

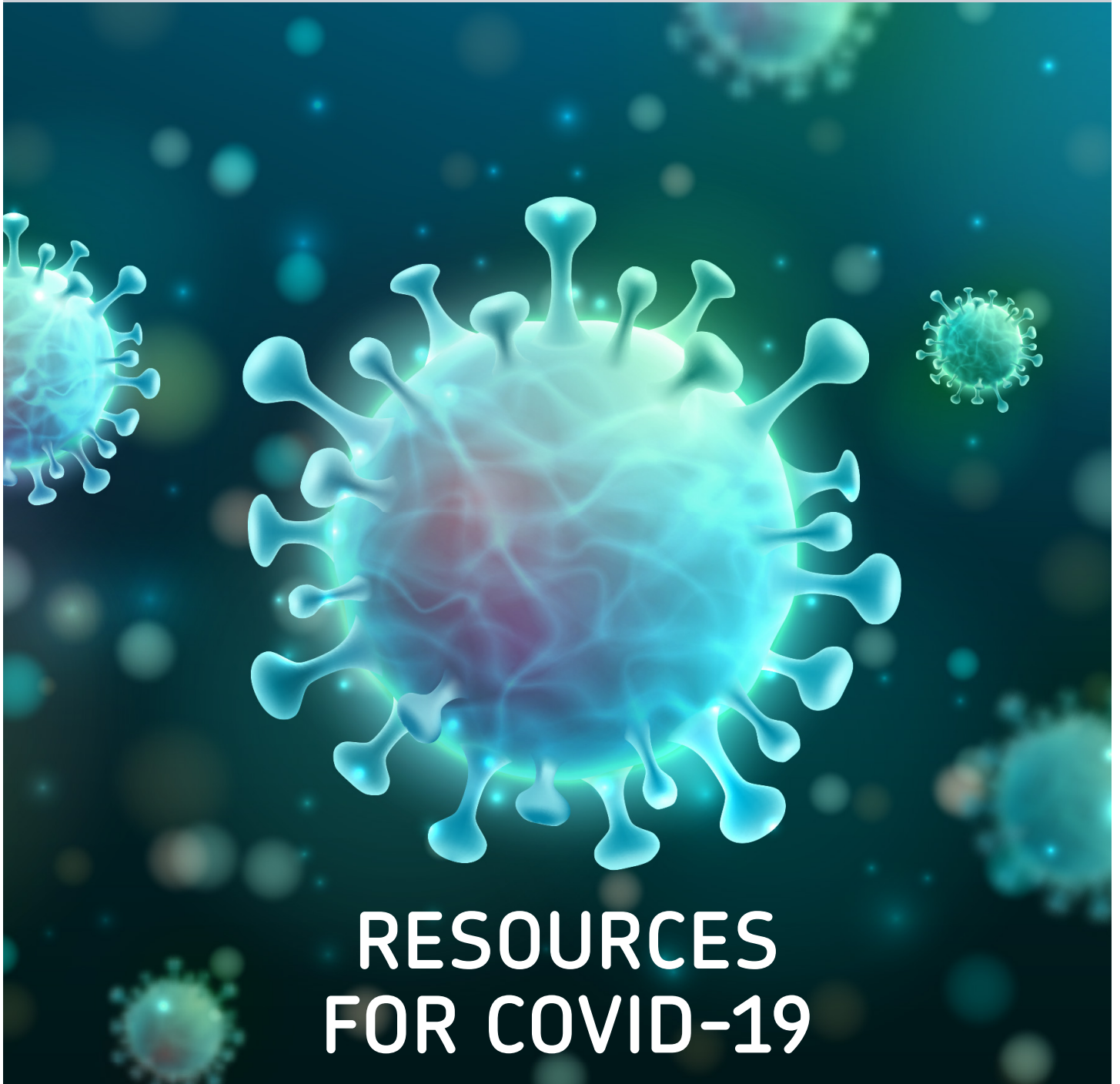
3rd Annual Spring
Golf Tournament
RESCHEDULED
INSIDE COVER

77th Annual Meeting/
Summer Convention
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National Ladder Safety
Month Promotes
Safe Ladder Use
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CAROLINAS CONTACTS

CRSMCA – Covering the Carolinas for over 65 Years



RESOURCES FOR COVID-19

MARCH/APRIL 2020

NEW DATE DUE TO COVID-19

THE PERFECT WAY TO MIX BUSINESS & PLEASURE!



NEW DATE! Thursday, October 22, 2020

Rocky River Golf Club | 6900 Bruton Smith Blvd. | Concord, NC

FOURSOME TEAMS ARE \$475*

*Fee includes golf play, cart rental, lunch, two complimentary beverages, dinner at awards ceremony

Registration online at www.crsimca.org or contact the CRSMCA office for registration details.

704.556.1225 | cbsims@crsimca.org

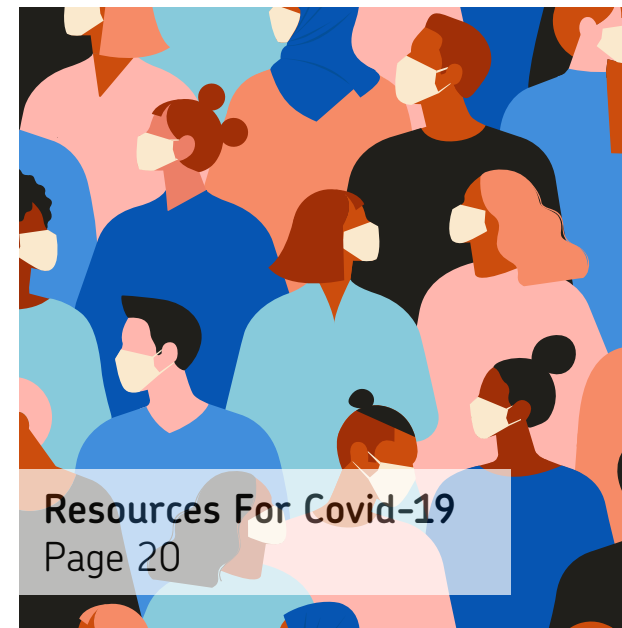
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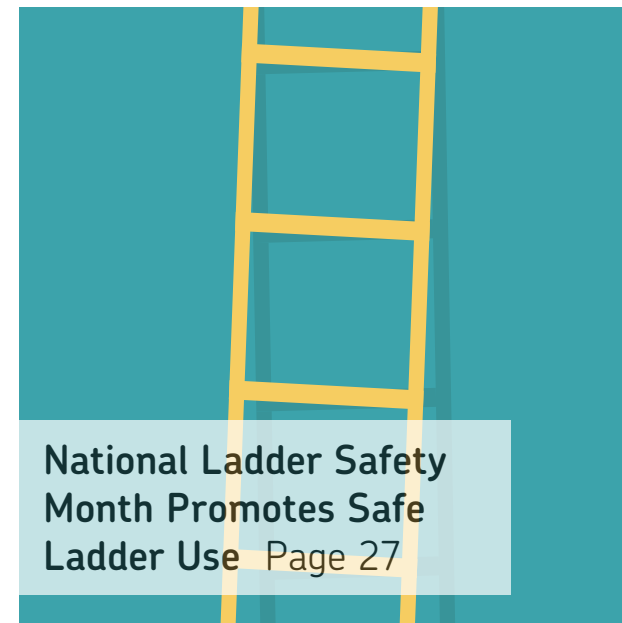
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Letter from the **PRESIDENT**

Happy Spring! I hope that you and all your family are well amid this pandemic. This is something that none of us could have foreseen. We are all walking in uncharted territory as we learn to navigate this new business environment and manage the obstacles it presents. We must all adapt with flexibility as we have office staff working from home and are social distancing our crews all while maintaining a thriving business. This will change our industry in many ways. My hope is that it will make us a better industry and the bond we have with our staff and business partners will be stronger as a result.

As we prepare for the upcoming roofing season and learn to adapt to our new environment, the association has provided some great resources on COVID-19 in this issue. These resources directly pertain to small businesses and will help you navigate this difficult time. By far the best resource is our roofing community. I would be happy to share my experience and how we are managing this pandemic with anyone interested. In addition, I would welcome feedback from any of you and what you are doing in your company so we can learn from each other.

Thank you all for helping our industry and association be all it can be for our members and industry. This association is only as good as the people that participate, volunteer and act on behalf of the industry. If you would like more information on how you can get involved, please contact the CRSMCA office. We would love to connect you with opportunities. I look forward to seeing you all soon and hope all are healthy.

Thank you. —Mickey Childress, Triad Roofing Company, Inc.

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CAROLINAS ROOFING & SHEET METAL CONTRACTORS ASSOCIATION

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AFFILIATED WITH: NRCA - ASAC/STAC



Carolinas Contacts addresses issues and concerns of the roofing industry. Technology, test, and building codes are constantly changing, and such changes may not be reflected herein. All information is presented for the benefit of our readers and does not necessarily reflect the views of CRSMCA. Press releases and product information presented do not reflect all available materials. Before purchasing, installing, using, or recommending any product, system, or method, readers should make independent evaluations.

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THE CRSMCA MISSION STATEMENT

To promote and safeguard the common business interest of its members and to improve conditions by educating all persons concerning the roofing and sheet metal business and industry. To work for the development and progress of the roofing and sheet metal business industry and to work with individuals' organizations and governmental agencies toward the achievement of a stronger profession of the roofing and sheet metal industry.



Letter from the **ASSOCIATE GROUP PRESIDENT**

At the time of writing this COVID-19 spreading in most of our communities and Governor Cooper has announced the shutdown of everything non-essential in the state of North Carolina. This virus will have an economic impact to our country and the entire world market. The construction industry does fall under the essential category, so most contractors, distributors, and manufacturers are staying open. This puts you, your coworkers, and your families in a place to spread infection. As we work and live, please follow the recommended guidelines from the CDC and other medical professionals. Please do not underestimate the severity of this virus. We will get through this and get back to normal life. Do your part and be safe, stay healthy, and stay informed. —Erik Hauck, ABC Supply

Commercial, Industrial



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Association **IN ACTION**

As the we all are coping with the overwhelming economic and social impact of the unprecedented situation of the COVID-19, our roles in both business and personal environments have taken on new meaning and renewed importance. CRSMCA Board members and staff are committed to helping our members and peers with roofing industry impacts and keeping their employees safe during this time.

In this issue you will find resources and information regarding the COVID-19 with regards to the roofing industry. Should you need additional assistance for your business, please reach out to the CRSMCA and we will be happy to assist and direct you further.

CRSMCA recently hosted the 2020 Carolinas Mid-Winter Roofing expo held in

Greenville, South Carolina. The event was packed with over 400 attendees, 80 exhibitors/vendors, five educational opportunities and an unlimited amount of networking opportunities.

· **Derek Hodgin, Construction Science and Engineering**, presented on Expert Witness 101: Balancing Professional Ethics and Client Desires. Derek discussed problems that develop when experts value the desires of the client above their professional integrity. Learn about the true role of experts in construction litigation, how to avoid hidden bias and advocacy.

· **Michael Polizzi, A.C. Metal Deck Supply**, presented Metal Deck 101. Michael shared the details commercial re-roof projects often run into the need to re-

place structural metal deck beneath the roof system. Michael shared how to identify, match, quote and install metal deck.

· **Jennifer Long, GAF Materials Corporation**, presented the Value of Commercial Roof Maintenance. Jennifer discussed how commercial roof maintenance is a win-win for contactors and their customers! Routine preventative maintenance and repair has industry high profit margins, keeps your crews busy, and provides a platform to build long term relationships with your clients. The property owner can rest assured that one of their largest assets is being managed, small problems don't become huge headaches and their NDL Guarantee is protected.

For the presentation handouts, please visit the CRSMCA website (www.crs-mca.org scroll home page to see "Recent Events & Education Sessions")

CRSMCA would like to thank the sponsors of the 2020 Carolinas Mid-Winter Roofing Expo! Please see the list of sponsors and thank them the next time you talk to them and remember to SUPPORT THE MEMBERS THAT SUPPORT YOUR ASSOCIATION!

Within the last month, CRSMCA was recently approved as a "provider" of continuing education for the North Carolina Licensing Board for General Contractors. The CRSMCA Executive Committee is currently working to develop a schedule of courses to provide for the remainder of 2020 to allow members to attend prior to the deadline of November 30. CRSMCA will continue to keep you updated through information on the CRSMCA website, weekly e-Newsletters and the CRSMCA Carolinas Contacts magazine.

The CRSMCA leadership and staff is

Continued on next page

monitoring the developments and governing restrictions related to the COVID-19. CRSMCA continues to move forward with the planning of upcoming events, conferences and meetings that will take place in 2020. The CRSMCA leadership will make the necessary adjustments, should they be needed, and CRSMCA staff will be sure to update its members and peers of such actions. Please stay tuned for further information and we wish you and your families a great health!

Be sure to mark your calendars for a couple of events that are happening in a few short months:

POSTPONEMENT DUE TO COVID-19!

CRSMCA's **3rd Annual Spring Golf Tournament** sponsored by Metal Roofing Supply/Metal Fastening Systems/Mid-Atlantic Roofing Supply, will be taking place on THURSDAY, OCTOBER 22, 2020 at the Rocky River Golf Club in Concord, North Carolina. This will be an opportunity for the roofing industry to unite in a networking and fun environment; vendors will be set up on sponsored holes to interact with the players. IKO Premium Roofing Products will be sponsoring the Poker Run during the tournament play, with lunch provided to all attendees, and players will have an opportunity to purchase Mulligan Packages as well as raffle tickets for prizes during the reception and awards dinner. Should you need a hotel reservation, CRSMCA has a courtesy block at the Embassy Suites in Concord, NC. For reservations, please call 704.455.8200.

CRSMCA will be celebrating their **77th Anniversary at the Annual Meeting/Summer Convention** at the Marriott Hilton Head Resort & Spa in Hilton Head Island, South Carolina, from June 18 – 21, 2020. CRSMCA is excited to celebrate their 77th Anniversary with roofing industry peers and family members. As a leading resource in the roofing industry for education in safety and growing your business, networking opportunities, legal and insurance opportunities, and so much more! MAKE YOUR RESERVATION AT THE MARRIOTT HILTON HEAD RESORT & SPA ONLINE OR VIA PHONE BY MAY 22, 2020! CRSMCA registration and hotel reservation details can be found on the CRSMCA website (www.crs-mca.org)

The CRSMCA Board members and staff continue to work together to bring the CRSMCA members increased member benefits and currently have the following available to all CRSMCA Members. See your complete list of Affinity Programs offered to CRSMCA members in this issue!

As always, if your company needs any form of training, please contact the CRSMCA office to discuss how CRSMCA can help your company stay safe and educated when on the job!

I hope everyone stays safe and healthy during this time... and I look forward to seeing you all in the coming months. There is always growth and strength in numbers and opportunities to grow not only YOUR CRSMCA, but YOUR roofing industry!
—Carla B. Sims, CRSMCA Exec. Director



WHAT IS THE CRSMCA MASTER INSTALLER CERTIFICATION?

The CRSMCA Roofing Academy Master Installer Certification Program is designed to promote safety issues and concerns in

the application of the roof systems to prepare the employee for best practices in their job performance. It is intended for the use by anyone with an interest in these roof systems, from roofing workers to foremen to supervisors. It is a culmination of efforts by contractors, manufacturers, suppliers and others who are dedicated to promoting safety.

Enrolled students will learn and train the basics of roofing, increasing their knowledge and skills to make them more valuable to their respective companies, as well as build future leaders in the roofing industry.

HOW CAN YOU GET INVOLVED?

The CRSMCA Roofing Academy Committee is always searching for instructors of the classroom material and the hands-on demonstration. View the class and hands-on courses in this issue. Should you wish to be an instructor, donate materials, and/or be a hands-on instructor; please contact the CRSMCA office at 704.556.1228 or cbsims@crsmca.org or the Committee Chairman, David Griffin, at dgriffin@coastalcommercialroofing.com.

EVENTS

- May 14, 2020 3rd Annual Spring Golf Tournament (Concord, NC)
- June 18 – 21, 2020 77th Annual Meeting/Summer Convention (Hilton Head, South Carolina)

Every Thursday, beginning September 10–November 12... CRSMCA will be hosting Fall Socials in each District of the Carolinas. Check out the maps and the CRSMCA website (www.crs-mca.org) for update event locations!

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LEARN ABOUT THE CRSMC SELF-INSURERS FUND

Carolinas Roofing and Sheet Metal Contractors – Self-Insurers Fund is the oldest worker’s Compensation group funded in the Carolinas and could be saving your company money! Members within the CRSMC-SIF program are not just purchasing their workers compensation but investing into a program that brings additional value to their company through a commitment to ensure the safety of their employees. As a member/customer within the program, you participate in building a fund that is beneficial for all members/customers within the program, you could receive competitive rates within the insurance industry, and you could receive a return of interest determined by the CRSMC-SIF Trustees and other approved returns during the year. In the year 2018, the CRSMC-SIF returned more than \$1 MILLION DOLLARS to the CRSMC-SIF members!

Additionally, the CRSMC-SIF is large component of support for the CRSMCA through sponsoring the CRSMCA Annual Meeting/Summer Convention and attendance of Trustees at the event. **HAVE YOU CONSIDERED CRSMC-SIF FOR YOUR WORKERS COMPENSATION NEEDS?**



NC DEPARTMENT OF LABOR/ OSH

Compliance Bureau Contacts

- Tim Childers | 336-776-4420
tim.childers@labor.nc.gov
- Phil Hooper | 919-779-8512
phil.hopper@labor.nc.gov

Training information, registration and training course and dates can be found at https://www.labor.communications.its.state.nc.us/OSHPublic/ETTA/class_reg-ist/calendar.cfm

TRAINING EVENTS

- Introduction to OSH (webinar) – April 1
- Scaffolding (webinar) – April 13
- Recordkeeping (webinar) – April 15
- Fall Protection (webinar) – May 4
- Complying with OSHA Construction Industry Standards (Raleigh) – May 13
- Heat Stress (webinar) – June 1
- Heat Stress (webinar) – June 10
- Heat Stress (webinar) – June 25
- Complying with OSHA Construction Industry Standards (Raleigh) – July 15
- NC 500 Trainer Course for Construction Industry (Raleigh) – July 21
- NC 502/503 Trainer Course for Construction & General Industries – July 21
- 10-Hour Construction Industry Awareness Course (Raleigh) – August 24
- 30-Hour Construction Industry Awareness Course (Raleigh) – August 24
- Complying with OSHA Construction Industry Standards (Raleigh) – September 23

General industry, health, and construction areas are covered in the training curriculum. Examples of training programs offered include:

- The OSHA Inspection Process
- Bloodborne Pathogens
- Lockout/Tagout (LOTO)
- Trenching/Excavation
- Hazard Communication
- Fall Protection (General Industry or Construction)
- Personal Protective Equipment
- Workplace Violations
- Scaffolding
- Confined Spaces
- Industrial Truck Safety Requirements
- OSHA Injury & Illness Record Keeping

To inquire for training, please visit <https://eservice.llr.sc.gov/OSHAOutreach/>.



SC DEPARTMENT OF LABOR, LICENSING AND REGULATION/ SC OSHA

General Information

803-896-7665 askscosha@llr.sc.gov

OSHA’s Office of Outreach and Education provides a variety of training programs and presentations designed to reduce or eliminate safety and health hazards in the workplace. Training is available to employers and employees of both the public and private sector upon request and may occur on-site (requiring participation of 12 or more employees).



The Dorothy Nagle Scholarship Program is available to assist employees of CRSMCA contractor and supplier members. Employees and their families who plan to pursue post-secondary education in college or vocational programs are eligible for the merit-based scholarships. Scholarship recipients will receive funding for one year of full-time study at any accredited post-secondary institution of the student’s choice.

The purpose of the Dottie Nagle Scholarship Program is to assist individuals seeking to further their education and pursue a career. CRSMCA will provide the next open application window for CRSMCA members in August 2020.



NRCA ELECTS 2020-21 OFFICERS

NRCA announced its new slate of officers during its 133rd Annual Convention Feb. 2-6 in Dallas. All 2020-21 officers and directors will assume their roles June 1.

- Rod Petrick, president of Ridgeworth Roofing Co. Inc., Frankfort, Ill., Chairman of the Board
- Kyle Thomas, vice president of Thomas Roofing, Mobile, Ala., Chairman of the Board-Elect
- Bryan Karel, vice president of operations, Garlock-French Corp., Minneapolis, Vice chairmen
- Sherri Miles, vice president of J.D. Miles & Sons Inc., Chesapeake, Va., Vice chairmen
- Lisa Sprick, president of Sprick Roofing Co. Inc., Corvallis, Ore., Vice chairmen

Additionally, the following were elected as new NRCA directors:

- Cheryl Chapman, general manager of Empire Roofing Inc., Fort Worth, Texas
- Jennifer Ford-Smith, director of sales for Johns Manville, Denver
- Scott D. Gipson, vice president and general manager of FiberTite Roofing Systems, Wooster, Ohio
- Kevin Gwaltney, president of Diamond Roofing, Dodge City, Kan.
- Tammy Hall, director of marketing/service manager for CFS Roofing Services LLC, Fort Myers, Fla.
- Paige Harvill, president of Nations Roof

Gulf Coast LLC, Mobile, Ala.

- Peter Horch, owner/CEO of Horch Roofing, Warren, Maine
- Josh Kelly, vice president of product development and innovation for OMG Roofing Products, Agawam, Mass.
- Ken Kelly, president of Kelly Roofing, Bonita Springs, Fla.
- Daniel Kennedy, commercial division manager for Don Kennedy Roofing Co. Inc., Nashville, Tenn.
- C.J. Martin, president/CEO of Showalter Roofing Service Inc., Naperville, Ill.
- Geoff Mitchell, CEO of Mid-South Roof Systems, Forest Park, Ga.
- Jack Moore, president/CEO of West Roofing Systems Inc., LaGrange, Ohio
- Curtis Sutton, president of Rackley Roofing Co. Inc., Carthage, Tenn.

START SAFELY, END SUCCESSFULLY

Online educational programs for all levels... Register at www.nrca.net/nrcauniversity

NRCA has a vast array of NRCA benefits to help your business prosper. Visit www.nrca.net/membervavigation to learn more.

The NRCA Roofing Manual: Metal Panel and SPF Roof Systems—2020

NRCA’s new 2020 roofing manual provides you with comprehensive information including design, materials and installation techniques applicable to metal panel and spray polyurethane foam roof systems used in low- and steep-slope applications. With two complete sections, Metal Panel Roof Systems and SPF Roof Systems, this manual is a welcome addition to your technical library.

The Metal Panel Roof Systems section includes guidelines applicable to metal and metal panel roof systems, substrates, architectural metal panel systems and structural metal panel roof systems in addition to 84 construction details. The SPF Roof Systems section includes information about materials, design considerations, application and design guidelines, as well as 72 construction details, including SPF details for reroofing and roof systems with fleece-backed membranes.

NRCA is continuing their popular series of FREE WEBINARS on the third Thursday of each month. These new and innovative webinar topics and presenters have been selected to expand your knowledge by giving you new ideas that you can implement into your company immediately. Each webinar offers a unique experience specifically tailored to roofing professionals. Don’t miss out on these live opportunities to stay up to date with industry issues affecting your business.

For upcoming webinars and all previous webinar recordings, visit www.nrca.net/webinars.

UP AND DOWN EASTERN U.S.

- Virginia Association of Roofing Professionals, www.varoofingprofessionals.org
- Tennessee Association of Roofing Contractors, www.tarcroof.org
- Kentucky Roofing Contractors Association, www.krca.org
- Roofing & S/M Contractors Association of GA, www.rsmca.org
- Florida Roofing & Sheet Metal Association, www.floridarooft.com

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National Safety Stand-Down
To Prevent Falls in Construction
May 4-8, 2020

The Occupational Safety and Health Administration's seventh annual National Safety Stand-Down will be May 4-8, 2020, to raise awareness among employers and workers about the hazards of falls in the construction industry.

OSHA, the National Institute for Occupational Safety and Health and the Center for Construction Research and Training will lead the effort to encourage employers to pause during their workdays for topic discussions, demonstrations and training regarding how to recognize hazards and prevent falls.

More than 1 million workers participated each year in previous National Safety Stand-Downs. To learn more, visit www.osha.gov/StopFallsStandDown.



**ROOFING DAY IN D.C.:
CANCELLED FOR 2020**

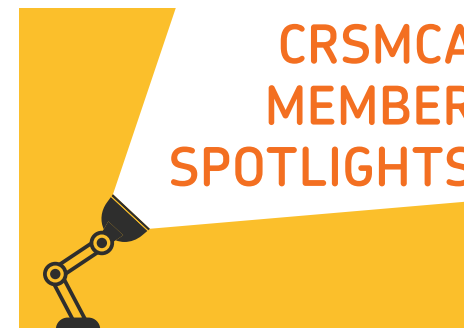
As you may know, on March 15 the Centers for Disease Control strongly recommended the cancellation of all events involving more than 50 participants because of the ongoing public health crisis related to the novel coronavirus. Also, on March 15, the District of Columbia government issued regulatory guidance effectively prohibiting meetings of more than 250 people within Washington, D.C.

In light of this situation and after careful consideration with the health and safety of participants foremost in mind, Roofing Day in D.C. 2020, scheduled for April 21-22, has been cancelled. Unfortunately, given the unique size and scope of Roofing Day in D.C. 2020, it is not feasible for the event to be rescheduled during the remainder of this year. More information will be sent soon regarding hotel cancellations and other details.

NRCA will begin planning for Roofing Day in D.C. 2021, will be held on March 23-24, 2021, so please save these dates. Your registration fees for Roofing Day in D.C. 2020 will be rolled over and applied to Roofing Day in D.C. 2021. If you will be unable to attend in 2021, please contact NRCA's Washington, D.C., office at (800) 338-5765.

Please know this was a difficult decision, and NRCA is extremely disappointed Roofing Day in D.C. 2020 will not take place. However, it is clearly the correct decision at this time given the threat to the health and safety of participants and recent actions by government bodies. Your patience and understanding are greatly appreciated.

We look forward to seeing everyone at Roofing Day in D.C. 2021.



**CRSMCA
MEMBER
SPOTLIGHTS**

**BAKER ROOFING COMPANY
WINS NAHB SAFETY AWARD**

Baker Roofing Company, Raleigh, N.C., was a recipient of the National Association of Home Builders' 2019 NAHB/Builders Mutual Safety Award for Excellence in the category of Specialty Trade Contractor Safety Program of the Year (More than 50 employees).

The NAHB/Builders Mutual Safety Award for Excellence awards program is the homebuilding industry's only award recognizing professionals who have made successful efforts to advance safety in the industry.

NAHB's website states: "Baker Roofing continually strives to improve their safety and health programs with constant self-check and awareness, which is accomplished by numerous means, including the recording of near misses to analyzing gaps in training and communicating the results to the Board of Directors with a plan of action to address these areas. Throughout the past 5 years, the senior management team has empowered the safety and risk management team with identifying immediate as well as short-term, long-term goals to ensure the success of the entire company."

**FOREMAN FOR SPANN
ROOFING & SHEET METAL
WINS NRCA MVP**

The Roofing Alliance, the foundation of NRCA, announced the winners of its 20th annual Most Valuable Player Awards during NRCA's 133rd Annual Convention in Dallas.

Among the winners, Corey Morris, foreman for Spann Roofing & Sheet Metal, Conway, S.C.

The MVP Awards program recognize and honor outstanding roofing workers who achieve work-related and personal goals to which others aspire. Winners for awards are chosen based on their significant contributions to outstanding on-the-job performance/workmanship and outstanding performance/other noteworthy contributions outside the workplace; each category is judged separately, and individuals can be nominated for one or both categories. Award winners are chosen by a panel of roofing industry representatives.

For more information about the MVP Awards program, visit <http://roofingalliance.net/programs/mvp/> or contact Bennett Judson, the Roofing Alliance's executive director, at (800) 323-9545, ext. 7513 or bjudson@roofingalliance.net.



**SMARTPHONES,
HEADPHONES POSE
HAZARDS ON JOB SITES**

Some construction companies are developing policies to combat workers' growing use of smartphones and headphones on job sites, according to www.constructiondive.com.

Frank Trujillo, vice president of Miller & Long Concrete Construction, Bethesda, Md., says the company's managers let employees know earbuds and headphones are not acceptable. However, workers don't always realize they have them in their ears when they enter the site.

"People are just used to it, so that headphones and earbuds are like a part of their body, so it's nothing for someone to come in off the Metro or from the parking area wearing them and walk onto the job, clock in, put on their protective gear and continue on to work with them in their ears," he says.

Although there is no specific federal regulation prohibiting the use of head-

phones on a construction site, the Occupational Safety and Health Administration issued a letter of interpretation in September 2019 providing clarification. It said headphone entertainment on a construction site is permissible at managerial discretion "unless such use creates or augments other hazards apart from noise," such as when music masks environmental sounds that need to be heard, "especially on active construction sites where attention to moving equipment, heavy machinery, vehicle traffic, and safety warning signals may be compromised."

Associated Builders and Contractors Vice President of Workforce Development Safety Health and Environmental Greg Sizemore says no smartphone use of any kind should be allowed on active construction sites and urges his members to train their employees regarding the appropriate use of technology on job sites. Workers might argue they use music to drown out loud construction noises, but an OSHA spokesperson said the goal for job-site ear protection is to

minimize sound—not eliminate it.

Trujillo also experiences problems with using smartphones to take photos; his company has clients such as the U.S. Navy that prohibit photos on job sites. Additionally, smartphones have been used to document sensitive incidents or accidents by potential whistleblowers or disgruntled employees. Miller & Long Concrete Construction safety leaders are developing a formal policy; in the meantime, managers tell employees if they must check their phones or take a call, they must exit the job site and clock out to do so.

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URGENT INFORMATION!

North Carolina General Contractors Licensing Board Implements Continuing Education for License Renewals

Prepared by Carla B. Sims,
CRSMCA Executive Director

N.C. General Statute 87-10.2 (a) –
Continuing Education (hereafter “CE”)

(a) As a condition of license renewal, at least one qualifier or qualifying party of a licensee holding building contractor, residential contractor, or unclassified contractor license classification shall complete, on an annual basis eight hours of continuing education approved in accordance with this section. Where an entity holding a building contractor, residential contractor, or unclassified contractor license classification has multiple qualifiers or qualifying parties, at least one qualifier or qualifying party of the licensee shall complete this requirement for the license to remain valid.

To view the FULL N.C. General Statute 87-10.2, please visit <https://casetext.com/statute/general-statutes-of-north-carolina/chapter-87-contractors/article-1-general-contractors/section-87-102-continuing-education>

Licenses holding a Building, Residential or Unclassified classification will be required to have their qualifier(s) who successfully passed the Building or Residential examinations to meet the CE requirements of 8 hours of CE.

The requirement is in effect for the renewal of 2021 licenses. The NCGCLB

anticipates that courses will begin in May 2020. Here’s what you need to know about the CE courses:

- There will be a 2-hour mandatory course that will be produced by the NCGCLB and will contain information pertaining to changes in the laws and rules applicable to general contracting and other content as determined by the NCGCLB. The NCGCLB will provide training and approved instructors to teach the 2-hour course.
- The remaining 6-hours will be elective courses will be produced by outside providers, submitted to and approved by the NCGCLB.

What is your timeframe?

- The CE year begins January 1 and ends on November 30 of each year. Classes will not be offered during the month of December.
- After November 30 for qualifiers who have not completed the required CE will be offered a 90-day grace period where an unexpired license shall remain active to allow the qualifier to satisfy the requirement for that license year. On March 1st, a license whose qualifier has not completed the CE requirement, will become invalid and the contractor will be unable to take on projects that requires a license.
- In year one, courses will only be conducted with a live or previously record-

ed instructor but must be attended physically by the qualifier.

- In year two, the law requires the NCGCLB to implement an online component to ensure that qualifiers have the option to satisfy all CE online.

The NCGCLB is currently engaged in the formal process of adopting rules that will set forth the approval process for Providers, Instructors and course curriculums.

- The organization who will provide CE classes is known as the “Provider”. The “Provider” will identify the Instructors who will teach classes offered by that “Provider”. The “Provider” will have to submit to the NCGCLB the course curriculums that the “Provider” wishes to offer. The NCGCLB will review and approve each “Provider”, Instructor and course curriculum.
- “Providers” will only be authorized to provide courses that they submit to the NCGCLB for approval. The “Provider” may allow any approved instructor to teach any of the courses that the “Provider” has received approval for.
- “Instructors” who wish to be approved by the NCGCLB to teach the 2-hour mandatory class will be required to complete a training course offered by the NCGCLB. The training classes for the 2021 License renewal will be conducted in the

Spring of 2020 and at other times, as needed, in various locations in North Carolina. The mandatory course training classes for 2022 and beyond will be primarily held in the month of December 2021 and again, as needed, through the year.

- All NCGCLB approvals for “Providers”, “Instructors” and course curriculums shall expire on November 30 of each year. “Providers”, “Instructors” and course curriculums can be renewed in a formal process that will be defined by rules propagated by the NCGCLB.

Being an Inactive License Status:

- A licensee may request that the NCGCLB place a license in an inactive status. A license in an inactive status does not require a qualifier to complete the CE requirement but the license renewal form and fees must be submitted for the license to remain inactive. While in an inactive status the license will not allow the licensee to conduct business as a licensed contractor.
- When a license is in an inactive status for 1-2 years, a qualifier shall complete 8-hours of CE including the 2-hour

mandatory course for that year in order to re-activate the license. If a license is in an inactive status for more than 2-years a qualifier shall complete 16-hours of CE including the 2-hour mandatory course for that year in order to re-activate the license.

- When a license is in an inactive status for 4-years, it will archive as will the qualifier’s examination credential if not serving as qualifier on another active license.

Please note from the N.C. General Statute 87-13, an individual who falsely claims they are licensed by the NCGCLB for any business activity regulated by the NCGCLB is engaged in the unlicensed practice of general contracting. General Statute 87-13 now states with added language highlighted:

“Any person, firm, or corporation not being duly authorized who shall contract for or bid upon the construction of any of the projects or works enumerated in G.S. 87-1, without having first complied with the provisions hereof, or who shall attempt to practice general contracting in the State, except as provided for in this Article, and

any person, firm, or corporation presenting or attempting to file as his own the licensed certificate of another or who shall give false or forged evidence of any kind to the Board or to any member thereof in maintaining a certificate of license or who falsely shall impersonate another or who shall use an expired or revoked certificate of license, or who falsely claims or suggests in connection with any business activities regulated by the Board that a person, firm, or corporation is licensed under this Chapter, and any architect or engineer who recommends to any project owner the award of a contract to anyone not properly licensed under this Article, shall be deemed guilty of a Class 2 misdemeanor. And the Board may, in its discretion, use its funds to defray the expense, legal or otherwise, in the prosecution of any violations of this Article. No architect or engineer shall be guilty of a violation of this section if his recommendation to award a contract is made in reliance upon current written information received by him from the appropriate Contractor Licensing Board of this State which information erroneously indicates that the contractor being recommended for contract award is properly licensed.”

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CAROLINAS MID-WINTER ROOFING EXPO PHOTO RECAP



The **FIRST STEP** in Metal Roof Retrofit!

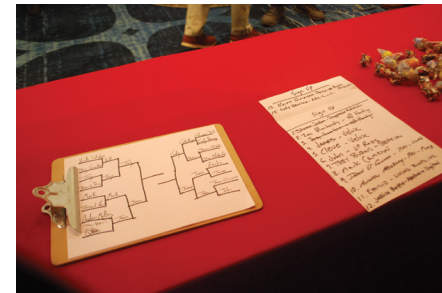
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Carolinas Contacts Magazine Touches Hundreds within the Roofing Industry



The CRSMCA *Carolinas Contacts* Magazine is published every other month, six-times a year, and is placed in over 800 roofing industry professional email inboxes throughout the Carolinas, Georgia, Virginia and more located in the southeast region. The CRSMCA *Carolinas Contacts* Magazine is also displayed on the CRSMCA website page with archived issues.

The magazine provides valuable information from products to services and regulations that are important to the roofing industry businesses as well as news and events within the roofing industry.

2020 EDITORIAL SCHEDULE

January/February: Labor and the Lack of; Promotion of Carolinas Mid-Winter Roofing Expo and Annual Spring Golf Tournament

March/April: Ladder Safety Awareness; Review of the Carolinas Mid-Winter Roofing Expo; Promotion of National Roofing Week, Annual Spring Golf Tournament and CRSMCA Annual Meeting/Summer Convention

May/June: Drones and other Technology; Review of the Annual Spring Golf Tournament; Promotion of CRSMCA Annual Meeting/Summer Convention

July/August: Metal in the Roofing Industry; Review of the CRSMCA Annual Meeting/Summer Convention; Promotion of the 2021 Carolinas Mid-Winter Roofing Expo and 2021 Annual Spring Golf Tournament

September/October: The Varieties of Coatings; Fire Prevention Awareness; Promotion of the 2021 Carolinas Mid-Winter Roofing Expo and 2021 Annual Spring Golf Tournament

November/December: Cold Weather Awareness; Promotion of the 2021 Carolinas Mid-Winter Roofing Expo, 2021 Annual Spring Golf Tournament, 2021 CRSMCA Annual Meeting/Summer Convention



MEMBER PRICING

Ad Size	6xs	3xs
Full Page	\$588	\$615
1/2 Page	\$345	\$360
1/3 Page	\$255	\$268
1/6 Page	\$199	\$210
Contractor Card Ad	\$165	-

NON-MEMBER PRICING

Ad Size	6xs	3xs
Full Page	\$698	\$730
1/2 Page	\$408	\$428
1/3 Page	\$299	\$314
1/6 Page	\$236	\$248

AD SPECIFICATIONS

Size	Horizontal (Width x Height)	Vertical (Width x Height)
Full Page	7.5" x 10" (no bleed)	-
1/2 Page	7.5" x 4.625"	3.625" x 10"
1/3 Page	5" x 4.625"	2.375" x 10"
1/6 Page	3.625" x 4.625"	-
Contractor Card Ad	3.5" x 2"	-

Submit full-color, high-resolution pdf artwork to Carla Sims at cbsims@crsmca.org.



77TH ANNUAL MEETING/ SUMMER CONVENTION JUNE 18-21, 2020

Marriott Hilton Head Resort & Spa
One Hotel Circle, Hilton Head Island, SC 29928

THURSDAY, JUNE 18, 2020

8 am
Golf Outing
Location: Palmetto Dunes, George Fazio Course

Tee-Off Times 8-9:12 am

12-6 pm
Registration Desk Open

2-3:30 pm
CRSMCA Executive Committee Meeting

3:30-5 pm
CRSMCA Board of Directors & Associate Group Board Liaisons Meeting

5:30-7 pm
Welcoming Reception

FRIDAY, JUNE 19, 2020

7:30 am-12 pm
Registration Desk Open

8-8:45 am
Associate Group Membership Meeting

8:45-9 am
Welcome Announcements | Business Session
To provide conference details, recognize CRSMCA Board members and special sponsors.

9-10 am
NRCA Update
NRCA will update CRSMCA members on NRCA activities and trends within the roofing industry and nationwide.

10-11:30 am
Featured Motivational Speaker

6:30-7:30 pm
Networking Reception

SATURDAY, JUNE 20, 2020

8:30 am-1 pm
Registration Desk Open

9-10:30 am
Past President Roundtable Q & A
Moderated by the 2019 DSA Recipient, Ed Benson.
CRSMCA Members will discuss current membership needs and important issues

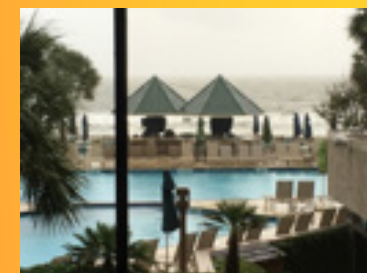
10:45 am-12 pm
Guest Speaker
Sponsored by the CRSMC Self-Insurers Fund

1 pm
Beach Social
CRSMCA will host a Beach Social for all attendees to come and enjoy fun and networking. Bring your beach games for all to enjoy and participate in!

6:30-11 pm
Children's Night Out
Children will be provided dinner and snacks; entertained with crafts and movies and games.

6:45-8 pm
Honors & Awards Reception
CRSMCA Executive Committee will recognize the leaders of CRSMCA, welcome new Board members, honor the 2019 graduating class of the CRSMCA Master Installers Certification Program, and announce the Gordon M. Waters Distinguished Service Award recipient.

8-11 pm
Luau Dinner & DJ After-Party
Attendees will enjoy a luau dinner with entertainment to end the weekend with a night of fun with you fellow CRSMCA friends and family.



Marriott Hilton Head Resort & Spa
One Hotel Circle
Hilton Head Island, SC 29928

Phone reservations:
843.686.8400

www.marriott.com/hhhgr

Group Code: various selections at <https://crsmca.org/meetinginfo.php?id=48&ts=1582743135>

HOTEL RESERVATIONS ARE OPEN UNTIL MAY 22, 2020

REGISTRATION FORM

77TH ANNUAL MEETING/SUMMER CONVENTION
JUNE 18-21, 2020

COUPLE REGISTRATION FEES:

Regular Couple Registration	\$545
Past President Couple Registration	\$445
RETIRED! Past President Couple Registration	\$225
Individual [Saturday only] (over 21 years)	\$ 75
Individual [Saturday only] (under 21 years)	\$ 50
Children's Night Out (per child, AGES 3-12)	\$ 25

PLEASE INDICATE YOUR EVENT(S) PARTICIPATION:

NEW DATE! Thursday, June 18, 2020 **\$125 per player**
Golf Outing at George Fazio Course, Palmetto Dunes
Tee-Off times begin at 8am

Name	Handicap
_____	_____
Name	Handicap
_____	_____
Name	Handicap
_____	_____
Name	Handicap
_____	_____

Saturday, June 20, 2020 **Beach Social**
FREE!

Name	Age
_____	_____
Name	Age
_____	_____
Name	Age
_____	_____
Name	Age
_____	_____

Saturday, June 20, 2020 **Children's Night Out (3-12 years)**
Time: 6:30pm - 11:00pm **\$25.00 per child (dinner included)**

Name	Age	Shirt Size
_____	_____	_____
Name	Age	Shirt Size
_____	_____	_____
Name	Age	Shirt Size
_____	_____	_____
Name	Age	Shirt Size
_____	_____	_____

CANCELLATION POLICY: All requests for refunds *must* be made in writing prior to May 15, 2020 for a 50% refund. **NO REFUNDS will be accepted after May 15, 2020. ALL REFUNDS WILL BE ISSUED AFTER THE EVENT**

RETURN FORM TO: CRSMCA PO BOX 7643, CHARLOTTE, NC 28241
cbsims@crsmca.org

COMPANY NAME _____
ADDRESS _____
CITY STATE _____
PHONE _____ EMAIL _____
List first and last names, as they should appear on the name badge.
Please check the box if you are a first-time attendee.
(First time attendees receive a \$25 DISCOUNT!)

COUPLE 1

Name City/State _____
Guest City/State _____
REQUESTED ADULT SHIRT SIZES L XL 2XL

COUPLE 2

Name City/State _____
Guest City/State _____
REQUESTED ADULT SHIRT SIZES L XL 2XL

NEW! INDIVIDUAL [SATURDAY ONLY]

Name City/State _____

Name City/State _____

Name City/State _____

Name City/State _____

Payment Information:

Total Registration Fee: \$ _____
Total Children Fee: \$ _____
Total Golf Fee: \$ _____
GRAND TOTAL \$ _____

Method of Payment**:

Check Enclosed No. _____ VISA|MC|AMEX
*PAYMENT MUST ACCOMPANY REGISTRATION TO BE PROCESSED!

Account Number** _____ Exp. Date _____ CVV Code _____

Name (as it appears on card) _____ Signature _____

** Please be sure to include your credit card information. Due to PCI Compliance, CRSMCA is no longer able to retain your credit card authorization. Thank you for your understanding.

SPONSORSHIP FORM

77TH ANNUAL MEETING/SUMMER CONVENTION
JUNE 18-21, 2020

CRSMCA would like to **thank you** for your consideration in purchasing a sponsorship. All sponsorship purchases are applied to the **advancement of education** to the CRSMCA membership.

ALL SPONSORSHIPS WILL RECEIVE THE FOLLOWING RECOGNITION, AS WELL AS ADDITIONAL BENEFITS WHERE NOTED:

Listing in the CRSMCA Carolinas Contacts Magazine, Listing in the Annual Program, Listing in the Annual Banquet Program, Listing on the CRSMCA website, Listing in the 2020-2021 CRSMCA Membership Directory, and verbal recognition at the Annual Meeting/Summer Convention

PROFESSIONAL SPONSOR \$5,000

Included with your sponsorship is a company banner, TWO complimentary couple and TWO golf registrations

DIAMOND SPONSOR \$3,000

Included with your sponsorship is ONE complimentary couple and ONE golf registrations

Bags T-Shirts

PLATINUM SPONSOR \$2,000

Included with your sponsorship is ONE complimentary couple registration

Thursday Reception Friday Reception Saturday Reception Beach Social Chairs

GOLD SPONSOR \$1,500

Included with your sponsorship is ONE complimentary golf registration

Audio/Visual Support Children's Activities

BRONZE SPONSOR \$500

Badges

PAST PRESIDENT SPONSOR \$200

GOODWILL SPONSOR \$200

METHOD OF PAYMENT:

Check Enclosed

Amount authorized: \$ _____

AMEX|MasterCard|Visa

Company Name _____

Contact Name _____

Account No.** _____

Exp Date _____

CVV Code _____

Name (as it appears on card) _____

Signature _____

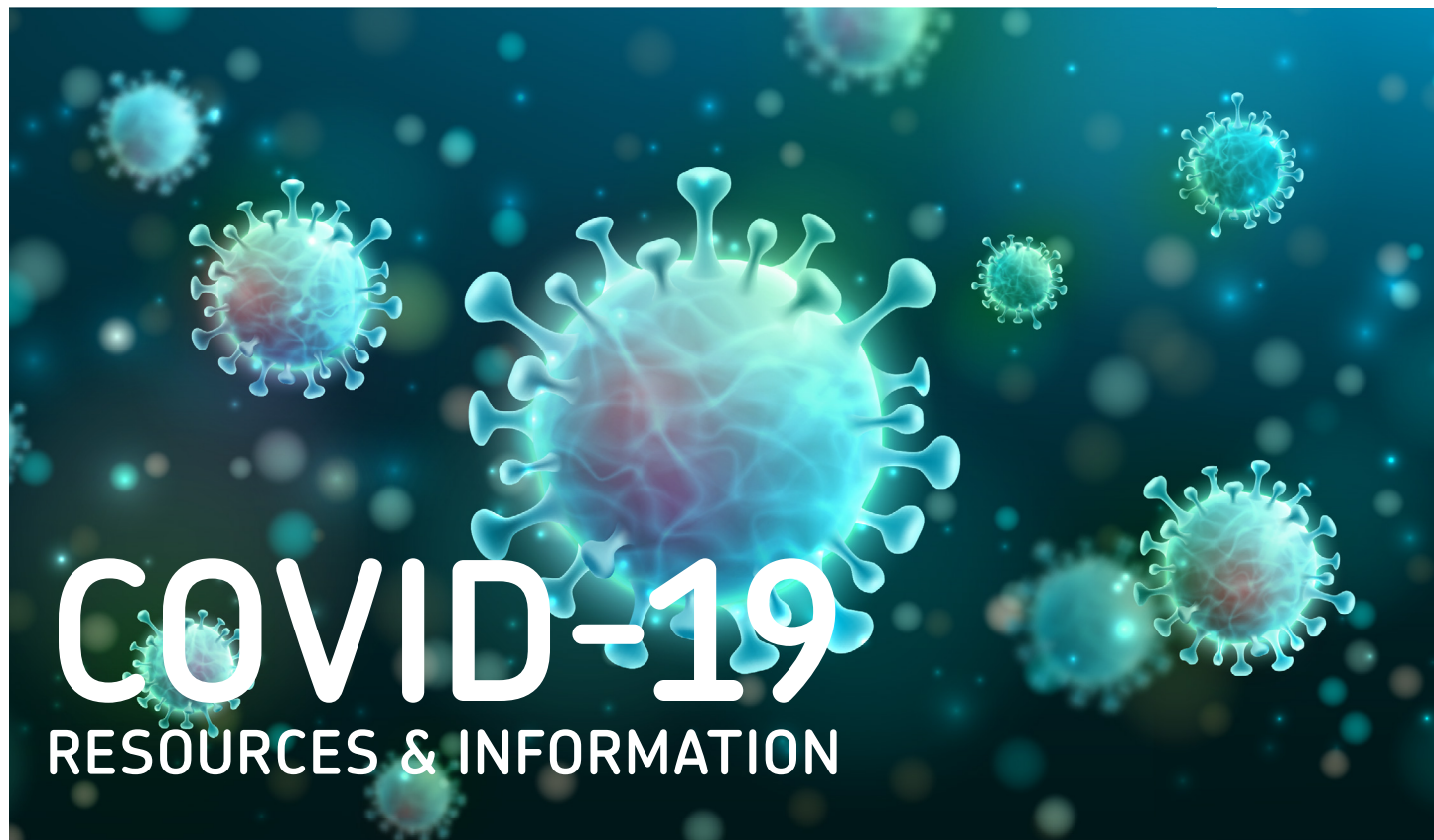
Due to PCI Compliance, CRSMCA is no longer able to retain your credit card authorization. Please be sure to include your credit card information. **PLEASE SUBMIT YOUR COMPANY LOGO VIA EMAIL TO CBSIMS@CRSMCA.ORG TO BE PRESENTED DURING THE GENERAL SESSIONS.

Please send the form with payment information to the following address or email listed:

CRSMCA
P O Box 7643
Charlotte, NC 28241-7643

cbsims@crsmca.org

Please return by May 15, 2020 to be listed in the 77th Annual Meeting & Summer Convention Program



Centers for Disease Control and Prevention
www.cdc.gov

Occupational Safety and Health Administration
www.osha.gov
OSHA offers a COVID-19 planning guidance, information for workers and employers, and resources for small businesses.

National Roofing Contractors Association
www.nrca.net/covid-19-resources-for-roofing-contractors
NRCA has information and resources addressing various issues you may be facing in managing your business through the crisis

North Carolina Department of Health and Human Services
www.ncdhhs.gov

South Carolina Department of Health and Human Services
www.scdhhs.gov

SUMMARY OF FAMILIES FIRST CORONAVIRUS RESPONSE ACT

On March 18, the President signed into law H.R. 6201, the Families First Coronavirus Response Act. This bill does several things of interest to employers:

Paid sick leave: Requires employers with fewer than 500 employees and government employers to provide paid sick leave for circumstances related to the coronavirus pandemic.

Length: Must provide employees with two-weeks of paid sick leave (80 hours for full-time employees and typical number of hours over two-weeks for part-time employees).

Qualifications: any employee who has been employed for at least 30 days unable to work or telework because they are:

- Subject to a government quarantine or isolation order related to COVID -19
- Have been advised by health provider to self-quarantine due to COVID -19,

- Experiencing symptoms of COVID -19 and seeking medical diagnosis,
- Caring for an individual subject to quarantine order or self-quarantine,
- Caring for children if schools are closed or their caregiver is unavailable due to a public health emergency
- Experiencing substantially similar conditions as specified by the Secretary of HHS

Rate of pay: Employees are compensated at the higher of their regular rate, the federal minimum wage, or the local minimum wage, but can't exceed \$511 per day and \$5,110 in the aggregate. However, if the employee is absent to care for a sick family member, a child unable to attend school, or because they meet the criteria for similar conditions they are compensated at 2/3 of the rate they would otherwise receive, but not to exceed \$200 per day and \$2,000 in the aggregate. (This conforms the pay to the amount of the available tax credit.

Small Business Exemption: In addition, the Secretary may exempt small businesses with fewer than 50 employees

from the requirement to offer leave to care for a child when a school is closed when the imposition of paid sick leave would jeopardize the viability of the business as an ongoing concern.

Relationship to Existing Programs: This paid sick leave is in addition to whatever sick leave is already offered by the employer (subject to state or local requirements). This provision is effective 15 days after enactment of the bill and sunsets on December 31, 2020.

Funding: Each quarter, private sector employers subject to the requirement are entitled to a fully refundable tax credit equal to 100% of the qualified sick leave wages paid by the employer. Qualified sick leave wages are capped at \$511 per day (\$200 per day if the leave is for caring for a family member) and 10 days. The tax credit is applied against employer Social Security taxes, but employers are reimbursed if their costs for qualified sick leave exceed the taxes they would owe.

Additional Credit for Health Plan Expenses: The amount of the tax credit is further increased by the amount of the expenses of the employer's health care plan allocable to the qualified sick leave. Employers can seek reimbursement for the cost of continuing to provide health insurance while the employee is on sick leave.

Tax on Employers: Paid sick leave is not considered wages for Social Security tax purposes and for half of the Hospital Insurance Tax, for the other half of the Hospital Insurance Tax, the applicable tax credit is increased to cover the cost of the payroll tax.

Self -Employed: There is a similar tax credit against self-employment taxes for individuals who are self-employed but would otherwise qualify for paid sick leave if they were an employee of an employer.

UNEMPLOYMENT COMPENSATION

The bill gives state governments flexibility with respect to waiting periods and

in interpreting the "able, available and actively looking" test for Unemployment Compensation (UC) eligibility employees who lose their job or are furloughed due to the coronavirus crisis.

- Provides an additional \$1 billion for state unemployment programs.

- Authorizes extended unemployment benefits (beyond the usual 26 weeks), fully funded by the federal government, for states that experience a spike in unemployment.

PAID FAMILY AND MEDICAL LEAVE (FMLA)

Requires (with certain possible exceptions) private sector employers with fewer than 500 employees and government employers to provide employees with up to 12 weeks of paid family and medical leave (FMLA).

Qualifications: available to any employee who has been employed for at least 30 days if they are out in order to care for children if schools are closed or their daycare is unavailable because of a public health emergency and they are unable to work or telework.

Rate of Pay: After 10 days, during which time the employee can take unpaid or paid leave (if available), employees are compensated at 2/3 of their regular rate. Paid leave under this requirement shall not exceed \$200 per day and \$10,000 in the aggregate. (This conforms to the amount of the tax credit.)

Small Business and Other Exemptions: The Secretary of Labor is authorized to exempt health care providers and emergency responders and small businesses with fewer than 50 employees if the requirement would jeopardize the business as an ongoing concern. The requirements to restore the employee to their position after the paid leave is taken do not apply to businesses with fewer than 25 employees if the position no longer exists because of the public health emergency (provided the employer takes certain

actions to try and assist the employee). Employers with less than 50 employees are exempt from civil actions brought by employees for violations of this section. Employers of employees who are health-care providers or emergency responders may elect to exclude such employees from the paid FMLA.

Effective Dates: The provision takes effect 15 days after enactment of the bill and sunset on December 31, 2020.

Funding: Each quarter, private sector employers subject to the requirement are entitled to a fully refundable tax credit equal to 100% of the qualified paid FMLA wages paid by the employer. Qualified paid FMLA wages are capped at \$ 200 per day and \$10,000 overall. The tax credit is applied against employer Social Security taxes, but employers are reimbursed if their costs for qualified paid FMLA exceed the taxes they would owe. The Treasury Secretary is provided with regulatory authority intended to help with cash flow issues, for example by waiving penalties on failing to deposit payroll taxes in anticipation of the credit.

Additional Credit for Health Plan Expenses: The amount of the tax credit is further increased by the amount of the expenses of the employer's health care plan allocable to the qualified sick leave. This allows the employer to seek reimbursement for the cost of continuing to provide health insurance while the employee is on sick leave.

Tax on Employers: Paid FMLA is not considered wages for Social Security tax purposes and for half of the Hospital Insurance Tax, for the other half of the Hospital Insurance Tax, the applicable tax credit is increased to cover the cost of the payroll tax.

Self -Employed: There is a similar tax credit against self-employment taxes for individuals who are self-employed but would otherwise qualify for paid FMLA if they were an employee of an employer, but leave would be capped at 50 days.

Source: U.S. Chamber of Commerce



THE EFFECTS OF CORONAVIRUS ON THE CONSTRUCTION INDUSTRY

By Trent Cotney, NRCA General Counsel,
Reprinted from trentcotney.com

With no end currently in sight to the extensive outbreak in China of the novel coronavirus (now officially named COVID-19) and the rapid spread of the virus throughout other parts of the world, the U.S. construction industry is already experiencing effects and should brace itself for more to come. Originating in Wuhan City, Hubei Province, China in December 2019 and quickly spreading to over 70 other countries around the world, to date there have been over 3,000 confirmed deaths from the virus and more than 90,000 confirmed cases around the world, with more being reported every day.

As of March 21, 2020, there were 33,404 cases of coronavirus reported in the U.S. OSHA has taken the opportunity recently to remind employers that existing OSHA standards apply to protecting their workers from the coronavirus, including, in particular, OSHA's Personal Protective Equipment standards, 29 C.F.R. 1910 Subpart 1, and the General Duty Clause, 29 U.S.C. § 654(a)(1). OSHA also noted that its Bloodborne Pathogens standard, 29 C.F.R. 1910.1030, is not directly applicable with regard to coronavirus protections because the virus is not transmitted through blood, but it does offer a framework that may help control some sources of the virus including exposure to bodily fluids.

As a rising concern to the health of the U.S. construction industry's labor force, the impact of the virus on Chinese production has been devastating for global markets and construction supply chains, as mass public quarantines, curfews, and travel restrictions implemented to help fight the spread of the disease have crippled Chinese manufacturing and shipping sectors, among most others. In particular, Wuhan, a "mega-city" with a population of over 11 million people, is known for producing metal

products, mechanical equipment, solar panels and electronics and has 164 manufacturing facilities making products often used by the construction industry, including 13 plants that directly manufacture construction materials. Thus, the question surrounding construction supply-chain problems reverberating from China's efforts to fight the coronavirus epidemic is not a matter of if but when the effects will hit the U.S. construction industry, how extensive they will be, and how long they will last.

Among the ramifications U.S. companies can expect to begin feeling, if they haven't already, include higher costs and price fluctuations, material shortages, logistics breakdowns, order cancellations, and extended delays in product fulfillment and shipping, ultimately leading to slower project completion times and potential legal squabbles with both suppliers and project owners down the road. Contractors are urged to begin preparing for these effects now by evaluating their own supply chains from end to end to identify vulnerabilities, identifying potential alternative supply sources, preparing for costs to soar, and making sure they have adequate provisions in their contracts to protect themselves from the increased costs and supply chain delays and interruptions that are threatening the construction industry due to the ongoing coronavirus epidemic.

FORCE MAJEURE CLAUSES

One of the ways contractors can seek to protect themselves is by including a "force majeure" clause in their contracts. A force majeure clause is a contractual provision that allocates the risk of performance if performance is delayed indefinitely or stopped completely due to circumstances outside of a party's control which make performance impossible, inadvisable, commercially impractical, or illegal and provides notice to the parties of the types of events that would cause a project to be suspended or that would excuse performance. The purpose of

the provision is to relieve a party impacted by the force majeure by extending, temporarily suspending or terminating the contract due to unexpected and unavoidable events such as "acts of God," including hurricanes, tornadoes, floods, earthquakes, landslides, and wildfires, and certain man-made events like riots, wars, terrorism, explosions, labor strikes, and scarcity of energy supplies. To be classified as a force majeure event, the event must be beyond the control of the contracting parties, it cannot be anticipated, foreseeable, or expected, and the event must be unavoidable (irresistibility).

Without a force majeure clause in place, in some jurisdictions both the owner and contractor would share the risk, but in many others, the risk falls on the shoulders of the contractor for the increased costs caused by material shortages and higher prices and project completion delays due to these unexpected and unavoidable events outside of their control. Thus, anything that cannot be anticipated while drafting the contract and factors that could impede progress should be negotiated between the parties and addressed via a force majeure clause added into the contract.

When seeking to limit exposure, contractors must be specific and clear in their contract language when defining the scope and effect of a force majeure clause to protect themselves from unexpected liabilities. The following elements should be addressed in a force majeure clause:

- What events are considered force majeure?
- Who is responsible for suspending performance?
- Who is allowed to invoke the clause?
- Which contractual obligations are covered by the clause?
- How should the parties determine whether the event creates an inability to perform?
- What happens if the force majeure event continues for more than a specified period of time?

For companies that already have force majeure clauses in their standard contracts, it would still be wise to review those provisions to make sure they provide clear, comprehensive, and adequate protections for the company and consider whether terms such as "widespread epidemic," "pandemic," and/or "public health emergency" should be added to their force majeure clauses in light of the threat posed by the current coronavirus outbreak, as often courts will interpret the clause based on what is specifically listed in the contract. Contractors should also review the terms of their existing force majeure clauses in preparation for potentially needing to invoke them for coronavirus-related issues, as many times force majeure clauses contain requirements that must be met to invoke and rely on the clause such as providing written notice within a certain time frame and mitigating some of the damages caused by non-performance.

PRICE ACCELERATION PROVISIONS

In light of the wide-ranging and potentially long-lasting effects posed by the coronavirus epidemic on construction supply chains worldwide, contractors should also consider adding

terms to their contracts to protect themselves from labor and material price increases in the form of a price acceleration provision. A price acceleration provision generally provides that the roofing contractor may adjust the contract price to reflect the revised actual cost of the labor and materials. Assuming the contractor is using its own labor force, there may not be a significant enough increase in labor costs to warrant an adjustment of the contract. As a result, the price acceleration clause is usually limited to increases in materials over the course of a project.

Price acceleration provisions typically require the contractor to provide the prime contractor or owner with evidence supporting the claim for additional compensation through documentation of the increase in actual cost. Price acceleration clauses also sometimes contain a termination for convenience provision that may allow the contractor to escape a contract if the cost of materials has increased exponentially or the materials themselves have become difficult or impossible to find. This last component is generally disfavored and often removed from the contract by prime contractors and owners because of the uneasiness they have with the idea of a termination for convenience. Nevertheless, it is still a worthwhile option to propose in order to provide the contractor with the utmost protection caused by substantial unexpected increases in the price and availability of materials. Below is an example of a standard price acceleration provision that contractors should consider adding to their contracts:

If there is an increase in the actual cost of the labor or materials charged to the Contractor in excess of 5% subsequent to making this Agreement, the price set forth in this Agreement shall be increased without the need for a written change order or amendment to the contract to reflect the price increase and additional direct cost to the Contractor. Contractor will submit written documentation of the increased charges to the Prime Contractor/Owner upon request. As an additional remedy, if the actual cost of any line item increases more than 10% subsequent to the making of this Agreement, Contractor, at its sole discretion, may terminate the contract for convenience.

A subcontractor may find it difficult to include a price acceleration clause in its contract with a prime contractor because both the owner and the prime contractor are looking for fixed prices prior to the start of the construction. In that situation, subcontractors may want to consider buying and storing materials prior to the start of construction to avoid the increases in prices that are expected to occur once the full force of the coronavirus-related disruption to China's construction industry supply chains begins to be felt in earnest in the U.S. and elsewhere around the world. Subcontractors may also want to request a deposit to purchase the requested materials depending on the nature of the job. To the extent that a subcontractor adds a price acceleration provision to their contract, the subcontractor should consider requesting that the prime contractor also add a similar provision in its contract to allow

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SUMMARY OF FAMILIES FIRST CORONAVIRUS RESPONSE ACT

On March 18, the President signed into law H.R. 6201, the Families First Coronavirus Response Act. This bill does several things of interest to employers:

Paid sick leave: Requires employers with fewer than 500 employees and government employers to provide paid sick leave for circumstances related to the coronavirus pandemic.

Length: Must provide employees with two-weeks of paid sick leave (80 hours for full-time employees and typical number of hours over two-weeks for part-time employees).

Qualifications: any employee who has been employed for at least 30 days unable to work or telework because they are:

- Subject to a government quarantine or isolation order related to COVID -19
- Have been advised by health provider to self-quarantine due to COVID -19,
- Experiencing symptoms of COVID -19 and seeking medical diagnosis,
- Caring for an individual subject to quarantine order or self-quarantine,
- Caring for children if schools are closed or their caregiver is unavailable due to a public health emergency
- Experiencing substantially similar conditions as specified by the Secretary of HHS

Rate of pay: Employees are compensated at the higher of their regular rate, the federal minimum wage, or the local minimum wage, but can't exceed \$511 per day and \$5,110 in the aggregate. However, if the employee is absent to care for a sick family member, a child unable to attend school, or because they meet the criteria for similar conditions they are compensated at 2/3 of the rate they would otherwise receive, but not to exceed \$200 per day and \$2,000 in the aggregate. (This conforms the pay to the amount of the available tax credit.

Small Business Exemption: In addition, the Secretary may exempt small businesses with fewer than 50 employees from the requirement to offer leave to care for a child when a school is closed when the imposition of paid sick leave would jeopardize the viability of the business as an ongoing concern.

Relationship to Existing Programs: This paid sick leave is in addition to whatever sick leave is already offered by the employer (subject to state or local requirements). This provision is effective 15 days after enactment of the bill and sunsets on December 31, 2020.

Funding: Each quarter, private sector employers subject to the requirement are entitled to a fully refundable tax

credit equal to 100% of the qualified sick leave wages paid by the employer. Qualified sick leave wages are capped at \$511 per day (\$200 per day if the leave is for caring for a family member) and 10 days. The tax credit is applied against employer Social Security taxes, but employers are reimbursed if their costs for qualified sick leave exceed the taxes they would owe.

Additional Credit for Health Plan Expenses: The amount of the tax credit is further increased by the amount of the expenses of the employer's health care plan allocable to the qualified sick leave. Employers can seek reimbursement for the cost of continuing to provide health insurance while the employee is on sick leave.

Tax on Employers: Paid sick leave is not considered wages for Social Security tax purposes and for half of the Hospital Insurance Tax, for the other half of the Hospital Insurance Tax, the applicable tax credit is increased to cover the cost of the payroll tax.

Self-Employed: There is a similar tax credit against self-employment taxes for individuals who are self-employed but would otherwise qualify for paid sick leave if they were an employee of an employer.

UNEMPLOYMENT COMPENSATION

The bill gives state governments flexibility with respect to waiting periods and in interpreting the "able, available and actively looking" test for Unemployment Compensation (UC) eligibility employees who lose their job or are furloughed due to the coronavirus crisis.

Provides an additional \$1 billion for state unemployment programs.

Authorizes extended unemployment benefits (beyond the usual 26 weeks), fully funded by the federal government, for states that experience a spike in unemployment.

PAID FAMILY AND MEDICAL LEAVE (FMLA)

Requires (with certain possible exceptions) private sector employers with fewer than 500 employees and government employers to provide employees with up to 12 weeks of paid family and medical leave (FMLA).

Qualifications: available to any employee who has been employed for at least 30 days if they are out in order to care for children if schools are closed or their daycare is unavailable because of a public health emergency and they are unable to work or telework.

Rate of Pay: After 10 days, during which time the employee can take unpaid or paid leave (if available), employees are compensated at 2/3 of their regular rate. Paid leave under this requirement shall not exceed \$200 per day and \$10,000 in the aggregate. (This conforms to the amount of the tax credit.)

Small Business and Other Exemptions: The Secretary of Labor is authorized to exempt health care providers and emergency responders and small businesses with fewer than 50 employees if the requirement would jeopardize the business as an ongoing concern. The requirements to restore the employee to their position after the paid leave is taken do not apply to businesses with fewer than 25 employees if the position no longer exists

because of the public health emergency (provided the employer takes certain actions to try and assist the employee). Employers with less than 50 employees are exempt from civil actions brought by employees for violations of this section. Employers of employees who are health-care providers or emergency responders may elect to exclude such employees from the paid FMLA.

Effective Dates: The provision takes effect 15 days after enactment of the bill and sunsets on December 31, 2020.

Funding: Each quarter, private sector employers subject to the requirement are entitled to a fully refundable tax credit equal to 100% of the qualified paid FMLA wages paid by the employer. Qualified paid FMLA wages are capped at \$ 200 per day and \$10,000 overall. The tax credit is applied against employer Social Security taxes, but employers are reimbursed if their costs for qualified paid FMLA exceed the taxes they would owe. The Treasury Secretary is provided with regulatory authority intended to help with cash flow issues, for example by waiving penalties on failing to deposit payroll taxes in anticipation of the credit.

Additional Credit for Health Plan Expenses: The amount of the tax credit is further increased by the amount of the expenses of the employer's health care plan allocable to the qualified sick leave. This allows the employer to seek reimbursement for the cost of continuing to provide health insurance while the employee is on sick leave.

Tax on Employers: Paid FMLA is not considered wages for Social Security tax purposes and for half of the Hospital Insurance Tax, for the other half of the Hospital Insurance Tax, the applicable tax credit is increased to cover the cost of the payroll tax.

Self-Employed: There is a similar tax credit against self-employment taxes for individuals who are self-employed but would otherwise qualify for paid FMLA if they were an employee of an employer, but leave would be capped at 50 days.

Source: U.S. Chamber of Commerce

Effects, continued from page 23

the prime contractor to seek additional funds from the owner for any labor or price acceleration that occurs.

CONSCIENTIOUS BIDDING

Construction companies and contractors should also be cautious and use common sense when providing firm bids for contracts for projects that may not begin construction for several months from the time the proposal is submitted. Under these circumstances, the contractor faces additional exposure for any increases in the costs of labor and materials caused by the negative impacts of the coronavirus on the construction industry following the bid process. Therefore, estimating those jobs thoughtfully, appropriately, and perhaps more conservatively can potentially make or break a contractor, at least for the time being while the extent of the repercussions of the coronavirus on the market are not yet known, and for many months to come until the epidemic is under control and global supply chains and economies begin to normalize.

Since there is no current vaccine for the coronavirus and the number of infected individuals continues to rise every day, no one can say how long it will take for the virus to be contained and the economy to normalize. Thus the time is now for contractors to take steps to mitigate their risks and protect themselves from the wide-ranging and potentially calamitous effects that are expected to hit the U.S. construction industry once the aftershocks from the virus's impact on China's construction manufacturing and supply lines make their way here in full force.

Disclaimer: The information contained in this article is general educational information only. This information does not constitute legal advice, is not intended to constitute legal advice, nor should it be relied upon as legal advice for your specific factual pattern or situation. Please contact the NRCA member Legal Help Line to discuss your specific fact pattern.

NEW GUIDELINES FOR CONSTRUCTION MEETINGS AND BIDS IN NORTH CAROLINA

Ashlee Poplin | Cotney Construction Law
Licensed and Practicing in NC and SC

There's nothing like a pandemic to realize how much time you spend in close proximity to others. The CDC's social distancing guidelines have required everyone to re-evaluate how they do business in order to help slow the spread of COVID-19. As a result, the North Carolina Department of Administration has released new guidelines for construction and bid opening meetings. Thankfully we live in a virtual era where meetings can be conducted electronically instead of in-person. The administration has encouraged all construction and bid opening meetings to be handled this way. It is important to note that although meetings are now being held electronically, all public bidding laws must still be complied with. Below are steps to make sure your remote meeting remains in compliance:

1. A remote bid opening must be done under the oversight of the State Construction Office.

2. A notice must be issued to all plan recipients and all possible bidders with instructions on submitting bids by US Mail or physical drop off as electronic bids will not be accepted.
3. The bid meeting host must provide video and audio to access the bid opening session remotely.
4. The bid opening location must remain in a public place.
5. The remote access must be through a widely available and accessible platform that requires no special equipment outside of a computer/phone and internet/Wi-Fi.
6. If a bidder wants to attend in person, they must provide notice and be scheduled and anyone present must follow social distancing and health guidelines.

The construction industry is considered an Essential Business per several recent Stay at Home Orders throughout the state; therefore, a bid meeting can be

held per the General Statute so long as social distancing and all other health and safety guidelines are followed.

If the meeting can be done remotely, during these times of widespread contagion, it is likely a best practice to do so.

If you have any questions on how to make sure your meetings are compliant with all state and federal laws, please consult with a licensed attorney.

Disclaimer: The information contained in this article is for general educational information only. This information does not constitute legal or financial advice, is not intended to constitute legal or financial advice, nor should it be relied upon as legal or financial advice for your specific factual pattern or situation.

Cotney Construction Law is an advocate for the roofing industry, General Counsel of National Roofing Contractors Association (NRCA) and several other industry associations throughout the U.S. For more information, contact the author at 866.303.5868 or go to www.cotneycl.com.

BEWARE OF THE RISKS! NO OWNERSHIP, NO LIEN

Andrew Atkins, Peter Marino, Patrick Wilson, Smith Anderson
Published on February 11, 2020

A recent North Carolina Court of Appeals decision reiterates the importance of knowing who you are dealing with when undertaking work or selling materials in connection with any construction or development project in our state. In Davis & Taft,¹ the Court of Appeals found that the design firm that performed design services for a prospective property purchaser could not properly assert a lien on the property, given the design services were never actually used to improve the property. While this case involved a design firm, the lesson of this case extends to any party providing labor or materials on any type of construction or development project in the state.

N.C. Gen. Stat. § 44A-7(6) defines the owner of real property as a "person who has an interest in the real property improved and for whom an improvement is made and who

ordered the improvement to be made." N.C. Gen. Stat. § 44A-7(3) defines an improvement as, among other things, an "improvement upon, connected with, or on or beneath the surface of any real property, . . ." In Davis & Taft, the Court noted that the terms "labor" and "improve" contemplate actual work upon the subject property performed by the person claiming the lien.

The design firm in the Davis & Taft case contracted with a company interested in buying the subject property. The sale fell through, but before it did, the design firm performed \$230,000 in design work, \$80,000 of which remained unpaid. The design firm filed a lien on real property and sued to enforce the lien. The trial court dismissed the lien claim at summary judgment, and the Court of Appeals affirmed this decision.

The Court reasoned that since the design services were under contract to a prospective buyer and not an "owner" of the property at issue, and because the design was never actually used to "improve" the property as required by the statute, that no lien on the property was permissible.

Ladders are one of the most frequently cited Occupational Safety and Health Administration violations each year, accounting for construction industry fatalities and injuries.

This month marks the American Ladder Institute's fourth annual National Ladder Safety Month, and there are various ladder safety resources available to help raise awareness and prevent falls.

LadderSafetyTraining.org, an American Ladder Institute website, offers various training materials, including free interactive training modules.

The National Institute for Occupational Safety and Health offers a free app called Ladder Safety, which provides immediate access to ladder safety tips and resources and can help with proper ladder positioning. The app is available for Apple and Android products.

CPWR—The Center for Construction Research and Training offers ladder safety toolbox talks, as well as videos and tip sheets.

OSHA provides an eTool regarding ladder safety complete with pictures.

LADDER SAFETY, ONE RUNG AT A TIME

Jamie Wetherington, Safety and Health Manager, Springer-Peterson Roofing & Sheet Metal, Inc.

Reprinted from Florida Roofing, November 2019

Even the thought of climbing a ladder can be scary for some people. The potential for falls and serious injury is enough for many homeowners to leave the gutter cleaning and holiday decorating to the pros.

But if you're a do-it-yourselfer, or you have to reach a high cabinet or replace a bulb in a ceiling fixture, you're probably going to use a ladder.

Falls are the third leading cause of unintentional injury-related deaths and the top cause of nonfatal injuries, according

to Injury Facts. In 2017-2018, 36,338 people died from falls at home or at work.

CHOOSE THE RIGHT LADDER

Using the wrong ladder can be dangerous. Think about the task at hand, choose the right size and style and be sure to follow the directions on the ladder before you climb.

Consider these aspects of the job:

How high do you need to reach?

How much weight will the ladder need to hold?

What is the environment in which the ladder will be used? Are there any electrical lines overhead?

START WITH A FIRM FOUNDATION

No matter what kind of ladder you're using, place the base on a firm, solid surface and avoid slippery, wet or soft surfaces.

Never lean a straight or extension ladder against a windowpane or other unstable surface; use a stabilizer and ladder leveler as needed.

A straight or extension ladder should be placed one foot away from the surface it's resting on for every four feet of the ladder's working length, the distance along the side rail from the ground to the top support point.

Securely fasten straight or extension ladders to an upper support.

Make sure stepladders are open completely before climbing.

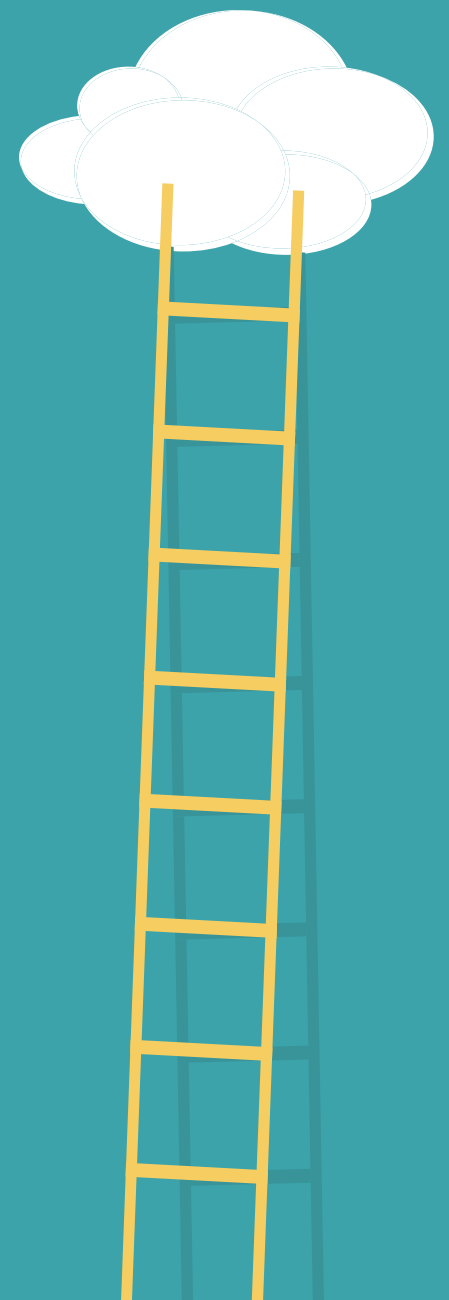
Block or guard doorways near any type of ladder so no one can open it and knock you off.

Make certain the area is free of clutter, both at the base and top of the ladder.

Never place a ladder on a box, barrel or other unstable base to gain additional height.

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NATIONAL LADDER SAFETY MONTH PROMOTES SAFE LADDER USE





THE DOTTED LINE

HOW TO GET PAYMENT FROM SLOW-PAYING GENERAL CONTRACTORS

By Kim Slowey, *ConstructionDive* | Published on Feb 25, 2020

When it comes to funding labor and material costs for any given construction project, subcontractors are usually left with the lion's share. Everyone in the chain of command typically understands that invoices should reflect all work approved and completed to date and be submitted in a timely manner so that those responsible for bearing the costs can stay cash buoyant.

BUT WHAT HAPPENS WHEN PAYMENT FOR THOSE INVOICES SLOWS OR STOPS ALTOGETHER?

When general contractors aren't timely in their payments, subcontractors can sometimes not have cash flow to pay their suppliers and workers, which could play havoc with project schedules and potentially devastate the business.

Construction legal experts say there are actions subcontractors can take through the lifecycle of a project that can make collecting their money easier.

NEGOTIATE CONTRACT TERMS UP FRONT

There are terms related to payment in all standard forms of construction agreements and being able to negotiate them be-

fore the contract is executed can help avoid payment problems later on.

The first opportunity a subcontractor has to influence how payments will be made, said attorney Quinn Murphy, who specializes in construction at Sandberg Phoenix in St. Louis, is to try to negotiate favorable progress payment and retention terms before signing the contract. Retainage is standard industry practice that involves the withholding of up to 10% of a subcontractor's invoice amount.

"There's no reason why the general contractor shouldn't be required to pay you when you hit certain milestones like substantial completion," he said. Since retainage is meant to ensure that subcontractors live up to their obligations under the contract, the need to withhold retainage should be reduced the further along the sub gets into a project.

Murphy said that subcontractors should also try to get the general contractor to eliminate pay-when-paid and pay-if-paid clauses in the contract. In general, these make payments to the subcontractor contingent on the general contractor receiving the money from the owner for the subcontractor's scope of work first. Murphy said that success in having those removed is a long shot, however, because they are industry standards.

It's worth noting, though, that some states, such as California, have ruled that pay-if-paid clauses are unenforceable.

But even having a pay-when-paid clause in the contract doesn't mean having to wait indefinitely for payment.

"Usually a pay-when-paid clause works to set some reasonable time for payment but doesn't work to bar payment indefinitely," said Nathan Budde, chief legal officer and general counsel at Levelset, a payments software platform. "At some point, the reasonableness elapses and there needs to be payment made no matter whether the money has been received [by the general contractor] or not."

Those rules differ from state to state as well.

KNOW WHEN TO USE A MECHANIC'S LIEN

Another provision that could help avoid future slow payments is one that entitles the subcontractor to the fees and costs associated with trying to collect past-due amounts. Although that would only kick in if the subcontractor wins a judgment in court,

Murphy said, the fact that it's "hanging out there" might be enough to make general contractors a little more conscientious about making timely payments.

"I think the mechanic's lien is the most powerful [collection] tool," said Budde, "but it's not necessarily the only tool. A mechanic's lien is really the nuclear option. Nobody really wants to be in a position where they have to file it, and once it gets filed ... it's not beneficial to the relationship between the sub and the general contractor, the general contractor and the owner or the sub and the owner."

Not only does a mechanic's lien, which is an encumbrance on the project property, keep the owner from selling or refinancing, it also often forces the general contractor to release that lien within a certain, usually brief, time period by either paying the amount claimed in the lien or by posting a bond that substitutes as security for payment.

Of course, the ultimate enforcement action after filing a mechanic's is foreclosure on the property.

"Whether you are ultimately foreclosing on the property or you're going against a mechanic's lien release bond," said attorney Justine Kastan with law firm Rutan & Tucker, "in either case it gives you a pretty tangible form of security for your claim."

At the very least, a mechanic's lien lets the owner know that some subcontractors have not been paid, which could either spur the owner to bring its payments up to date or put pressure on the general contractor to make sure its payments to subcontractors reflect the amount it has been paid so far.

In some cases, the realization that the general contractor hasn't paid some subs, Budde said, could prompt the owner to pay subcontractors directly.

But before subcontractors consider enforcing their rights under mechanic's lien laws, they must make sure they have met the statutory notice requirements. In Florida, for instance, in order to secure

lien rights, any company providing labor or materials to a project must notify the owner within 45 days of first doing so.

That's just one of the many steps a contractor must take before filing a lien in Florida. Again, exact procedures differ from state to state.

It is so important, Budde said, for contractors to verify lien laws and their requirements before taking on work in new states. "It's definitely worth doing some research into what needs to happen there, or partnering with somebody who can help with providing that type of insight," he said.

Keep calm and be respectful

Through the entire project, even if there are payment disputes, Kastan said, it's important that contractors remain calm and deliberate in their communications.

"I think the best and most important thing [for subcontractors] is to maintain a good relationship with general contractors," she said.

Also, if the slow-pay situation ends up in litigation, Kastan said, emails and other communications could end up as exhibits, just one more reason to keep things respectful.

To that end, she said, it might be a good idea to bring in someone not from the company who isn't emotionally wrapped up in the dispute to lead communication in the collection's effort.

"Professionalism and courtesy go a long way," Kastan said.

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Ladder, continued from page 27

CLIMB WITH CARE

When people use ladders frequently at work or at home, they run the risk of becoming complacent. Make sure every time you step on a ladder you are mindful of the task at hand, have reviewed the labels on the ladder and confirmed that the ladder is in good working condition.

- Avoid using the ladder if you feel dizzy or tired or are impaired.
- If using a ladder outside, do not use in windy or inclement weather.
- Make certain the ladder is free of grease, oil, mud and other sticky or slippery materials.
- Wear slip-resistant shoes with clean soles for maximum traction.
- Face the ladder and always grip the rungs, not the side rails.
- Always keep three points of contact with the ladder: Two hands and one foot or two feet and one hand.
- Extension ladders should extend three feet above the roof or platform you're trying to reach.
- Do not stand higher than the step indicated on the label marking the highest standing level.
- Don't lean or overreach; reposition the ladder instead.
- Do not move the ladder while in use.
- Take your time when climbing down so you don't skip any steps.
- Don't climb while carrying tools; use a tool belt.
- Never have someone climb up to bring you something while you are on the ladder; only one person should be on a ladder at a time.
- Being familiar with these ladder safety rules and not allowing yourself to become complacent even when you use a ladder frequently, will help keep you safe.

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CUTTING CORNERS ON SMALL JOBS

A few years ago, a roofing contractor was working on a flat roof on which a 2-man crew was installing sheet metal. This job was only expected to last a few hours and was a relatively small single-story building – 15 feet in height and less than 50 feet wide. The two men working on this job were Matthew and Jared. Matthew had been doing roofing and sheet metal work for 15 years, Jared was relatively new to the industry.

While the two men were working on the roof, an OSHA compliance officer noticed them and stopped to observe. From her vehicle, she noticed that the two men working on the roof had no visible form of fall protection. She took pictures of the two men on the roof, both of whom appeared to be laying sheet metal and conducting roofing work. Following that, she video-recorded them. The photos and video showed that both Matthew and Jared were working on their knees and occasionally were leaning over the edge and that neither was wearing fall protection. The OSHA compliance officer then exited her vehicle, showed her credentials to the men, and called them off of the roof. Matthew explained to her that he was the foreman on the project and that he was also acting as the safety monitor.

In explaining the company's safety program to the OSHA compliance officer, Matthew told her that the company is a member of a workers' compensation self-insurance fund that uses a safety inspector to periodically monitor employees for compliance with safety rules at random jobsites. He went on to explain that he was not afraid of getting caught doing sheet metal work on this particular job while he was supposed to be performing the duties of a safety monitor, because (in Matthew's words) "Everyone cuts corners on smaller jobs because they know they will not get inspected – and besides, no one wanted to spend an hour setting up safety equipment for a job that could be completed in a just a few hours anyway."

The employer was cited by OSHA for violating an OSHA standard that requires the safety monitor have no other responsibilities which could take his/her attention from the monitoring function.

In discussing this incident with Matthew, he acknowledged his failure to adequately perform the safety monitor function but justified his actions because he was "bored" just standing there

as a safety monitor and wanted to finish the job more quickly.

DISCUSS WITH YOUR CREW

- After Matthew expressed his belief that "everyone cuts corners on smaller jobs," what kind of roofing jobs do you think that OSHA compliance officer is going to be looking at in the future for violations of OSHA rules?
- After paying a hefty OSHA fine and hearing Matthew's view on cutting corners, how do you think this incident changed the way that Matthew's employer now views him?
- Jared was the laborer on this job and was relatively new to the industry. What values relative to safety do you think have been instilled in him after working with Matthew on several jobs?



CORTAR ESQUINAS EN TRABAJOS PEQUEÑOS

Hace unos años, un contratista de techos estaba trabajando en un techo plano en el que un equipo de 2 hombres estaba instalando chapa. Solo se esperaba que este trabajo durara unas pocas horas y era un edificio relativamente pequeño de un solo piso: 15 pies de altura y menos de 50 pies de ancho. Los dos hombres que trabajaban en este trabajo eran Matthew y Jared. Matthew había estado haciendo trabajos de techado y chapa durante 15 años, Jared era relativamente nuevo en la industria.

Mientras los dos hombres trabajaban en el techo, un oficial de cumplimiento de OSHA los notó y se detuvo para observar. Desde su vehículo, notó que los dos hombres que trabajaban en el techo no tenían una forma visible de protección contra caídas. Ella tomó fotos de los dos hombres en el techo, los cuales parecían estar colocando chapa y realizando trabajos de techado. Después de eso, ella los grabó en video. Las fotos y el video mostraron que tanto Matthew como Jared estaban trabajando de rodillas y ocasionalmente se inclinaban sobre el borde y que ninguno de los dos llevaba protección contra caídas. El oficial de cumplimiento de OSHA salió de su vehículo, mostró sus

credenciales a los hombres y los llamó desde el techo. Matthew le explicó que él era el capataz del proyecto y que también actuaba como monitor de seguridad.

Al explicar el programa de seguridad de la compañía al oficial de cumplimiento de OSHA, Matthew le dijo que la compañía es miembro de un fondo de autoaseguro de compensación para trabajadores que utiliza un inspector de seguridad para monitorear periódicamente a los empleados para el cumplimiento de las reglas de seguridad en sitios de trabajo aleatorios. Continuó explicando que no tenía miedo de ser atrapado haciendo trabajos de chapa en este trabajo en particular mientras se suponía que debía realizar las tareas de un monitor de seguridad, porque (en palabras de Matthew) "Todos cortan las esquinas en trabajos más pequeños porque sabemos que no serán inspeccionados, y además, nadie quería pasar una hora instalando equipos de seguridad para un trabajo que podría completarse en unas pocas horas de todos modos".

OSHA citó al empleador por violar un estándar de OSHA que requiere que el monitor de seguridad no tenga otras re-

sponsabilidades que puedan quitarle su atención de la función de monitoreo.

Al discutir este incidente con Matthew, reconoció su incapacidad para realizar adecuadamente la función de monitor de seguridad, pero justificó sus acciones porque estaba "aburrido" simplemente de pie allí como monitor de seguridad y quería terminar el trabajo más rápidamente.

DISCUTA CON TU EQUIPO

- Después de que Matthew expresó su creencia de que "todos cortan las esquinas en trabajos más pequeños", ¿qué tipo de trabajos de techado crees que el oficial de cumplimiento de OSHA va a ver en el futuro por violaciones de las reglas de OSHA?
- Después de pagar una fuerte multa de OSHA y escuchar la opinión de Matthew sobre las esquinas, ¿cómo cree que este incidente cambió la forma en que el empleador de Matthew lo ve ahora?
- Jared era el trabajador en este trabajo y era relativamente nuevo en la industria. ¿Qué valores relativos a la seguridad crees que se le han inculcado después de trabajar con Matthew en varios trabajos?

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