

SMACNA Mid-Atlantic Chapter Connections

The Sheet Metal and Air Conditioning Contractors' Association
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Fleischer and Cummings

Contractors Meet U.S. Congressman Elijah Cummings

Members of SMACNA Mid-Atlantic and the Mechanical Contractors of Maryland were invited to meet U.S. Congressman Elijah Cummings (D-Baltimore) on December 16 in Baltimore. SMACNA Legislative Director Dana Thompson and MCA Legislative Director John McNerney organized the event.

SMACNA Mid-Atlantic Chapter President Stan Fleischer and Executive Director Bernie Brill along with MCA Maryland's Executive Director Steve Weissenberger and MCA Member Bill Bridges enjoyed a healthy discussion regarding construction with the congressman.

Government mandated paid sick leave, project labor agreements, pension reform, and bid listing were the key issues discussed. Cummings seemed very sincere in his interests in the health of the local construction industry.

Fairfax County Government on the On-the-Job (OJT) Training Program

OJT provides reimbursements to employers (**regardless of where they are located**) to help compensate for the costs associated with skills upgrade training and loss of production for newly hired employees. OJT training can assist employers who are looking to expand their businesses and who need additional staff trained with specialized skills. OJT employers may receive up to 50 percent of the wage rate of OJT trainees to help defray personnel training costs.

Participating companies receive a pool of pre-screened applicants for the desired position – the business decides who to hire. This is a great opportunity to bring on employees that are eager to learn new skills and upgrade a company's workforce. Participating companies receive reimbursement for the costs associated with training this new employee, which are usually calculated at up to half the pay rate for the agreed-upon training period.

Employers cannot use OJT funded trainees to replace employees laid off within six months prior to the application date. The business must agree to hire any OJT trainees as regular, full-time employees at the rate of \$14 hr.

To learn more, contact Daryl Rosenbaum at Fairfax County SkillSource, 703-533-5735 Office, 202-709-2619 Cell; Daryl.Rosenbaum@Fairfaxcounty.gov

Suppliers' Committee Meeting

Thursday, February 18

10 a.m. – 12 noon

SMACNA Mid-Atlantic Chapter Conference Room

All Associate Members are invited to attend.



Educational Seminar

February 11, 2016

8 – 10 a.m.

SMACNA Mid-Atlantic
Chapter Conference
Room

**Topic: Ignorance is not
Bliss: Contract
Provisions You Need to
Know**

**Speakers: Construction
Attorneys Ed Seglias
and Roy Cohen**

Registration is \$25 per
person; \$15 for each
additional person from
same company.

*Space is limited and on a
first-come, first-served
basis*

For more information
please call 301/446-0002



Fair and “Balanced”

Stan Fleischer
Chapter President
Seneca Balance of Maryland, Inc.

Construction activities continue at a brisk pace in the Washington, D.C. and Baltimore metro areas. Last month Maryland Governor Hogan announced that \$700 million would be allocated to re-develop areas of inner city Baltimore.

Later this year we will see the new MGM Grand Casino and Hotel open in National Harbor and the new National Museum of African American History and Culture Museum opens on the mall. We will also see the re-opening of the Watergate Hotel and the new Trump International Hotel.

Ground will soon be broken for the new D.C. United Soccer Stadium. This long awaited event will certainly rejuvenate Buzzard Point just as the Verizon Center and Nationals Baseball Park did for those parts of the city.

We are also awaiting word on the relocation of the new FBI Headquarters. Will it be in Landover, Greenbelt, or Springfield? It is hoped that the issues that are holding this project up are resolved by the politicians and the project will proceed. Of course, there is still a lot of buzz on whether the Washington Redskins will get a new stadium, where it will be located and when.

And did you see the “U-Turn” made by Congress when they approved funding for the completion of the St. Elizabeth’s Department of Homeland Security (DHS) campus? This is a planned expenditure of \$556.7 million for renovations of existing facilities and new construction.

At the same time we are again gearing up to fight the proposed Paid Sick and Safe Leave bill that will again be raised during the upcoming legislative session in Annapolis. For four years similar legislation has been proposed and not made it out of committee. However, it gets more challenging each and every year as more states and communities adopt this policy. There are currently four states, 21 cities, and one county that have required employers to provide paid sick leave.

Other issues that you may hear about coming from Annapolis are Equal Pay, Scheduling, and Change Orders.

In Richmond HB207 will be debated by Virginia lawmakers. This legislation would expand the type of persons against whom an injured employee may bring a cause of action to recover damages for injury, occupational disease, or death to include statutory employees.

As you can see, there is much to do and much to look forward to. In the coming weeks we will be meeting with the leaders of SMART Local 100 to explore ways to grow our markets, expand business opportunities, and put more people to work. I welcome your thoughts and ideas.

Maintaining the Prevailing Labor Rates in Maryland

Maryland's Department of Labor Licensing and Regulation is asking for our support and cooperation in encouraging contractors to submit prevailing wage information. This data is collected beginning on September 1 and closes on October 31. However, DLLR officials urge companies to complete the necessary reports following the completion of every job.

The information you submit is used in determining the prevailing wage rates for the various jurisdictions in the state.

To assist in this effort, the agency is willing to do a group workshop or perform a one-on-one consultation. For more information, please contact DLLR at 410/767-2394 or email: DL outreach-DLLR@maryland.gov.

Congratulations to CMC Sheet Metal

CMC Sheet Metal of Capitol Heights, Maryland will be recognized by the American Subcontractors Association of Metro Washington at the annual Subby Awards Gala on Saturday, February 27 at the Omni Shoreham Hotel.

CMC took first place for Subcontractor Safety for having the lowest EMR (Experience Modifier Rating).

Congratulations CMC!

For more information about the award or the gala, please contact ASAMW at 571/237-7101.

TRANSITIONS

Mark Mullen of Craftcorps, Inc., retired on December 31st. John Wood is the new regional manager and can be reached at jw@craftcorpsva.com
Good Luck, Mark!

2016 Chapter Annual Meeting



Wednesday, September 21

Maggiano's Restaurant- Tysons II

- Table Top Exhibits
- Great Food
- Fantastic Networking
- Guest Speaker

DC Amends Contractor Exemption on Paid Sick & Safe Leave

On January 5th Washington, D.C. City Council members voted unanimously to amend legislation that exempted construction companies covered by a collective bargaining agreement from having to comply.

Thanks to the efforts of SMACNA Mid-Atlantic, NECA, MCAM, MCAMW, Ironworkers Employee Association, and C.H.O.I.C.E. in February of 2015, DC Council voted to amend mandatory paid sick and safe to exempt union construction firms because the collective bargaining process gave workers an avenue for requesting such benefits.

This amendment was included in the city's Wage Theft Bill (passed in February 2015) was due to expire and laborers at the WSSC voiced their opposition to the exemption as they wanted to be able to have access to paid sick leave benefits.

As a result of this action, contractor organizations again reached out by lobbying and testifying and as a result Council members decided to leave in the exemption with the condition that a waiver be included in the organization's collective bargaining agreement with their local.

Executive Order Establishes Paid Sick Leave for Federal Contractors

Joye Blanscett, SMACNA's Director of Labor Services

On September 7, 2015, President Obama signed an Executive Order requiring covered federal contractors and subcontractors (collectively referred to herein as "federal contractors") to provide paid sick leave for their employees. The Executive Order will apply to covered contracts solicited or awarded on or after January 17, 2017. The President directed the Secretary of Labor to issue the implementing regulations by September 30, 2016.

Until the implementing regulations come out, there are several unanswered questions about how this Executive Order will impact SMACNA contractors who are federal contractors. Below is a brief summary of what we know the Executive Order requires.

Under the Executive Order, federal contractors must provide at least one hour of paid sick leave for every 30 hours worked. Although a contractor may set a cap on the hours of paid sick leave an employee may accrue, a contractor may not cap the total accrual of paid sick leave per year, or at any time, at less than 56 hours. Additionally, accrued paid sick leave must carry over from one year to the next, and any accrued amount must be reinstated for employees rehired by a contractor within 12 months after a job separation. Nothing in the Executive Order, however, requires a contractor to provide a payout to an employee upon separation for unused, accrued sick leave.

The Executive Order requires employers to offer paid leave for the following four categories of occurrences:

- Physical or mental illness, injury or medical condition;
- Obtaining diagnosis, care or preventative care from a health care provider;

- Caring for a child, a parent, a spouse, a domestic partner or any other individual related by blood "or affinity whose close association with the employee is the equivalent of a family relationship" who satisfies the conditions under the preceding categories 1 and 2; or

- Domestic violence, sexual assault or stalking, if the time absent from work is for the circumstances identified in categories 1 and 2, to obtain additional counseling, to seek relocation, to seek assistance from a victim services organization, to take related legal action, including preparation for or participation in any related civil or criminal legal proceeding or to assist an individual related to the employee in engaging in any of these activities.

An employer must provide paid sick leave upon the oral or written request of an employee where the notice includes the expected duration of the leave and is made at least seven calendar days in advance where the need is foreseeable, and in other cases, as soon as is practicable.

The Executive Order defines "covered contracts" to include:

- Procurement contracts for services or construction;
- Contracts or contract-like instruments for services covered by the Service Contract Act;
- Contracts or contract-like instruments for concessions; and
- Contracts or contract-like instruments "with the Federal Government in connection with Federal property or lands and related to offering services for Federal employees, their dependents, or the general public."

The Executive Order does not supersede any other federal, state or municipal law, or collective bargaining agreement that requires greater paid sick leave or leave rights than those established under the Executive Order.

SMACNA will continue keeping its members informed of developments that arise during the regulatory process.