‘Comic to Watch’ opens convention

With his boyish looks, quick wit, and clever take on life, standup comedian Ryan Hamilton will headline SMACNA’s 73rd Annual Convention during the opening session, Sunday night, Oct. 16, in Phoenix.

Hysterically funny, this fast-rising comedy star explores the ironies of life—the contrast between his Idaho roots and the big city, being single, looking for love on the Internet, and his perennially happy expression.

Ryan has been named one of Rolling Stone magazine’s “Five Comics to Watch” and has appeared on Conan O’Brien, NBC’s Last Comic Standing, Comics Unleashed, The Late Late Show, and has won comedy competitions around the country.

He has racked up national comedy competition wins and festival appearances. He most recently won the Great American Comedy Festival in Norfolk, Nebraska, which honors comedian Johnny Carson’s roots. He

SMACNA January Board actions and highlights

SMACNA’s Board of Directors met in January and approved an expense-operating budget of $10,508,114 for 2016.

Strategic discussion topics included:

• E-Learning – Online, self-paced courseware is growing in popularity and may be a good alternative to in-person business management educational sessions for delivering content such as job costing, inventory cost control etc. Members shared their experiences with e-learning within their own companies.

• Lunch-n-Learn – The SMACNA Technical Resources Department is offering a variety of 60- to 120-minute educational programs covering SMACNA’s technical manuals and standards. Some of the programs are currently registered with the American Institute of Architects, which prequalifies participants for professional development hours in certain states.

Prohibiting use of recording devices may be unlawful

Contractors with policies restricting recordings, or the use of recording devices, including cellphones, would be wise to review their policies to determine whether they are written in such a way to not infringe on worker’s rights. Likewise, contractors seeking to implement a new policy should consult their labor counsel.

The National Labor Relations Board (NLRB) recently held that an employer’s rules prohibiting employees from taking photographs as well as using audio and video recording devices in the workplace can interfere with employees’ rights, absent a compelling need by the employer to maintain privacy. In an era when smartphones with recording capabilities are ubiquitous, this decision may have significant impact.

MLP Parity Act will stimulate energy efficient investment

SMACNA is urging members in both Houses of Congress to pass the bipartisan “Master Limited Partnership Parity Act of 2015” (S. 1656 / H.R. 2883) in the House and Senate as soon as possible.

Master limited partnerships (MLPs) have traditionally received tax write-offs when they perform energy-related work involving conventional fuels, such as oil and gas projects. This legislation would expand these tax benefits to investments in clean energy resources such as solar, wind energy, geothermal, and combined heat and power / waste heat to power (CHP/WHP) projects.
President’s Column

Putting customers ahead of profits

Guy Gast

Contractors all know that plans and specifications establish minimum levels of quality and performance. After all, furnishing more than is required is wasteful. Any lean practitioner will tell you that. So we hitch our wagon to that concept—furnishing the minimum.

We also hitch our wagon to the job—the project—and gauge our success on whether we made the estimate. We’ve hard-wired our industry and our people to focus on short-term job outcomes and profits.

Unfortunately, performing to the minimum expectations of our customer often results in furnishing the minimum in terms of both product and customer experience.

Over the past 20 years, I’ve been part of changing that in our company, and there are a few things we do consistently to reinforce our evolved philosophy—of putting customers ahead of profits.

First, if you read the newsletters we send to our employees, you’d notice two things: 1) a heavy focus on strong customer relationships, and 2) limited discussion about profits. We promote stories about exceptional customer service.

Second, we walk the talk. Our folks know that we expect the occasional bad day, to lose money on a job for any number of reasons. We’ll support a foreman or project manager if they retained the customer relationship and truly put the customer first. We respect that they dealt with adversity with dignity and grace.

Third, we put our money where our mouth is. We redesigned our compensation system for project managers, putting as much priority on our value proposition as we put on making money. The reality for us is simple—people who do the right things will deliver a profit to the company.

It seldom costs more to deliver an exceptional customer experience. Treating people with respect and dignity is not expensive. The truth—when we put the customer first, profits follow.

Sincerely,

Guy Gast
SMACNA President

‘Comic to Watch’ opens convention

Continued from page 1

won the National MVP award for the Comedy League’s competition at the Just for Laughs Montreal Comedy Festival and headlined with Just for Laughs in Sydney, Australia.

Ryan provides a great start to an exciting convention. SMACNA’s 73rd Annual Convention at the JW Marriott Phoenix Desert Ridge, Oct. 16-19, offers you the tools to get ahead in the industry, from world-class education and nationally known speakers to the annual Product Show, networking, relaxing on the two challenging golf courses, and fun.

Watch the SMACNA website for more information and how to register coming soon.

Last chance to register for Collective Bargaining Orientation, Feb. 17

SMACNA’s 2016 Collective Bargaining Orientation Feb. 17 in Dallas, will give you the skills, insights, and information you need to come to the negotiating table with confidence.

Time is running out to register for this in-depth program. Sign up online on SMACNA’s Labor Relations Web page today.

Designed for young contractors and new bargainers, as well as providing a good refresher for experienced bargainers, this one-day workshop will give you the critical skills for developing constructive relationships with your union counterparts, preparing for bargaining, learning the legal framework, and understanding employment share data. You will also learn how to preserve the multiemployer unit prior to bargaining and at impasse.

Sign up online today on SMACNA’s Labor Relations Web page.

For more information, contact Heather Frank at SMACNA National (hfrank@smacna.org / (703) 995-4045).

Don’t miss this essential information for the negotiating skills you need.
SMACNA’s Women’s Leadership Council starts listserve, plans session

SMACNA’s Women in Construction Leadership Council continues to build momentum into the new year. The Council is starting the year off with a newly created listserve dedicated to SMACNA women in construction.

Created to provide a networking tool for SMACNA women contractors and chapter executives, the listserve will be an efficient way to exchange useful information within the Council.

Interested SMACNA members and chapter executives can sign up by sending an email request to SMACNA Member Services at memberservices@smacna.org.

SMACNA’s mission is to create a competitive advantage for SMACNA members.

SMACNA January Board actions and highlights

Continued from page 1

- Cloud-based Technical Standards – Online availability of SMACNA technical standards and manuals through a subscription program with limited gratis access for SMACNA members was discussed.
- Rail Industry – The challenges and experiences with procuring work in the rail industry market was shared.
- Chapter Codes Committees – The benefits of contractors getting involved at the local and state level of model code development was discussed.

Labor-related topics included:
- Wage equalization requirements.
- Portability of labor.

National Issues Conference: Join forces to make a difference

You can motivate Congress to act on vital issues impacting your business.

Plans are well underway for the Quality Construction Alliance National Issues Conference scheduled for Tuesday, May 10 through Thursday, May 12, in Washington, D.C. The conference is a convenient way for SMACNA contractors to join forces and promote Congressional action on vital issues affecting their businesses.

Issue briefings and time to engage members of Congress and their key staffers make this fast-moving program so valuable. The conference staff makes sure your appointments are set with the offices you want to see.

Here’s your opportunity to interact in the political dynamics that play a key role in our country’s legislative process. Attend and you will make a difference. From hybrid pension plans and marketplace expansion to misclassification and energy tax policy, our industry offers real solutions while working both sides of the aisle.

SMACNA’s Washington lobbyists focus on these issues year ‘round, but when you tell lawmakers your story, it brings the issue to life and helps them better understand the issues affecting your business and your efforts to provide middle-class jobs so vital to the economy of this country.

Tentative Schedule: Tuesday, May 10-12, 2016

New hotel: Georgetown Marriott

Tuesday: Registration Opens at Noon
3:00 p.m.-4:30 p.m. Issue Sheet Review
Regulatory Program

Wednesday: Breakfast at Hotel
Buses to Newseum for Issues Program
Hill Appointments

Thursday: Breakfast at Hotel
Morning Program ends no later than 9:00 a.m.
Capitol Hill Appointments

The room block is limited, so register early. For more information, call SMACNA’s Capitol Hill office (202) 547-8202. Visit SMACNA’s Advocacy Web page (www.smacna.org/advocacy) for registration coming soon.
Master your company’s financials at SMACNA’s Financial Boot Camp

Do you need real-world financial solutions? SMACNA’s Financial Boot Camp, May 16-18, Tempe, Ariz. may be just what you need. Attend and you’ll discover how to make sense of your company’s financials and make better business decisions to improve your company’s performance.

In this intensive 2½-day program, you will learn with one of the best financial minds in the country, John Murdough, CPA, MBA. One of SMACNA’s most popular instructors, he uses interactive case studies to simulate the real business challenges of financial contracting.

You will also have the chance to evaluate your own company’s financial condition using your own financial statements. You’ll come away knowing how to interpret ratios and indicators, work with credit, develop cash-flow projections, understand equipment leasing, and use financial management for strategic planning.

This program is designed for business owners and future owners, financial and non-financial managers, and branch and division managers, as well as purchasers, estimators, project managers, and those new to construction.

Enrollment is limited, don’t delay! Register online on SMACNA’s Education Web page by April 1 to receive the early-bird discount. Additional employees from your company will receive a reduced rate as well.

For more information, contact Bridgette Bienacker, SMACNA’s director of business management and membership, bbienacker@smacna.org.

Save the date

Project Managers Institute—back for an encore in September

The economy is rebounding and demand for SMACNA’s popular Project Managers Institute has been so high it will return for a second program this year, Sept. 14-16, in Raleigh, N.C.

Building on their existing management skills, project managers will learn how to lead powerful, integrated project teams, understand and master financial control of projects, plan projects to maximize profits and customer satisfaction, and develop and maintain profitable customer relationships.

This concentrated 2½-day program covers the essential skills of effective project management for project managers with two to five years of experience.

The spring Project Managers Institute sold out very early—don’t get left behind!

Sign up online on SMACNA’s Education Web page by the early-bird deadline and you’ll save money and reserve your spot. Discounts are also available for additional employees from the same company. Secure the future of your company and sign up today.

For more information, contact Bridgette Bienacker, SMACNA’s director of business management and membership, bbienacker@smacna.org.

Just a few seats left for Supervisor Training Academy!

There’s still time to sign up for SMACNA’s Supervisor Training Academy March 17-19, Kansas City, Mo. But hurry, there are just a few spots open before this popular program sells out.

This interactive program will put both new and seasoned supervisors on the right path to success. Participants will learn the attributes and values of high performing supervisors and study leadership, communication, productivity, profitability measurement, and leading industry trends.

Recommended for HVAC and sheet metal foremen, shop foremen, superintendents and other critical managers, participants will learn how to implement a time-management system, improve company communication, delegate and hold workers accountable, and manage conflict, as well as job planning and project management.

Sign up online on SMACNA’s Education Web page. Remember, additional employees from your company receive a reduced rate.

For more information, contact Bridgette Bienacker, SMACNA’s director of business management and membership, bbienacker@smacna.org.

Holiday observed

The SMACNA National offices will be closed Monday, Feb. 15, on Presidents Day.
College of Fellows reminders

Candidate nominations, scholarship applications due soon

SMACNA’s College of Fellows is now accepting candidate nominations for this distinguished fellowship of industry professionals. Application forms may be found on SMACNA’s College of Fellows Scholarship Web page. Submit your College of Fellows nominations by Feb. 12.

Please note that there are two kinds of forms, a contractor nomination for fellowship form and a chapter executive nomination form. For more information, contact Jason Watson (jwatson@smacna.org / (703) 803-2980).

Scholarship applications due March 31

Have a student in college? Apply for a SMACNA College of Fellows scholarship. Now accepting applications for the 2016-2017 academic year, submit your application online on SMACNA’s College of Fellows Scholarship Web page. Scholarship applications must be postmarked by March 31.

SMACNA’s College of Fellows administers 30 active scholarships, which are available to undergraduate students from SMACNA’s extended family including SMACNA contractors, employees of SMACNA contractors, SMACNA Fellows, employees of SMACNA chapters, employees of SMACNA National, SMACNA National Associate Members, and members of the families of all of these groups.

For more information, contact Jason Watson (jwatson@smacna.org / (703) 803-2980), or Heather Frank (hfrank@smacna.org / (703) 995-4045). ■

SMACNA’s Safety Survey gives you the advantage

A good safety record makes your company more competitive in the marketplace and more attractive to clients.

By participating in SMACNA’s 2016 Safety Excellence Awards Program, your company statistics contribute to SMACNA’s annual Safety Statistics Profile, a rich database of SMACNA members’ safety performance. As a result, you become eligible to be recognized for an outstanding safety record.

Complete SMACNA’s Safety Excellence Survey today on SMACNA’s Safety Web page. It’s easy and is confidential. A third-party consultant prepares the final safety profile. You can also receive a copy of your entry by email.

All entries must be received by May 6, 2016.

To get started, please have your company’s 2015 OSHA 300 Log records and 2015 experience modification rate (EMR) handy as you complete the online questionnaire.

Continued on page 7

Prohibiting use of recording devices may be unlawful

Continued from page 1

At issue in the case of Whole Foods Market Inc. v. United Food and Commercial Workers was Whole Foods’ rule prohibiting employees from taking photos or recording conversations in a store without a manager’s prior permission or unless all parties involved give consent.

NLRB holds prohibiting recordings would inhibit employees’ rights

Whole Foods implemented the rule because it said recording of store meetings and “town halls” may chill the dynamic that the store promotes of allowing employees to speak freely and voice opinions about store management and other employees.

The NLRB found Whole Foods’ rule unlawful because of its potential chilling effect on employees’ Section 7 rights under the National Labor Relations Act. Section 7 rights include the right to take action together with other workers for the purpose of collective bargaining or for protecting each other’s workplace rights.

The NLRB said workers have the right to use cell phones or other recording devices in their workplace to:

• Document unsafe working conditions or hazards
• Record uneven application of workplace rules
• Capture evidence to use in employment-relations actions (such as conversations revealing discrimination)
• Record discussions about terms and conditions of employment.

The NLRB reaffirmed its earlier rulings that photography and audio or video recording is protected in the workplace when done in the context of protected concerted activity or union activity. Where employees are acting together and for the mutual aid and protection of their coworkers, and no overriding employer interest is present, such conduct is protected by the Act. It is important to keep in mind that Section 7 rights do not only apply to union members, but extend to union and non-union workers equally.

When a ban on recordings in the workplace is justified

As the NLRB noted, it is possible for an employer to have an overriding interest that justifies the banning of pictures, recordings, and other uses of a cell phone during work. The Board has previously found that such a ban in the hospital setting to protect patient privacy interests is lawful.

In the same way, an employer’s interest in ensuring workplace safety by eliminating distractions in dangerous locations such as construction sites or in manufacturing shops may similarly justify such a ban. Likewise, preventing the recording of sensitive business information could also be a potential justification.

Some states require consent

Additionally, state laws on recording may still apply in certain scenarios. For example, California requires that parties to an audio recording or phone conversation must consent to its recording. Connecticut, Florida, Illinois, Maryland, Massachusetts, Montana, New Hampshire, Pennsylvania and Washington have similar consent laws related to recording.

If you have any questions, please contact SMACNA’s Labor Relations staff (jblancsett@smacna.org / (703) 803-2997). ■
MLP Parity Act will stimulate energy efficient investment

Continued from page 1

Once enacted, the bill is expected to quickly generate billions in additional investment in efficient commercial, industrial, and related industries.

Legislation expands tax breaks to clean energy resources

This legislation would greatly expand financing options for energy saving performance contracting (ESPC), building retrofits, industrial market efficiency projects and combined heat and power / waste heat to power (CHP/ WHP) systems on a large scale.

The bill simply expands the definition of “qualified” sources for MLP investments to include ESPCs, clean energy resources and a variety of infrastructure projects.

Energy-efficient building upgrades included

The legislation also allows for a range of substantial building efficiency investments to qualify, including energy-efficient upgrades for buildings, electricity storage, carbon capture and storage, renewable chemicals, industrial retrofits and ESPCs.

If enacted, The MLP Parity Act will balance the federal tax code to specifically allow MLP qualifying energy sources to include a long list of renewable energy sources as well as currently allowed investments.

For the past century, conventional fuels have been able to access low-cost MLP financing to support infrastructure development. This balanced legislation would level the playing field for energy efficient facility renovation; renewable and clean-energy technology, as well as encouraging investment into ESPCs and other needed energy infrastructure projects.

To show your support of the MLP Parity Act, send your senators and representatives a message through SMACNA’s Advocacy Web page, www.smacna.org/advocacy.

Never, ever let your foot off the pedal

Frank Battaglino of Capitol Heights, Md.

New SMACNA Board member Frank Battaglino, president of Metro Test and Balance Inc., Capitol Heights, Md., built his company from the ground up while building a reputation in the construction community as an outstanding, creative industry advocate. We asked him to share his words of wisdom about life, business, and advice he would pass on to others.

The new technology I’m most excited about: The Bluebeam project management platform.

My outside interests: My farm property, four-wheeling, and spending time with my family there.

My secret weapon for making jobs run smoother is: Never, ever let your foot off the pedal.

My favorite quote or motto: If it’s not broken, do not fix it.

My biggest business hurdle: Cash flow.

The best business advice I ever received: Don’t get too big.

I tell industry newbies to: Learn as much as you can from us older experienced guys.

There is nothing better than: Spending time with my wife and family.

The sports team I cheer: The New York Giants.

What makes me mad at work: People who do not follow through on what they are supposed to do, and non-multitaskers who can’t do more than three things at once.

My secret to running a successful business: Having good people working under me who understand or who are willing to learn the game, then who become proficient in doing their job well.

My first car: Mercury Zephyr.

Dedicated to legislative industry issues, Mr. Battaglino received SMACNA’s Legislative Contractor of the Year Award in 2014 for his strong political leadership. He has taken a leading role in legislative activities, is active in the annual QCA National Issues Conference, and often speaks before Congress on SMACNA’s behalf.

He currently serves as a SMACNA-IFUS trustee and is a member of SMACNA’s Political Pacesetters Council.

Committed to the industry, Mr. Battaglino has served as president and on the board of the SMACNA Mid-Atlantic Chapter, where he also chaired the Legislative and Fire Life Safety Committees. Devoted to fire life safety, he has presented programs to fire marshals, code officials, and industry leaders on the state and federal levels.

He studied air conditioning and engineering at Alfred State, State University of New York College of Technology in Alfred, N.Y., and entered the industry as an apprentice. His company, Metro Test and Balance Inc. in Capital Heights, Md., which is just outside of Washington, D.C., specializes in HVAC testing and balancing, custom fabrication, and installation of commercial sheet metal.
Welcome new SMACNA 2016 Associate Members!

SMACNA welcomes these new and returning Associate Members for 2016. Join us in congratulating the following companies:

**Gold**
- Johns Manville, Denver, Colo
- QuoteSoft, Eugene, Ore.

**Silver**
- Armacell LLC, Chapel Hill, N.C.

**Bronze**
- Gripnail Corp., East Providence, R.I.
- Heating and Cooling Products, Mount Vernon, Ohio

SMACNA Associate Members profit by developing beneficial business partnerships and opportunities with SMACNA contractors.

Learn more about the advantages of 2016 SMACNA Associate Membership on SMACNA’s Associate Member website or contact Kristina Unger (kunger@smacna.org / (770) 632-0026).

Be sure to fill in all survey questions and submit it early!

SMACNA contractors have some of the lowest incidence rates in the country—a stellar accomplishment that illustrates their commitment to safety. Submit your survey today.

New! Canada Safety Excellence Awards Program

SMACNA has developed a safety survey specifically for our Canadian members—the Canada Safety Excellence Awards Program. This new program will provide an opportunity for Canadian members to submit a safety survey and be considered for recognition of their successful safety and health programs.

Canadian members should have received a survey form in the mail and must return them to SMACNA by April 22, 2016.

For more information, contact Mike McCullion, SMACNA’s director of market sectors and safety (mmccullion@smacna.org / (703) 995-4027).
SMACNA reminders

February 2016
- Nominations for College of Fellows Due – Feb. 12
- Collective Bargaining Orientation – Feb. 17, Dallas
- Business Management University – Feb. 21-25, Tempe, Ariz.

March 2016
- Supervisor Training Academy – March 17-19, Kansas City, Mo.

April 2016
- Canadian Safety Surveys Due – April 22
- Association Leadership Meeting – April 25-26, St. Louis, Mo.
- Project Managers Institute – April 25-27, Raleigh, N.C.

May 2016
- Safety Surveys Due – May 6
- QCA National Issues Conference – May 10-12, Washington, D.C.

Future SMACNA Conventions