA. These efforts will be geared towards roofing contractors, roofing consultants, building code officials, and specifiers with plans to work with MRCA's Roofing Contractor Association Partners, RCI and CSI Chapters throughout the country.



On June 16th in Bellville, Ohio, MRCA Executive Director, Bob Pope, was invited to join the Ohio Roofing Contractors

Association for their Annual Safety Day to talk about the CERTA Program and the financial and marketing benefits of having a CERTA trained workforce. Bob also gave away a detail torch which was donated by Superior Equipment & Supply. The lucky winner was Brad Baker of J.F. Baker's Sons, Inc.



From Left to Right: MRCA Legal Council Gary Aumen and MRCA Executive Director Bob Pope,

MRCA will be offering both a CERTA Train-the Trainer Session as well as Applicator Training at the upcoming MRCA Annual Conference and Expo November 10th through the 13th in Kansas City, MO. This is a great way to have your trainer and employees trained at a great price right here in the region without having to pay to travel them or incur the expense of having the training done in-house. Both training programs include meals and tradeshow admission making it an even more beneficial way to achieve this valuable certification for your company.

If you have any questions about CERTA, contact the MRCA office to find out more about Applicator and Train-the-Trainer Certifications Programs. CERTA is a jointly sponsored program by the Midwest Roofing Contractors Association and the National Roofing Contractors Association. MRCA has a dedicated page to CERTA on their website too: [www.mrca.org](http://www.mrca.org).

Pictured Right: Torch Winner (left) Brad Baker of J.F. Baker's Sons, Inc and (right) MRCA President Jack Petsche



## MRCA News

# MRCA Participates in Wisconsin Roofing Contractors Association Outing

Left MRCA President, Larry Marshall, and MRCA Treasurer, Mark Langer, joined the Wisconsin Roofing Contractors Association Members for their Annual Golf Outing at Scenic View Country Club in Slinger in July. The MRCA was pleased to sponsor a hole at the event as well. Marshall had the opportunity to address the WRCA Members and to discuss the strong relationship between the two associations. Thanks to WRCA for all of their hospitality and a great outing!





# MRCA BENEFITS: GROW YOUR FUTURE



**2015** 66TH ANNUAL CONFERENCE & EXPO  
NOVEMBER 10-13 KANSAS CITY, MO  
**BRIGHT FUTURE**

**1949** EST.  
**STRONG ROOTS**

## MRCA Technical & Research

The MRCA Technical and Research Committee is comprised of a group of dedicated contractors and prestigious advisors, that serve as a powerful watchdog in the industry, protecting contractor interests and informing members of the viability related to new and existing roofing systems.

The MRCA website is a rich archive of sixty-five years of research findings and technical bulletins. It also offers access to many codes and standards for your reference. If you can't find what you're looking for, you can rely on MRCA's Complimentary technical advice! Just contact the MRCA office for quick access to professional technical advice relating to engineering or roof performance issues.

The MRCA T&R Committee also provides premier technical training through both live and webinar sessions. Join the T&R Committee in Kansas City on November 12th and 13th for sessions on the latest research projects happening in the industry and the tough topics that the Committee is tackling on behalf of the entire roofing industry.

The T&R Committee also jointly manages the CERTA Program with NRCA's Technical and Operations Committee. CERTA is the industry's foremost safety training program for Torch Applied Roofing Systems and rooftop torch safety. The number of serious roofing torch-related fire incidents has decreased significantly since 2004 when the new NRCA/MRCA CERTA program was implemented in the roofing industry. The NRCA/MRCA CERTA program has made a significant effect on the safe use of roofing torches throughout the roofing industry.

CERTA delivers this valuable training through a certification program where authorized trainers deliver effective behavior-based training to roofing workers. MRCA continues to work with NRCA to make sure the program is up-to-date and of the highest quality. There is no comparable training program available in the roofing industry. The CERTA training program is ideal for contractors whose work involves torch applications. The full-day program trains experienced roof system installers on the safe use of roofing torches used to apply polymer-modified bitumen roofing products. CERTA training shows how proper roof system configuration design and application techniques can result in fire-safe installations.

MRCA will host CERTA Train the Trainer and Applicator Training courses at a special member price at the Conference on November 12th and 13th in Kansas City. Don't miss this great chance to have your people conveniently trained in the region. Each course registration includes meals and tradeshow admission. For more information on CERTA you can go online to [www.mrca.org](http://www.mrca.org) or call Bob Pope in the MRCA Office at 800-497-6722.



The YCC Front

## Young Contractor's Council

**2015 Community Service Event**  
Wednesday, November 11th

**Harvesters Community Food Network**  
3801 Topping Avenue  
Kansas City, MO 64129

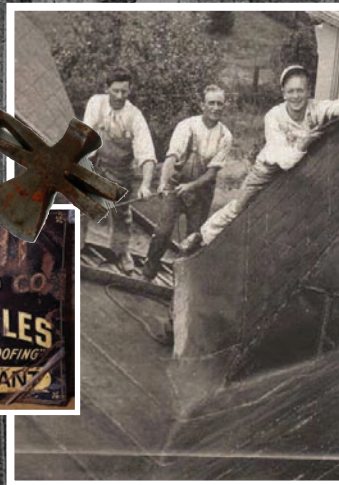
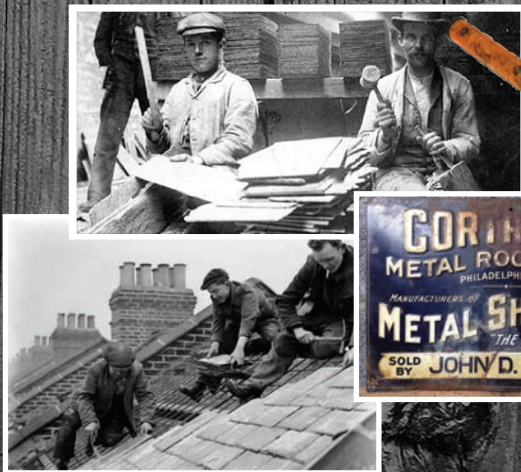


The YCC will be sorting and repackaging food for distribution to the Kansas City community. Harvesters distributes food that feeds over 141,000 people every month.



Be a part of the **solution to end hunger.**

Registration information coming soon.



This year MRCA is dedicating an area of the tradeshow floor to the history of the roofing industry. The “museum” will feature anything from original manuals and tools to old pictures and antique work vehicles. If you are interested in displaying your items, please contact Rachel Pinkus at 800-497-6722 or [rpinkus@assnsnoffice.com](mailto:rpinkus@assnsnoffice.com).



Help Support the MRCA Foundation by donating items to the Silent and Live Auction which, along with the Welcome Reception, will kick-off this year's Annual Conference and Expo in Kansas City. The MRCA Foundation supports educational and professional development programs and industry research. Monetary donations to the Foundation are also welcome. Contact Megan Miller at [mmiller@assnsnoffice.com](mailto:mmiller@assnsnoffice.com).



# 2015 MRCA Conference & Expo Exhibitors as of July 31st!



A.C.T. Metal Deck Supply  
ABC Supply Co.  
AccuLynx  
Allied Building Products Corp.  
Amerisafe, Inc.  
Arvinyl Laminates LP  
APOC  
C.N.A.  
Carlisle SynTec Systems  
Certainteed Corp.  
Chem Link  
Cleasby  
Cordeck  
D-MAC Industries  
Dataforma Inc.  
Davinci Roofscapes  
Duro-Last Roofing, Inc.  
Eagleview Technologies  
ERSYSTEMS

Everest Systems  
FCS Control  
Fibertite Roofing Systems  
Firestone Building Products  
FollowUp Power  
Franklin International  
GAF  
Genflex  
Georgia-Pacific Gypsum  
Hailwatch  
Hapco Inc.  
Johns Manville  
Karnak Corporation  
Malarky Roofing Products  
McElroy Metal  
Owens Corning  
Peterson Aluminum  
Polyglass  
R K Hydro-Vac, Inc.

Roof Management  
Roofing Supply Group  
RoofLogic  
Roxul Inc.  
Sealoflex  
Sika Sarnafil  
Siplast  
Soprema  
Spec Building Materials  
Superior Equipment & Supply  
Tamko  
The Estimating Edge  
Tremco Rfg. & Bldg.  
TSI Energy Solutions  
United Union of Roofers  
Wausau Tile, Inc.  
Western Colloid  
WUKO, Inc.

**There is still Exhibitor Space and Sponsorship opportunities available!**

Contact Rachel Pinkus at 800-497-6722, [rpinkus@assnsoffice.com](mailto:rpinkus@assnsoffice.com)  
or go view the floorplan and reserve your space at [www.mrca.org](http://www.mrca.org).





## Low Rise Foam; The Good and the Bad

Rene Dupuis, PhD

**L**ow rise adhesive foams have become a mainstay in roof construction. While mechanical fastening is and will continue to be widely used, many roofs utilize bead applications of low rise foam.

Contractors like the product and today's manufacturers of low rise foam have done a good job in providing labor saving methods and especially equipment to expedite putting down their product.

There are basically two types of low rise foam adhesive:

1. One Part Moisture Cure; this stems from older urethane technology and was the first one on the market years ago. It would slowly cure out; dry hot weather sometimes left you without any cure. Current formulations are much better.
2. Two Component Polyurethane; this is a rapid cure product. Large amounts of two component low rise foam are in use today. It is shipped in dual cartridge, disposable containers to be used with dispensers and pump grade components. These products are put down in a cream bead form, being manually guided by the mechanic. The bead is usually dispensed in 1/2" to 3/4" wide liquid beads. The material usually spreads out and may rise up to an inch. Depending on temperature and humidity, you have about 10 minutes to work with the product.

### The Good

When applied during mild to warm temperature conditions (60°F - 90°F), production is fast and the insulation beads being bonded will need to be walked in. Cure time is rapid, generally within 5 – 8 minutes. Once the board (use 4' x 4' boards) is stuck, it is normally well adhered. Tearing off an adhered single ply roof can be a lot of work because of the tenacity of the foam adhesive even at 12" spacings. Generally you want to use beads 12" on center in the field of the roof and probably 6" on center at the corners and perimeters. Check with your roof designer or roof manufacturer for the specified spacing. Remember that the 12" spacing is nominal, there are no guidelines on the boards. I allow for a field tolerance in spacing as we know 12" on center is more than adequate, based on field experience to date. We do not know what factor of safety you have in uplift, as no one has studied that issue.

Store the product at 70°F - 90°F; if the temperature drops into the 40°F range, set times slow way down. You may need a winter grade product, which generally are good

in the 0°F to 65°F range. Above all else, follow the manufacturer's instructions as each low rise foam product is a little different. This has to do with rise and set time also, as some low rise foam needs to attain an initial bond

*Fig.1 Hard glassy off ratio low rise foam; has little adhesive strength, no foam expansion.*



before walking the insulation boards in. You do not want to destroy the freshly formed bond.

### The Bad

Two component low rise polyurethane foam consists of an "A" side which is the polymeric isocyanurate.

The "B" components are the polyols – building blocks of resin and other components. It is critical that these come together in a 1:1 mix. If they do not, we can get "off ratio" foam and then things can go bad. The foam manufacturers have good formulations that have some leeway in going off ratio.

If you do not catch the problem, you can unfortunately build a lot of bad roof in a day; the boards will really not be adhered very well or bonded at all. Your applicators need to be checking on the quality of foam frequently. Free moisture, damp conditions or a thin layer of morning dew can really create a problem.

Off ratio foam is going to go one way or another, depending if more "A" (Part 1) is present than "B" (Part 2) or more "B" is present than the "A" side.

Do not apply these materials if fog, misty conditions or light precipitation is present. You will live to regret it. Two component foam is a great product but like every other product we use, it has its strength and weaknesses. But any free moisture present when you lay down the foam will turn it into "B" rich material, making it go off ratio.

Excess isocyanurate or "A" component (Part 1) problems are more difficult to spot; you should look for irregular glossy cell structure, brittleness, improper rise and poor adhesion ability. Figures 1 and 2 demonstrate what to look

## T&R Update (continued from pg 10)



*Fig.2 Close up of another field sample of hard ,glassy off ratio foam with some adhesive ability but not much for on the roof. Note in Figure 1 the foam bead is skinny, has not risen and nothing is adhering to it as the insulation boards freely buckled upward. Figure 2 shows a similar condition on a different roof; thin bead of foam, (3/8"wide) with spotty adhesion. Not good at all.*



*Fig.3. Soft, off ratio foam adhesive with no body, poor bonding*

Excess polyol or "B" component (Part 2) leads to soft, spongy and weak material. One can usually pick the insulation boards right up. Again, this is not a good thing. Figures

3 and 4 show how totally opposite off ratio foam on the "B" side can be compared to off ratio on the "A" side. The foam has very little cohesive strength. It is mildly adhered to the insulation boards but has no real bond strength at all.

In summary you want to prevent putting down a poorly adhered roof assembly. If you are using low rise foam adhesive, be aware of how "off ratio" foam can get you in trouble. Have one of your crew do quality control checks as you proceed. If the foam goes off ratio, stop and call for help if you cannot figure out how to correct the off ratio problem.



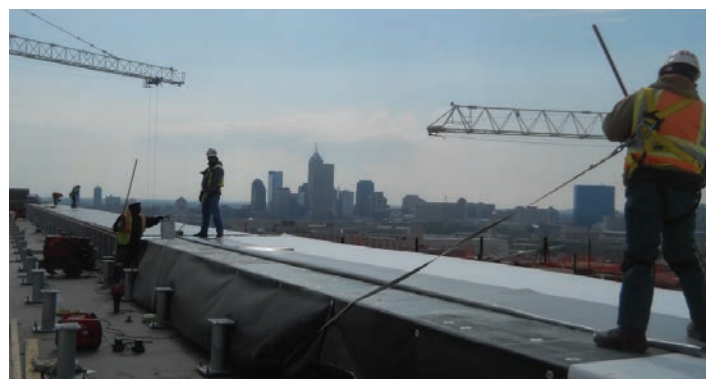
*Fig.4 Soft, off ratio foam adhesive coming apart; cohesive failure within the foam*

Rene Dupuis, PhD PE, of SRI in Middleton, WI, can be reached at [RDupuis@sri-engineering.com](mailto:RDupuis@sri-engineering.com). Dupuis serves on MRCA's T&R Committee.

# SafetyResources

SAVING LIVES. SAVING COMPANIES.

We are a national safety consulting company comprised of a group of safety professionals dedicated to developing and implementing regulatory compliance and liability defense strategies to protect corporate assets.



### Our services and expertise include:

- Job Site Safety Inspections
- OSHA Compliance Assistance
- OSHA Recordkeeping
- Accident Investigation
- Project & Site Safety Plan Development
- Contract Safety Director
- Instructor Led Training
- Construction Site Safety
- Safety Program/Policy Development
- Prequalification/Certification Assistance
- MICCS, PICS, PEC, ISNet, and others

City of Indianapolis WBE Certified, State of Indiana WBE Certified, WBENC Certified, INDOT DBE Certified, IACET CEU Authorized Provider

**CONTACT US:**  
**12 W. Vermont Street**  
**Indianapolis, IN 46204**  
**Phone: 800-641-5990**  
**[www.safetyresources.com](http://www.safetyresources.com)**





## Illinois Division of Professional Regulations Update

Laurie Moore, Kreiling Roofing Company  
Illinois Roofing Advisory Board  
MRCA Board of Directors

The Illinois Roofing Industry Licensing Act, 225 ILCS 335 (“Act”), requires that all roofing contractors maintain a license with the Department of Financial and Professional Regulation (“Department”). Additionally, all roofing subcontractors must be licensed, even those working under a licensed roofing contractor. The Roofing Advisory Board (“Board”) for the Department strongly encourages that all licensed roofing contractors ensure that all roofing subcontractors maintain proper licensure. You can check whether a person or entity is licensed via the Department’s “License Lookup” at [www.idfpr.com](http://www.idfpr.com).

However, employees of a licensed roofing contractor are not required to maintain a separate license. In considering whether a person is an employee, the Department may consider the following: (1) whether the person receives direction and guidance from the licensed roofing contractor; (2) whether the person receives a payroll check in which the required taxes are withheld; (3) whether the person’s wage is reported for the purposes of insurance coverage; (4) whether the person is covered under the licensed roofing contractor’s worker’s compensation; and (5) whether the person was paid a lump sum or cash. This list not inclusive and other relevant factors may be considered.

The Department and Board disciplines licensed roofing contractors who improperly hire unlicensed roofing subcontractors in an attempt to save money on the wage, the tax and the insurance coverage. Such instances cause concern as unlicensed practice is improper under the Act. Additionally, unlicensed practice

exposes consumers to unknown liabilities, such as lawsuits.

Pursuant to the Act, the Department and Board seeks to safeguard the business of roofing construction, reconstruction, alteration, maintenance and repair for Illinois consumers. All instances of unlicensed practice should be reported as complaints to the Department’s Complaint Intake Unit at [www.idfpr.com](http://www.idfpr.com) or (312) 814-6910.

### CUSTOM TAILORED LEGAL SOLUTIONS

#### *for Your Business*

In some areas of the law, off the rack won’t do! Let our experienced attorneys provide you with effective legal solutions.

- OSHA
- Workers’ Comp Defense
- Labor & Employment Law
- Construction Law

*WE ARE A PERFECT FIT,  
NO MATTER THE SIZE*



Gary W. Auman

**Dunlevey  
Mahan + Furry**  
ATTORNEYS

[www.dmfdayton.com](http://www.dmfdayton.com) • (937) 223-6003





# ANNUAL PRESIDENT'S REPORT

2015

Midwest Roofing Contractors Association



# Your MRCA Board

of Directors met earlier this year and made plans for their first year working in partnership with our new association management team. We agreed on the following "critical few" goals:

- Create a Strategic Plan for membership growth and expansion of member services.
- Provide an innovative and well attended annual Conference and Expo in Kansas City this November.
- Establish five new ad hoc committees focused on the Architectural Sheet Metal Market, Conference and Expo Promotion, Association Partners Communication, the Steep Slope Roofing Market and New Revenue Opportunities.
- Charge our CERTA task force to negotiate an improved working partnership agreement with NRCA.
- Introduce a unique Professional Development Contractor Recognition Program for our members that provides continued business educational services and opportunities.
- Develop and cultivate improved relationships with our Regional and National Association Partners.
- Publish our Annual Financial and Association Informational Report so as to become more transparent and improve communication with our membership.

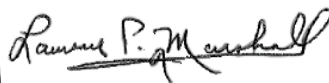
Together with the professional leadership of the MRCA staff and the energetic commitment of your eighteen member MRCA Board of Directors our goals will be accomplished this year.

The 2015 MRCA Board of Directors takes their duty of serving you as "The Contractor's Advocate" as their heritage. They hope you will review the following published 2015 Financial Report as well as our Association Informational Report and agree that MRCA has very "Strong Roots and a Bright Future."

Your elected Board of Directors and I look forward to seeing and meeting with you in Kansas City at our Annual Conference and Expo from November 10-13<sup>th</sup>, 2015. Make your plans now to attend and bring your key staff members with you. The opportunity to join fellow contractor members in Kansas City and work "on your business" is a "Must Do" Experience.

*Thank you for  
the privilege of  
serving as your  
2015 MRCA  
President*

Lawrence P Marshall,  
2015 MRCA President



## MIDWEST ROOFING CONTRACTORS ASSOCIATION, INC.

Balance Sheet - Cash

As of June 30, 2015

### ASSETS

#### Current Assets

##### Checking/Savings

PNC 3398

9,669.89

**Total Checking/Savings**

**9,669.89**

#### Other Current Assets

##### Marketable Securities

Charles Schwab-Money Market

9,695.99

Charles Schwab - Investments

465,688.75

**Total Other Current Assets**

**475,384.74**

### TOTAL ASSETS

**485,054.63**

### LIABILITIES & EQUITY

#### Equity

Unrestricted Net Assets

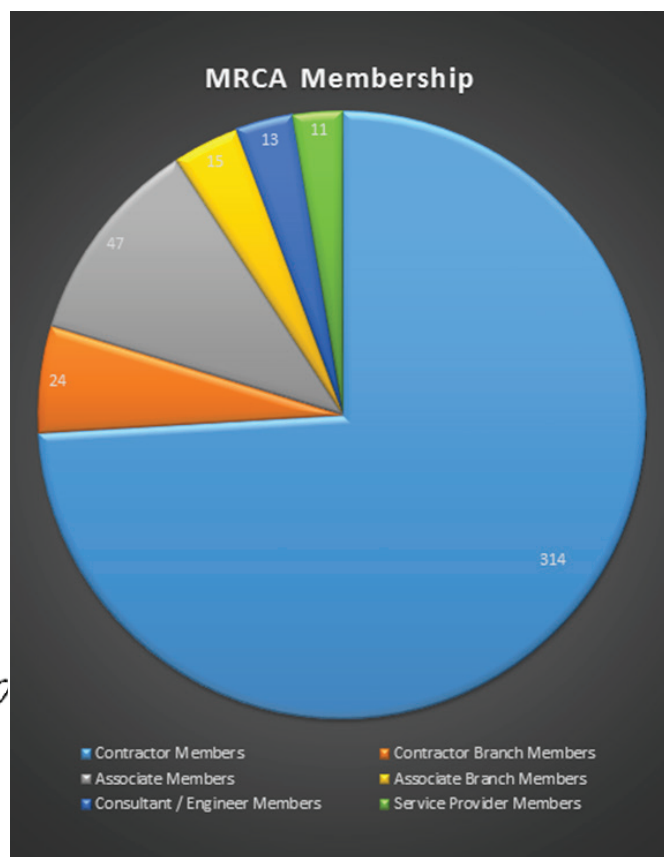
485,054.63

**Total Equity**

**485,054.63**

### TOTAL LIABILITIES & EQUITY

**485,054.63**





# MRCA Mission Statement

The Midwest Roofing Contractors Association (MRCA) is organized to help members succeed by providing advocacy; education; networking opportunities; and being an active resource for members with technical, business management, safety, and legal advice.

In 2015 the MRCA Board of Directors went through a strategic planning process facilitated by Aileron, a national center for entrepreneurs. This process focused on developing a timeline-based project by project plan for the association. It puts in place not only one-time initiatives but also association processes that can be continued and improved

upon year over year.

With this road map in hand for the association, your MRCA volunteer leaders have given countless hours working to help the association succeed and each MRCA Member find value and benefit in their membership

***MRCA volunteer leaders  
have given countless  
hours working to help  
the association succeed***

investment. This summary is a brief description of all the work being done by the association on your behalf.



## Committee Overviews

### Advisory Council



**Chairperson: Greg Bloom**, Allied Building Products - East Rutherford, New Jersey

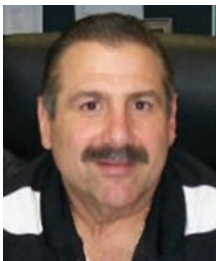
**Purpose:** This Council provides industry suppliers and manufacturers a voice in the planning of the MRCA Annual Conference. This Council's goal is to increase the revenue opportunities for the MRCA Annual Conference and advertising; and to increase MRCA membership.

**Projects:** In 2014 the Council collaborated to create a well-attended and successful conference in Dallas, Texas. In 2015 they have been hard at work planning a return to MRCA's roots in Kansas City for the 66th Annual Conference and Expo on November 11th through the 13th.

The Council is working with regional suppliers to promote the conference and helping to develop THE most essential lineup of education and entertainment in the industry.



### Architectural Sheet Metal Ad Hoc Committee



**Chairperson: Fred Horner**, Advanced Industrial Roofing, Inc. - Massillon, Ohio

**Purpose:** The purpose of this Committee is to begin the process of providing a home within the MRCA for Architectural Sheet Metal Contractors and their industry equipment and material suppliers. This Ad Hoc Committee is charged with: identifying potential members in this industry segment; recommending new services, training, or resources needed by the industry; recommending tailored marketing of existing member services to this segment; and incorporating this segment into the 2015 Expo in Kansas City.

**Projects:** This Committee has been personally recruiting Architectural Sheet Metal Contractors into the MRCA as well as their supplier partners. Plans are underway for the MRCA Metal Shop at the 2015 Expo with live demonstrations daily.

### Business Management Committee



**Chairperson: Mark Gwaltney**, Diamond-Everley Roofing Contractors - Perry, Kansas

**Co-Chairperson: Laurie Moore**, Kreiling Roofing Company - Peoria, Illinois

**Purpose:** The purpose of this Committee is to develop tools and programs to assist MRCA members in the successful operation of their businesses. This committee also provides input to the conference committee on seminar topics for the annual conference.

**Projects:** In addition to overseeing the Applicator Agreements and Business Forms programs on the MRCA Members Only website, the Committee has been hard at work developing the MRCA Elite Roofing Contractor Program. This marketing program for qualifying roofing contractors will be launched at the Conference in November and welcome its Charter Class of Contractors in 2016.

### Association Partners Ad Hoc Committee



**Chairperson: Laurie Moore**, Kreiling Roofing Company - Peoria, Illinois

**Purpose:** The purpose of this Committee is to strengthen the relationship between MRCA Leadership and the leaders of the partnering associations within the region. This

Ad Hoc Committee is charged with: helping staff to develop a list of association partner leaders; identify services and information resources that MRCA could provide to association partners within the region; solicit the input of partner association leaders to help identify potential Board Nominees; and to explore possible membership partnerships with these associations.

**Projects:** Outreach has begun to the leaders of many roofing industry associations in our region and across the country. Partnerships for events, safety training, research, and industry news sharing are already being made. The Committee will continue to work through the fall on involving as many partnering association leaders as possible in the MRCA Conference and Expo including a new initiative to help defray some of the cost for these association leaders to attend.



## CERTA Taskforce



**Chairperson:** Greg Sprague, Sprague Roofing Company – Lincoln, Nebraska

**Purpose:** The purpose of this Taskforce is to oversee the administrative and marketing aspects of the MRCA/NRCA CERTA Torch Applicator Training Program.

**Projects:** The CERTA Taskforce has successfully negotiated a new partnership agreement with NRCA to provide the CERTA program with stability and continuous improvement over the next three years. The Taskforce has embarked on an aggressive marketing program for the CERTA Applicator Training Program and will be taking its new exhibit and education program on the benefits of CERTA training to roofing contractors, specifiers, and consultants across the region. In addition to CERTA Applicator and Train the Trainer Programs at the November Conference, the Taskforce will also be partnering with other roofing associations to offer more Applicator training sessions than ever before.



## Chairs Committee



**Chairperson:** Larry Marshall, L. Marshall Roofing and Sheet Metal, Inc. – Glenview, Illinois

**Purpose:** The Chairs committee enhances communication between the Executive Committee and the standing committee structure. The Chairs committee is comprised of the Executive Committee and the Chair of each Committee.

**Projects:** In addition to providing transparency and a collaborative environment for MRCA's committee work, this Committee has also

worked closely with the Advisory Council and the Convention Promotion Committee to build a stellar educational lineup for the MRCA Conference. Each Committee brought its best ideas to the table to create a diverse offering of timely industry topics.



## Finance Committee



**Chairperson:** Mark Langer, Langer Roofing & Sheet Metal, Inc. – Milwaukee, Wisconsin

**Purpose:** The Finance Committee oversees the financial management of the association, reviews the financial management policies, including the investment policy, and makes recommendations to the board as needed. The committee provides input for the preparation of the annual budget, reviews the budget and advises the board as to the acceptability of the budget. The finance committee also monitors expenses to the budget. The committee monitors the performance of the MRCA investments as well.

## Convention Promotion Ad Hoc Committee



**Chairperson:** Kurt Steinkuhler, Geo Groh & Sons, Inc. – Emporia, Kansas

**Co-Chairperson:** John Daly, Kaw Roofing & Sheet Metal, Inc. – Kansas City, Kansas

**Co-Chairperson:** Kim Swartzendruber, Kansas Roofing Association – Lawrence, Kansas

**Purpose:** This Committee's purpose is to drive exhibit sales and conference attendance for the Conference and Expo in Kansas City. This Committee is populated by local leaders in the Kansas City Market, local leaders that can drive attendance from their area of the region, and leaders of the MRCA Councils that can drive attendance from their membership segment.

**Projects:** This Committee has been the eyes and ears of the MRCA in Kansas City in preparation for the Conference. They have been excellent resources for local contacts, local entertainers, and local materials to make this event truly a Kansas City experience for members from across the region. This Committee has offered innovative new ideas for the Expo and the Foundation Auction that are going to make this year one to remember!



# Committee Overviews

## Membership and Marketing Committee



**Chairperson: Tracey Donels**, K Post Company – Dallas, Texas

**Co-Chairperson: Fred Horner**, Advanced Industrial Roofing, Inc. – Massillon, Ohio

**Purpose:** This Committee is charged with developing plans for membership recruitment and retention; reviewing current membership qualifications as needed; and developing membership campaigns and promotional programs. The membership committee also identifies and recommends to the board potential member benefit programs.

**Projects:** The Committee has really focused this year on personal recruitment efforts by each Committee Member. They have also partnered with the Advisory Council on a joint counter-top promotion of the Conference and the benefits of membership. Seizing on the "Strong Roots, Bright Future" theme of the Conference, the Committee designed a special logo to use this year to communicate with current and future members the benefits of membership. Each issue of MR magazine will also feature an article highlighting one "branch" of the MRCA Membership Tree.



## Operations and Safety Committee



**Chairperson: Kelly Lea**, Empire Roofing – Nashville, Tennessee



**Co-Chairperson: Terry Buss**, E.D. Chase Roofing – Oshkosh, Wisconsin

**Purpose:** The purpose of this Committee is to provide current and relevant information to MRCA members regarding the health and safety of their staff. This Committee monitors OSHA

regulations and communicates findings to the membership as required. They are also responsible for management of the SHARP program and for updating materials as needed. The committee provides input on seminar topics for the annual conference as well.

**Projects:** This Committee has taken on a number of large projects this year. On the heels of their first successful round of Safety Awards, they have partnered with the Business Management Committee to incorporate the safety program review process used by the Safety Awards Program into the MRCA Elite Roofing Contractor Program. The Committee received thirty-two applications for the Safety Award in just the second year of the program. They are also revising the MRCA Model Safety Program and MRCA Safety Training Videos this year and overseeing the translation of twelve new tool box talks into Spanish.



## Nominating Committee



**Chairperson: Steve Little**, K Post Company – Dallas, Texas

**Purpose:** The purpose of the Nominating Committee is to solicit and evaluate candidates for the Board of Directors and the Executive Committee and to prepare the slate of candidates for open Board and Executive Committee positions each year.

**Projects:** The Nominating Committee has completed its work for the 2016 Election to be held at the Membership Meeting on November 12, 2015 in Kansas City. The following slate of candidates have been approved by the Board of Directors to stand for election:

MRCA Directors:

John Kalkreuth, Kalkreuth Roofing and Sheet Metal, Inc. – Wheeling, West Virginia

Jim Peterson, Peterson Roofing, Inc. – Mt. Prospect, Illinois

Steve Weinert, Crafts Incorporated - Manitowoc, Wisconsin

MRCA Secretary:

Kevin Gwaltney, Diamond Roofing Dodge City – Dodge City, Kansas

## New Revenue Ad Hoc Committee



**Chairperson: Bob Schenkel**, C.L. Schust Company, Inc. – Fort Wayne, Indiana

**Purpose:** The purpose of this Committee is to review current programs and services as well as potential new programs and services to determine if new non-dues revenue can be created for the MRCA.

**Projects:** Since the launch of the Hispanic Hiring Kit in December, this Committee has been working on a plan to improve and market this program to the membership. They are also considering new technology to enhance the existing SHARP program and new affinity programs to benefit MRCA Members while helping the Association finance its work on behalf of the industry.



## Steep Slope Ad Hoc Committee



**Chairperson:** Jim Peterson, Peterson Roofing, Inc. – Mt. Prospect, Illinois

**Purpose:** The purpose of this Committee is to create a membership campaign to recruit more contractors and industry suppliers from this industry segment into MRCA; to increase the number of industry suppliers from this segment at the Expo; and to provide editorial content to MR magazine that would support this industry group.

**Projects:** This Committee will host a special section on the Expo floor in Kansas City for Steep Slope Roofing Contractors. This special VIP program will be launched in September and will give these contractors a unique conference experience tailored to their specific industry interests. The Committee is also partnering with the Architectural Sheet Metal Committee to do hands-on demonstrations in the MRCA Metal Shop area of the tradeshow.

## Women in Roofing Council



**Chairperson:** Heidi Ellsworth, Eagleview Technologies – Bothwell, Washington

**Co-Chairperson:** Shari Carlozzi, HAPCO, Inc. – Kent, Ohio

**Purpose:** The purpose of this Council is to encourage and recognize professional

excellence in women while providing educational, networking, and mentoring opportunities for women roofing industry professionals who are involved, working or retired from the roofing industry. The council plants a positive footprint for women in the roofing industry, empowering them to work at their best while promoting their professional perception in the roofing industry.

**Projects:** This Counsel will present several sessions at the Kansas City Conference that will be valuable for both women and men in the industry. They will also host a reception for women interested in joining the group as they have been doing across the country since their launch in December. The WinR is developing their organizational structure and expanding their leadership team to reflect the diversity of the industry and to maintain a strong, long-term resource for MRCA's contractors and associate members.



## Technical and Research Committee

**Chairperson:** Randy Adams, R. Adams Roofing, Inc. – Indianapolis, Indiana

**Purpose:** The T&R Committee's primary purpose is to perform the investigation and analysis of any and all roofing materials, systems and products which are or may be applied or used by the Association's members as determined by the Technical & Research Committee.

**Projects:** In December, the T&R Committee celebrated sixty-five years of industry-changing research and reporting during the MRCA Conference. An esteemed panel of past and current T&R Members discussed the rich legacy of this Committee and its positive impact on the entire roofing industry. All past and present members of the T&R Committee were also honored as a group with the James Q. McCawley Award. This celebration has been followed by some powerful new research projects. The recently released report on water-based adhesives and the upcoming study on reflectivity show the T&R Committee's continued value to the industry.

## Young Contractors Council



**Chairperson:** Kevin Gwaltney, Diamond Roofing Dodge City – Dodge City, Kansas

**Purpose:** The Young Contractors Council (YCC) is to help young roofing professionals establish contacts and develop leadership skills to succeed within the roofing industry. The YCC is designed for roofing professionals under the age of 40 looking to meet with peers and mentors to share best practices, learn more about the roofing industry and network in a fun, social environment.

**Projects:** By establishing this group, MRCA is contributing to increased professionalism within the industry, as well as positively impacting leadership growth within member companies. By developing critical issues such as succession planning, industry safety and business management, MRCA will enhance members' business growth, while cultivating future association leaders who can continue the legacy of being the roofers' advocate. The YCC has another great service project scheduled with the Harvest Foodbank in Kansas City. They will also host a series of sessions and their annual reception during the MRCA Conference.



# MRCA Foundation



I have been privileged to serve as MRCA President in 2012 and as the MRCA Foundation President during the past two years, 2014 and 2015.

Our vision for The MRCA Foundation has created a significant opportunity to enhance the roofing industry and create financial growth for the Foundation.

In the spring of 2012 we created the MRCA Foundation Auction. While the Auction has been very successful, this is the vehicle we use to create the opportunity to fund scholarships, research (e.g. 2015 Reflectivity Study, and 2013 – 14 Water Based Adhesives Study), and educational opportunities such as speakers for the Young Contractors Council, and translating tool box talks in to Spanish. We have hired professional, technically competent translators to accomplish this task.

The Foundation Auction is supported by donations from manufacturers, contractors, suppliers, and others with an interest in our industry. Their generosity has provided items such as roofing material, jewelry, tools, hunting trips, personal trips, and activities such as an Indy Car ride, golf trips, and many other fun and interesting items and opportunities. During the past three years we have raised nearly \$140,000 for Foundation use. Please consider a donation to this industry event, so that we may continue the important work on behalf of the roofing industry.

We have also created the opportunity to add industry leaders to the Foundation Board of Directors. While the core of Foundation leadership has been vested with MRCA leadership, we have created an environment to add a few leaders of influence to the board. The goal is to set the stage for continued and future Foundation growth with fresh ideas and industry insight.

I am proud to present the accompanying balance sheet, photos, and descriptions for you, our members, to see the good work the MRCA Foundation is accomplishing.

*I look forward  
to seeing all  
of you at this  
year's Auction  
in Kansas City!*

Randy Adams,  
2015 Foundation Chairman  
2012 MRCA President

## MRCA Foundation Balance Sheet - Cash As of June 30, 2015

### ASSETS

#### Current Assets

##### Checking/Savings

PNC - 3312

35,010.93

Total Checking/Savings

35,010.93

#### Other Current Assets

##### Marketable Securities

Charles Schwab-Money Market

5,983.08

Charles Schwab - Investments

340,873.62

Total Marketable Securities

346,856.70

Total Other Current Assets

346,856.70

Total Current Assets

381,867.63

### TOTAL ASSETS

381,867.63

### LIABILITIES & EQUITY

#### Equity

Unrestricted Net Assets

381,867.63

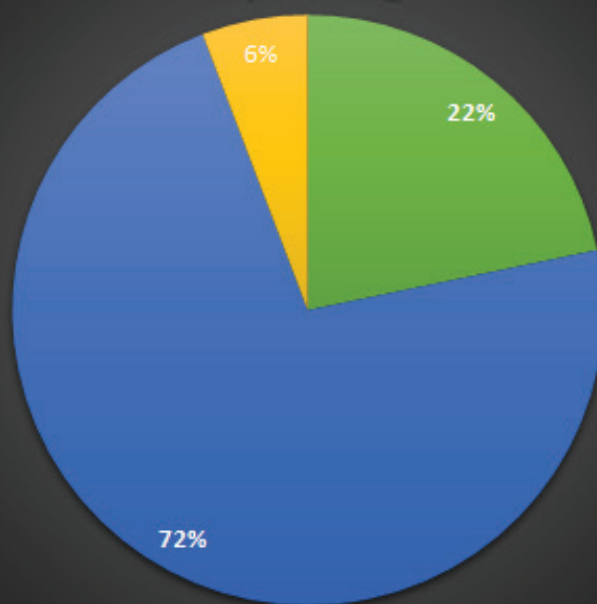
Total Equity

381,867.63

### TOTAL LIABILITIES & EQUITY

381,867.63

## 2014-2015 Foundation Spending



■ Scholarships ■ Research ■ Education



## SCHOLARSHIPS

The MRCA was pleased to grant scholarships in 2014 to the following individuals who are affiliated with these MRCA Member Companies: Paul Runyan, Slatile Roofing; Ashley Harkelroad, Quality Roofing Company; Gonzalo Ruiz, AAA Roofing; William Gwaltney, National Roofing Partners; Chelsea Chapman, Independent Roofing Company; Mackenzie Beldon, Beldon Roofing Company; Jacob Hoffman, Berwald Roofing; Ross Harvey, Windsmart LLC; Jack Pauley, KC Sales; and Claire Romine, Smither Roofing

## RESEARCH

The Foundation has recently funded research projects on Water Based Adhesives and Reflectivity. The results of the Water Based Adhesive Study were released at the 2014 Conference in Dallas, Texas. The results of the Reflectivity Study will be released at the 2015 Conference in Kansas City.

## EDUCATION

The MRCA Foundation was pleased to fund workforce development events as well as Spanish translations of SHARP Tool box Talks this year. Both projects address timely challenges facing the roofing industry and will have wide-reaching benefits for MRCA Members.

## FOUNDATION AUCTION

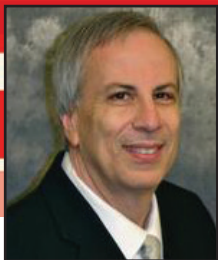
The Foundation hosted another successful auction in Dallas, Texas in December that raised \$48,000. This Auction represents the primary source of fundraising for the Foundation. The next auction will be in Kansas City in conjunction with the MRCA Conference and Expo. Please consider contributing an item to the auction and participating in this exciting annual event. You can also give to the Foundation

through your membership renewal at the Gold or Platinum level or by donating directly to the Foundation via the MRCA website. Thanks to the support of many MRCA Members, the Foundation continues to make positive contributions to advance the roofing industry.



*Thanks to the support of many MRCA Members, the Foundation continues to make positive contributions to advance the roofing industry.*





Paul Routh

# U.S. SUPREME COURT ISSUES

## Two Major Rulings Impacting Employers

The U.S. Supreme Court issued two major rulings the week of June 22, 2015 that impact personnel policies and employer sponsored benefit plans.

### King v. Burwell

The Court announced the King decision on June 25. This case involved the premium subsidies under health care reform. By way of background, health care reform provides government subsidies to low and moderate income individuals who get their coverage through a health care exchange or marketplace. Congress envisioned that the states would establish and run their own exchanges or marketplaces. However, as a backstop, the law provides that the federal government would step in and run the exchange or marketplace if the state failed to establish its own exchange or marketplace.

As it turned out, 36 states opted not to set up their own exchanges or marketplaces. Thus, the federal government started running the exchanges or marketplaces in those states. However, the statute clearly stated the government subsidies were only available to those who got health coverage through an exchange or marketplace established by a state. In any event, the Internal Revenue Service issued regulations saying the premium subsidies were available to individuals who got coverage through the exchange or marketplace even if that exchange or marketplace was run by the federal government.

Several lawsuits were filed saying the Internal Revenue Service did not have the authority to issue regulations saying the premium subsidies were available under all of the exchanges or marketplaces (including those operated by the federal government). The Plaintiffs said the subsidies were only available if the exchange or marketplace was run by a state as opposed to being run by the federal government. The Defendant (i.e. the government) said it really didn't matter if the exchange or marketplace was operated by the state or federal government. The federal government said the Internal Revenue Service has the right to issue regulations saying who is entitled to the premium subsidies.

The Court ruled that the premium subsidies are available under both state and federally operated exchanges or marketplaces. The ruling, however, was not based on the Internal Revenue Service's regulations. Instead, the Court ruling is based on the Court's interpretation of the statute. That is, the Court looked at the intent of the law and decided that Congress wanted the premium subsidies to be based on the person's income and not whether or not the person got coverage through a state or federally operated exchange or marketplace.

Although the end result is the same, it is important to note the basis for the Court's decision. If the Court had simply ruled it was within the Internal Revenue Service's authority to issue regulations saying the premium subsidies were available to everyone, the law's future would have remained uncertain. Based on this logic, the Internal Revenue Service, under a different administration, could change its position. However, since the Court's decision was based on what it perceived was

Congress' intent, only Congress can change the rules. In other words, it will literally take an "act of Congress" to modify the rules governing the premium subsidies.

This is a link to an article that discusses the case and  
**"it will literally take an "act of Congress" to modify the rules governing the premium subsidies."**

explains how the Court's decision cements health care reform's near term future. The "take away" is that employers need to realize Obamacare is the law of the land and they must comply with the rules as they are currently written – it is not going away.

<http://healthaffairs.org/blog/2015/06/25/implementing-health-reform-the-supreme-court-upholds-tax-credits-in-the-federal-exchange/>

### Obergefell v. Hodges

The second major Court decision was released the following day on June 26. In a 5-4 decision the Court held the U.S. Constitution requires all states to license and recognize same sex marriages. Note that the ruling applies to the various states and their instrumentalities but not to private employers. Nevertheless, the ruling will impact employers, especially in those states like Ohio which did not recognize same sex marriages.

Employer sponsored health and welfare plans will be impacted by the Court's ruling. The Court's 2013 Windsor decision required federal laws (e.g. ERISA and the Internal Revenue Code) to treat same sex and opposite sex spouses the same. Since qualified retirement plans are governed by both ERISA and the Internal Revenue Code, the Obergefell ruling will have little impact on qualified retirement plans.

The Obergefell ruling does not require employers to offer health coverage. In fact, health care reform specifically provides that employers need not offer health coverage to spouses. As a result, it is up to the employer whether or not to offer health coverage. However, all insured group health plans have to comply with state insurance laws and, as previously mentioned, all states have to recognize same sex marriages. Therefore, employers sponsoring fully insured group health plans will have to check with their insurance company to determine if the applicable state law requires the carrier to provide health plans that offer spousal coverage. If that is the case, then an employer with a fully insured health plan will have to treat same sex and opposite sex spouses the same under the fully insured group health plan.

If the employer is sponsoring a self-funded group health plan, ERISA preempts state law so the employer has more flexibility when setting the plan's eligibility requirements. Many self-funded health plans simply define "spouse" based on state law. So, if the employer wants to exclude same sex



spouses, the employer will have to review the self-funded health plan's definition of spouse to ensure the plan does not define "spouse" by simply referencing state law.

Even employers with self-funded health plans may be on shaky ground if they continue to exclude same sex spouses. Title VII of the Civil Rights Act does not specifically prohibit private employers from discriminating against employees based on sexual orientation or gender identity and the Obergefell decision does not broaden Title VII's protections. But, lesbian, gay, bisexual, and transgender ("LGBT") stereotyping may give rise to a gender discrimination claim. The Equal Employment Opportunity Commission ("EEOC") has issued internal guidance directing its investigators to accept and pursue charges of discrimination based on sexual orientation as a form of sex discrimination. Moreover, various state and local laws specifically bar employers from discriminating against employees based on sexual orientation. It is likely the Obergefell ruling will further spur the EEOC to challenge employers who deny coverage to same sex spouses on the basis of gender bias.

The proposed Employment Non-Discrimination Act would

**"all state and city tax laws must now treat same sex and opposite sex married couples the same as do federal tax laws"**

bring LGBT individuals within the protected classes of the Civil Rights laws for private employers and the possibility of enactment in the future appears enhanced by the Court's decision and the current political environment. Federal Executive Order 11246 is being used currently to prohibit discrimination by government contractors on the basis of sexual orientation and gender identity through the OFCCP's interpretive rules of Executive Order 13672 – Prohibiting Discrimination Based on Sexual Orientation and Gender Identity for Government Contractors and Subcontractors.

The Court's ruling will, however, make plan administration easier. Each state and municipality has its own tax laws. However, all state and city tax laws must now treat same sex and opposite sex married couples the same as do federal tax laws. As a result, the tax treatment of employee benefits will now be uniform across all levels of government. The following is an article about the Court's Obergefell decision.

[http://s3-us-west-2.amazonaws.com/lockton-corporate-website/Compliance-Alerts/20150626\\_SSM\\_Court\\_Decision\\_Final.pdf](http://s3-us-west-2.amazonaws.com/lockton-corporate-website/Compliance-Alerts/20150626_SSM_Court_Decision_Final.pdf)

The Obergefell decision also validates the Department of Labor's earlier FMLA regulations which modified the definition of "spouse" to include same sex spouse. The FMLA now clearly applies to same sex spouses and same sex parents caring for their children.

Note that the Court's ruling has no impact on the treatment of "domestic partners." That is, the ruling only applies to same

sex individuals who are legally married and does not address same sex or opposite sex domestic partners. Employers who accord benefits for same sex unmarried domestic partners may deem the according of such to the "unmarried partner" no longer appropriate – however those partners may, of course, marry in all 50 states. No clear expression of the law on this point currently exists. This decision is too new to fully understand all of its ramifications and each employer should carefully monitor developments.

#### **Employers Take Action Now!**

- Review your HR policies, practices and benefit programs for compliance
- Modify your FMLA policy to ensure coverage for same sex married couples but not necessarily unmarried domestic partners
- Re-interpret your COBRA benefit continuation coverage provisions
- Treat all married couples equally with respect to leave policies, retirement plans and other employer sponsored benefit programs
- If any of your policies or plans specifically reference "opposite-sex marriage," modify such
- If your state's insurance law requires employers to provide spousal coverage, make sure same sex and opposite sex spouses are treated the same
- Review your pension plan's spousal entitlement to joint and survivor annuities and your 401(k) plan default beneficiary programs
- Update personnel/payroll records including W-4 withholding
- Watch for further developments published by Dunlevey, Mahan & Furry and consult with your labor and employment law counsel

#### **Government's June 30th Deadline for Individual Health Policies**

We have reported before that employers may no longer pay for employees' individual health policies on a pre-tax or post tax basis. The government gave small employers (i.e. those with less than 50 employees) until June 30, 2015 to stop that practice. See this article on the rules.

<https://news.leavitt.com/health-care-reform/no-penalties-through-june-30-2015-for-premium-reimbursement-plans-of-small-employers/>

The penalty for noncompliance is \$100 per day (or \$36,500 per year) for each employee.

*Dunlevey, Mahan & Furry provides comprehensive legal services to discerning businesses throughout the United States. Areas of focus include business, employment and construction law. Visit our website at [www.dmfd Dayton.com](http://www.dmfd Dayton.com).*

# Your Competitive Edge



[www.abcsupply.com](http://www.abcsupply.com)

At ABC Supply, we pride ourselves on providing superior services designed around your needs. Our nationwide footprint enables us to stock an assortment of brands you trust at a competitive price helping your business grow and giving you the competitive edge.

## Look to ABC Supply for:

- Broad selection of brands, products, tools and accessories
- Order accuracy, prompt communication, and on-time delivery
- Competitive pricing, hassle-free returns and electronic billing
- Marketing support to help grow your business

**Experience the ABC Supply difference for yourself**

**Partnering in your success for over 30 years**

Roofing | Siding | Windows | Gutter | Tools | Accessories

**ABC**  
Supply Co. inc.

## Safety + Training = Success



**CERTA Training ♦ Safety Training  
OSHA 10 ♦ Fall Protection Training  
Team Building**

**Schedule Your Next Training Today!  
(407) 403-3959**



"Brauner provides a valuable service for our company and our clients. James Brauner's 30+ years of experience in the roofing industry make him an excellent speaker and resource... We have selected Brauner as our exclusive training partner as a result of his fair fee structures and professionalism."

- Robert P. Foote, President  
Roofing Risk Advisors, LLC



BraunerSafety.com  
CERTAtraining.com







## THE UNITED STATES SUPREME COURT DECISION

# Same Sex Marriage: Impact For Employers

Rachel Parisi

### The Ruling

On June 26, 2015, the United States Supreme Court issued a landmark decision when it ruled that the U.S. Constitution requires that all states must permit marriage between same-sex couples and that all states must recognize marriages lawfully performed in other states, including marriages between same-sex couples. The decision was a close one, with the Justices ruling 5-4. The primary basis of the decision was the majority's ruling that marriage is a fundamental right that is protected by the Constitution and cannot be denied because both partners are of the same-sex. At the time of the ruling, 14 states had bans in place against same-sex marriage.

### Impact on Employers

What should employers be doing as a result of the decision in Obergefell? Make sure your policies treat same-sex and different-sex married couples the same. Your company may have leave policies, non-discrimination policies or spousal benefits that need to be modified to ensure that equal treatment is afforded to same-sex married couples. This is especially true for employers based in one of the 14 states that banned same-sex marriage pre-Obergefell (including Ohio). For larger employers with an in-house human resources department, ensure your staff is aware that the same enrollment and verification processes are to be used for all married individuals. In other words, a married same-sex employee cannot be required to

provide "extra" verification of a valid marriage if the same steps are not taken for all employees.

For those participating in multiemployer benefit plans, your fund counsel has likely already taken care of the changes needed for your plans after an earlier Supreme Court decision in 2013 regarding same-sex marriages (the Windsor decision). In particular, tax-qualified retirement plans must recognize same-sex marriages for purposes of spousal rights. While it is not clear whether same-sex marriages must

be recognized for rights that are not legally mandated, such as self-funded health plan coverage, it would seem that there is a near-certain risk of discrimination litigation by not offering such coverage in the wake of Windsor and Obergefell. Your plan's benefit office will also likely be updating its enrollment

and other forms to ensure that same-sex married couples are correctly identified and represented.

When in doubt, always check with your attorney on how to ensure that your company is in compliance and take care of both its business and employees.

*Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015).

*Ledbetter, Parisi & Sollars LLC serves as Fund Counsel to multi-employer Taft-Hartley Funds across the country and frequently speak for the International Foundation of Employee Benefits.*





Mel Kleiman

# How to Get Employees to Play by the Rules

Every time I leave for a speaking or training engagement, I take the same route to the airport and, 98% of the time, in the same spot, parked on the same side of the freeway, I pass the same blue and white patrol car. Predictably, every trip, just before I reach that spot, I slow down to the speed limit. When I have passed the officer and am safely out of radar range, I put the pedal to the metal and make the rest of the trip doing about 10 miles per hour over.

I know I am not alone in this behavior. In fact, you can tell where the officer is by the sea of red brake lights just before you reach his position. And you can tell when the majority of drivers think it's alright to go back up to the "normal" over-the-limit speed.

While this kind of "boundary stretching" may work on a freeway, on the job, it's important to enforce the established rules, policies, and procedures that make your store safe, efficient, and profitable.

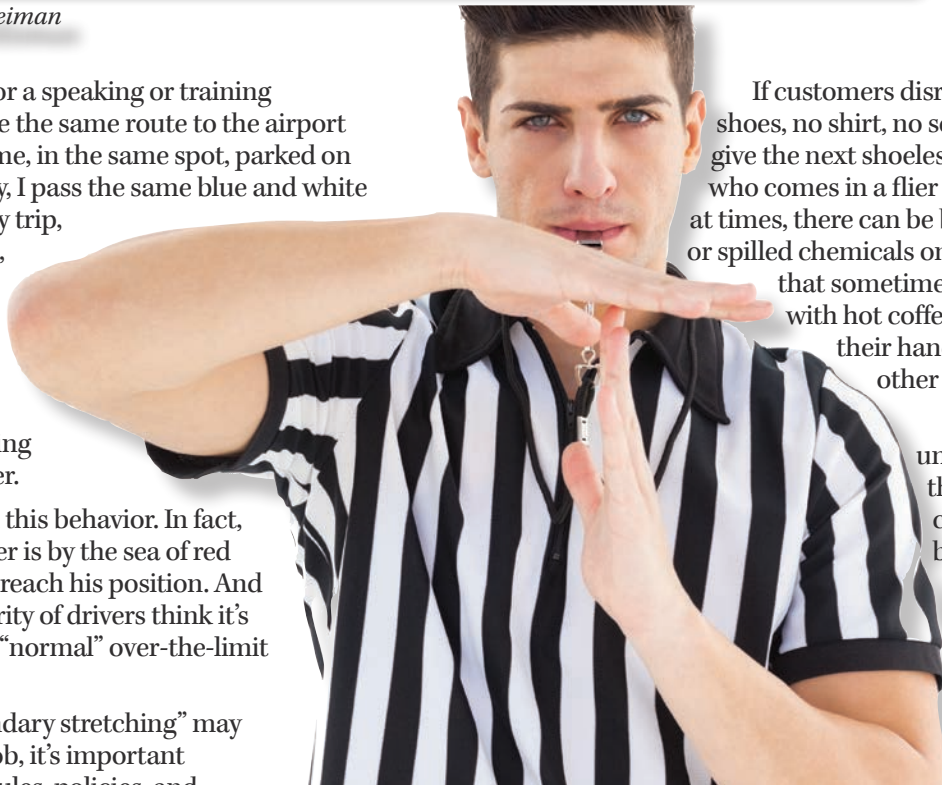
The best way to ensure cooperation is to have rules that make sense. Even if employees or customers gripe about some of your rules, they will follow and respect them if they understand why they are necessary.

This is why health and safety rules are relatively easy to enforce. Most everyone understands that disobeying these rules can be tragic. (Cranes tip over and workers are killed; dog food is contaminated and family pets die, etc.)

## Clarify Your Message

If you have a rule that employees or customers regularly break or abuse, ask yourself if you've made it perfectly clear why that rule is important. (And while it may be perfectly obvious to you, you'd be surprised how many people "don't understand" if it has not been clearly spelled out for them.) Bottom line: People normally only balk at rules they don't understand or that you can't logically explain.

Do you have an employee who is chronically late for work? If the person is responsible for store opening, explain the annual dollar loss when just one customer, who couldn't get his morning coffee, permanently takes his business elsewhere as a result. If someone is frequently late for a shift, explain the specific impact on the coworkers who have to cover for them. (Susan has to pay her daycare provider overtime, etc.)



If customers disregard your "No shoes, no shirt, no service," sign, give the next shoeless, shirtless guy who comes in a flier explaining that, at times, there can be broken glass or spilled chemicals on the floor and that sometimes customers with hot coffee or food in their hands run into other customers.

Once everyone understands the rules, cooperation will be the norm, but from time-to-time you may still have to play the role of "enforcer." This doesn't necessarily mean you

have to come across as the bad guy. What you want to do is tell the offender what it was he did and ask for his side of the story. Once you've heard him out, explain the reason for the rule and ask him if he now understands. Whether or not the person "gets it," now is the time to state your expectations and describe the consequences should there be a "repeat offense."

Consider too that some of your rules may be like old "blue laws" (most of which prohibited the sale of any kind of merchandise on Sundays). If you find you cannot explain the reason for a rule, it may be time to strike it from the books.

Should you run into an instance of a favored employee or big spending customer who tempts you to allow some boundary stretching in their particular case, remember, when you bend the rules for one, you're telling everyone else it's acceptable behavior.

People are not judged by their words, but by their actions. Explain your rules and enforce them fairly and equally.

*Certified Speaking Professional Mel Kleiman is an internationally recognized consultant, author and speaker/trainer on strategies for finding and keeping the best hourly employees. He is the president of Humetrics, a leading developer of systems, training processes, and tools for recruiting, selecting and retaining the best hourly workforce. Kleiman is the author of five books, including the best-selling "Hire Tough, Manage Easy." For more information, visit [www.humetrics.com](http://www.humetrics.com) or call (713) 771-4401.*





# Workers' Comp Insurance for *Working People*



For more information, call: 800-897-9719  
[www.amerisafe.com](http://www.amerisafe.com)



## New OSHA Concerns for Roofing Contractors in General Construction Confined Space Standard

Gary Auman

**T**his standard has been in the works for several years. The standard was finally published as a final rule on May 4, 2015 with an effective date of August 3, 2015. Recently OSHA issued a stay of enforcement until October 2, 2015. During this period OSHA will not issue citations to employers making a good faith effort to comply with the new standard as long as the employer is in compliance with the training requirements for a competent person under Section 1926.21(b)(6)(i) or those found in Section 1926.1207. During this 60-day period employers not in compliance with either of these standards may be cited for a violation of Section 1926.1207(a). While this rule is being touted as very similar to the General Industry Confined Space Standard, it does contain some nuances that are unique to it and to the construction industry.

Your first question is probably – “I am a roofing contractor; why should I need to know anything about confined space?” Well, the first thing we need to look at is the definition of confined space. The standard defines a confined space as any space which is either:

1. Large enough and so configured that an employee can bodily enter it;
2. Has limited or restricted means for entry and exit; and
3. Is not designed for continuous occupancy.

As you can see, even though you are a roofing contractor you may have employees encounter a confined space during their normal work activities if they are required to enter attic areas or any other area that meets the definition stated above. So, since this possibility exists what obligations do you have as the employer? This standard has quite a bit of detail, but I am planning to stick to the basics because we are operating with limited space.

The first basic requirement can be found in Section 1926.1203(a) of the new standard. This section requires “Before it begins work at a worksite, each employer must ensure that a competent person identifies all confined spaces in which one or more of the employees it directs may work, and identifies each space that is a permit space, through consideration and evaluation of the elements of that space, including testing as necessary.” I have highlighted the critical language in this section to emphasize the responsibility on every employer. Some feel that the controlling has the responsibility to make the determinations regarding confined space and permit confined space, but I think the language of this section is clear.

In light of the above, you as a contractor should have a competent person for confined space on each job site. On each jobsite that individual should consider locations in which your employees may find themselves. To the extent he/she determines that a permit confined space may be entered by any employee all of the steps that are required to be taken for permit confined spaces need to be implemented.

A permit confined space is defined in section 1926.1202 as

having one or more of the following:

1. Contains or has a potential to contain a hazardous substance.
  2. Contains material that has the potential for engulfing an entrant
  3. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls; or
  4. Contains any other recognized safety or health hazard.
- If identified, a permit space requires the employer to:
1. Inform exposed employees by posting danger signs or by any other equally effective means; and
  2. Inform, in a timely manner and in a manner other than posting it, employees’ authorized representatives and the controlling contractor of the existence and location of, and the danger posed by, each permit space;

In your permit-required confined space program each entry employer must implement any means necessary to prevent unauthorized entry; identify and evaluate the hazards of permit spaces before employees enter them; and develop and implement the means, practices and procedures necessary for safe entry operations.

There is much more detail set out to comply with this standard, but the preceding is intended to give you an idea of your initial obligations. The standard goes into some detail in everything from specific procedures for pre-entry testing and safety to specific minimum requirements of rescue operations. Because of space limitations I will stop here and promise more information and specifics in a future article.

New Hazard Communications Standard in effect as of June 1, 2015 – if you have not done so already now is the time to complete your implementation of your company’s new hazard communications program to bring you into compliance with the new Global Harmonization Standard. This means you should have implemented the new safety data sheets; completed training your employees on how to read them in the new format; and completed training your employees on how to read the new labels with pictograms.

OSHA is Taking What You Say to a Compliance Officer Seriously – I remind audiences every time I speak to a group to NEVER LIE TO AN OSHA COMPLIANCE OFFICER. I know most are tired of hearing me say it and are thinking “I would never do something so stupid.” And then there is the employer who tells a little white lie the first time and then, to be consistent repeats it several times. This is not a good idea as a roofing contractor in Pennsylvania has just found out. This contractor has just been indicted by a federal grand jury on five counts of obstruction of justice. If convicted he faces up to 25 years in federal prison and a \$1.5 Million fine. ‘NUFF SAID

Until the next time STAY SAFE!

*Take advantage of a great MRCA member benefit-complimentary legal advice on OSHA-related issues from MRCA Legal Counsel Gary Auman. Contact Gary at GWA@dmfd Dayton.com.*



# MORE IS MORE.



Flexor™ SBS polymer modified asphalt provides flexibility and superior granule adhesion, allowing shingles to withstand even extreme weather cycles. **More** flexibility provides **more** resilience in all weather conditions.



**Malarkey**  
Roofing Products®

Learn more about Malarkey Roofing Products® at:

**WWW.MALARKEYROOFING.COM**





Midwest Roofing  
Contractors Association®  
2077 Embury Park Road  
Dayton, OH 45414  
[www.mrca.org](http://www.mrca.org)

PRESORT STD  
US POSTAGE  
**PAID**  
PERMIT NO. 966  
DAYTON, OH



# TOOLS TO GROW

EagleView® knows the importance of technology in the growth of your business. Learn how to incorporate it throughout all stages of the roofing job lifecycle including marketing, sales, production, warranty and referrals.

**Join us for the next EagleView University online class and get a FREE QuickSquares™ report on us! Sign up at [www.eagleview.com/university](http://www.eagleview.com/university).**

866.447.3741 | [www.eagleview.com](http://www.eagleview.com)



© 2015 EagleView Technologies, Inc.