

SMRCA Roving Roofer

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Heat Illness

Be vigilant in assessing heat-related risks to employees

Roofing workers may be exposed to a number of significant hazards, including falls, burns, cuts, and exposures to chemicals or other hazardous substances. One area of concern that may require safety and health professionals' attention, particularly during summer months, is illness related to exposures to the sun and heat.

Keep in mind: Symptoms related to heat illness often are subtle, and dangers from exposure quickly can progress from minor to life-threatening.

Manifestations

There are three commonly recognized manifestations of heat illness: heat cramps, heat exhaustion and heat stroke.

Heat cramps, the mildest form of heat illness, are muscle spasms or cramps that most commonly occur in the legs. Heat cramps usually result from intense physical work in the sun or hot work areas and often are exacerbated by lack of water intake. A worker suffering from heat cramps must rest and drink water, juice or sports drinks; massaging affected muscles also may provide relief.

Heat exhaustion also may result from strenuous work in the sun or a hot environment. A worker suffering from heat exhaustion ordinarily sweats profusely; has an increased heartbeat; and may experience heat cramps, nausea or dizziness. If a worker experiencing such symptoms is not moved to a cool, shaded area and given water, these symptoms can progress to heat stroke.

Heat stroke is the most dangerous heat-related illness and has the potential to be life-threatening. It also can result from strenuous work in the sun on hot days or in a hot environment especially if water intake is insufficient. A worker suffering from heat stroke typically has a high body temperature of more than 100 F and may show signs of confusion or disorientation. The worker may experience a rapid heartbeat, headache, and shortness of breath or increased respirations. As heat stroke progresses, the worker may faint, lose consciousness or even lapse into a coma.

A worker suffering from heat stroke should be moved to a shaded area and given water or other liquids that

do not contain alcohol or caffeine. You also should call 911 immediately.

Regulations

The Occupational Safety and Health Administration (OSHA) does not specifically regulate how employers analyze heat illness hazards or develop controls for those hazards. However, according to OSHA's general duty clause, employers must provide workplaces free from recognized hazards likely to cause death or serious injury. Under that provision, a roofing contractor may be subject to an OSHA citation if a recognized heat illness hazard is not avoided or controlled.

California's Division of Occupational Safety and Health, or Cal/OSHA, which administers the state's worker safety regulations, has had a specific regulation addressing heat illness in effect for almost five years. Its provisions may be useful for roofing contractors throughout the U.S. in determining controls to put in place for heat-related illness.

The regulation states 1 quart of water per employee per hour must be available throughout the workday—a total of 2 gallons of water per employee during a typical workday. In addition, Cal/OSHA requires employers to provide a shaded area for workers to access as needed during the workday. The shaded area must be open to the air, ventilated or cooled. Workers can use the shaded area for a minimum of five minutes to relieve heat illness or prevent its onset according to the regulation.

Assess risks

Heat illness can be a health issue in any U.S. region, and you should assess heat-related risks to your employees and determine appropriate control measures. More information about analyzing hazards stemming from work in hot, sunny weather and training workers about heat-related illness is available from Cal/OSHA at www.dir.ca.gov and the National Safety Council at www.nsc.org.

*Harry Dietz
NRCA Director of Risk Management
Professional Roofing Magazine
July 2010*

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SOUTHEASTERN MICHIGAN ROOFING CONTRACTORS ASSOCIATION

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A number of issues of interest to the roofing industry may be addressed by Congress sometime this fall. If you have questions or comments regarding the issues discussed below, please contact NRCA's Duane Musser at (800) 338-5765 or dmusser@nrca.net.

OSHA Legislation

The House Education and Labor Committee approved H.R. 5663, a bill to improve mine safety, but which also contains numerous OSHA-related provisions, on a straight party-line vote in mid-July. NRCA strongly opposes this legislation because the heavily punitive OSHA measures will create costly new burdens on employers without improving workplace safety. For example, the bill provides for immediate abatement of alleged OSHA violations and requires employers to pay interest compounded daily while a citation is being contested. It also dramatically increases civil and criminal penalties and makes "any officer or director" of a company subject to criminal prosecution. House leaders had intended to bring the bill to a vote in the full House before adjourning for the August recess, but strong opposition from NRCA and other business groups helped deter House leaders from moving forward with the bill. It is unclear if the legislation will be brought up for a vote when the House returns in September.

Home Star Legislation

Senate Majority Leader Harry Reid (D-Nev.) released the "Clean Energy Jobs and Oil Spill Accountability Act," and this legislation includes the "Home Star" program that provides \$5 billion in federal rebates for energy-efficiency improvements to homes. Home Star has two basic components: Silver Star (one year program) and Gold Star (two year program). Under Silver Star, consumers receive between \$250 and \$1500 in "point-of-sale" rebates for specified energy efficient retrofits to homes (with a maximum of \$3,000 or at least 50% of total project costs, whichever is less). NRCA was successful in getting language in Home Star that enables Energy Star-rated roofing products to qualify as eligible for a \$500 rebate. Under the Gold Star component, homeowners can receive rebates of up to \$3,000 for whole home energy retrofits that achieve 20% energy savings with a comprehensive energy audit, with additional incentives available for retrofits that achieve higher levels of energy savings. NRCA is working with Senators to address several concerns with the structure of the Home Star program to make it practical for roofing contractors. The Senate may take up this legislation in September.

DISCLOSE Act

The so-called "DISCLOSE Act" (S. 3628) was defeated on a party-line vote in the Senate when it came one vote shy of the 60 votes needed for approval. NRCA opposed this legislation because it would create excessive disclosure requirements for political advertising in order to deter businesses and trade associations from supporting pro-business candidates. With the defeat of the

DISCLOSE Act, it appears that congressional leaders may now try to move the "Shareholder Protection Act" as an alternative method of trying to prevent businesses from exercising their First Amendment rights. This legislation, recently approved on a party-line vote by the House Financial Services Committee, would, among other things, require corporations to get advance approval from shareholders for all political expenditures.

Small Business Lending Fund Act

The Senate debated the "Small Business Lending Fund Act," which creates a new \$30 billion program at the Treasury Dept. aimed at expanding access to credit for small businesses. The bill also contains short-term tax cuts designed to help small businesses, including a temporary increase in the exclusion from capital gains on the sale of certain small business stock; extending the one-year carryback for general business credits to five years for small businesses; and extending Section 179 expensing and bonus depreciation for certain capital expenditures through the end of 2010. However, lawmakers were not able to move forward with the bill due to lack of agreement on amendments that would be allowed to the legislation. The Senate may make another attempt to pass this legislation, along with several amendments, sometime in Sept.

Estate Tax Reform

NRCA joined other business groups in sending a letter to Senators in support of an estate tax proposal by Senators Blanche Lincoln (D-Ark.) and Jon Kyl (R-Az.) as an amendment to the Small Business Lending Fund Act. Such an amendment would provide a permanent estate tax rate of 35 percent with a \$5 million exemption (indexed for inflation). However, Senate Majority Leader Reid would not allow this and other Republican amendments to be offered to the bill, and it is unclear when or if Congress will deal with this issue. While the estate tax is currently zero for 2010, it is scheduled to jump to 55 percent with a \$1 million exemption on Jan. 1, 2011 if Congress takes no action. The House passed a bill in late 2009 that would establish a 45 percent rate and \$3.5 million exemption (not indexed for inflation).

1099 Expansion Repeal - Senate

A provision in the health care law requires, beginning in 2012, that reporting of business-to-business contracts via IRS Form 1099 be expanded to include incorporated businesses and all property of \$600 or more. This will impose costly new paperwork requirements on employers, and NRCA supports legislation to repeal the 1099 expansion. Sen. Mike Johanns (R-Neb.) also attempted to repeal the 1099 expansion by offering an amendment to the Small Business Lending Fund Act in the Senate. However, Johanns was blocked from offering his amendment when Democratic and Republican leaders could not agree on what amendments would be made in order during floor debate. Johanns may be allowed

to offer his 1099 repeal amendment if the Senate takes up the Small Business bill again in Sept. If so, Senate Democrats are expected to offer an alternative amendment that would exempt credit card transactions from the new 1099 reporting requirement, lift the threshold for 1099 reporting from \$600 to \$5,000, and exempt firms with fewer than 25 employees.

1099 Expansion Repeal - House

Rep. Dave Camp (R-Mich.) attempted to use a procedural motion in the House to offer an amendment to repeal the 1099 expansion. However, fearing Camp's motion would pass, House Democratic leaders pulled the underlying bill from the floor, then introduced their own 1099 repeal bill, coupled with tax increases on multinational corporations, and brought the new bill to a House vote only hours later. However, House leaders called up the bill under "suspension" of normal House rules, thus requiring a two-thirds vote rather than a simple majority vote for passage. The bill failed to attain the two-thirds needed for passage, with most Democrats voting yes and most Republicans voting no due to the accompanying tax increases. Thus, House Democrats can now claim to have voted for repeal of the 1099 expansion without passing a bill.

Extension of 2001/2003 Tax Rates

On Jan. 1, 2011, lower tax rates on individual income, capital gains and dividends enacted by Congress in 2001 and 2003 will expire if Congress does not pass legislation to extend the rates. If Congress fails to act, it could result in one of the largest tax increases in U.S. history. NRCA supports extension of the lower tax rates, and recently joined other organizations in sending a coalition letter to all members of Congress urging passage of legislation to extend the lower tax rates as soon as possible. Among other things, the letter noted that failure to act will result in tax increases on investment income of up to 164 percent on dividends and 33 percent on capital gains. President Obama and most Congressional Democrats favor extending the lower individual tax rates except for households with more than \$250,000 in income, while most Republicans favor extending the lower tax rates for all earners, at least temporarily. The outcome could come down to a few dozen moderate Democrats who haven't yet taken a position. Congressional leaders will likely attempt to address this issue in Sept.

Employee Free Choice Act

On Aug. 4, President Obama told the AFL-CIO that he would "keep on fighting" to pass the so-called Employee Free Choice Act, or "card check" bill, which would fundamentally alter union organizing rules and mandate binding interest arbitration without recourse. In a speech to the labor group's executive committee, the president said "Getting EFCA through the Senate will be tough. It's always been tough, it'll continue to be tough. But we'll keep on pushing." However, Capitol Hill sources indicate the prospects for passage of EFCA, or even a compromise bill, do not look good during the remainder of 2010.

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Nevertheless, NRCA and other business associations that oppose EFCA continue to monitor developments on this legislation closely.

“High Road” Government Contracting Proposal

There is renewed speculation in Washington, DC, that the Obama administration will move forward with an Executive Order to implement a “High Road” proposal that would favor government contractors who adopt labor practices “over and above those required by law.” Among the factors under consideration include payment of a “living wage” to a contractor’s entire workforce, “affordable” health insurance, an employer-funded retirement plan, and paid sick days. It appears that the administration is considering a mechanism to favor contractors that meet its “high road” conditions and that the Labor Department would be charged with scoring every contractor on these metrics. This proposal is reminiscent of the Clinton Administration’s blacklisting proposals of over a decade ago. However, federal government sources indicate there appears to be some resistance from career procurement officials to a “high road” proposal.

Birthday Wishes

Jason Emery
Schreiber Corporation
September 4



Heather Hadley
SMRCA
September 21

Terry Kiciak
TK Roofing Products and Marketing
October 13

Pat Fritch
Roofing Products of Michigan
October 16

Stacy Foley
Crane Roofing, Inc.
October 20

George Schena
Schena Roofing & Sheet Metal Co., Inc.
November 13

Roger LaDuke
LaDuke Roofing & Sheet Metal
December 13

Deepest Sympathy

Our deepest sympathy's are extended to family and friends of:

Bill Wright, Roofing Consultants Inc.



Anniversary Wishes



Mary Jo & Ken Dietrich
T.F. Beck Company
September 26

Ed & Maureen Casey
T.F. Beck Company
October 2

Chuck and Dee Rosa
Schreiber Corporation
October 16

Steve & Lisa Yontz
Bradco Supply Corporation
October 17

MiRCA 2011 Convention

The 46th MiRCA Annual Convention will be held on

Thursday, July 28-31, 2011

Location to be determined.

Mark Your Calendars!

Industry Schedule of Events

October 6-8, 2010
RCAT 2010 Annual Conference
San Antonio, TX
www.rooftex.com



October 20-22, 2010
Metalcon International 2010
Las Vegas, NV
www.metalcon.com



October 27-29, 2010
MRCA 61st Annual National Conference
Indianapolis, IN
www.mrca.org



January 14-16, 2011
29th SPRI Conference and Annual Business Meeting
St. Petersburg, FL
www.spri.org



January 20-21, 2011
CRCA 28th Annual Trade Show
Oakbrook Terrace, IL



**2010 MiRCA Annual Convention
Crystal Mountain**

The 45th MiRCA Annual Convention was held at Crystal Mountain Resort in Thompsonville, MI on Thursday, July 28—Sunday, August 1, 2010.

The Convention kicked off with a “Welcome Reception” on Thursday evening followed by a “Cocktail Party” on Saturday evening. The entertainment for Saturday evening was a comedian/magician followed by dancing.

Some attendees participated in a friendly euchre tournament on Friday evening.

The kids program was held on Thursday evening, Friday and Saturday mornings and Saturday evening. The kids participated in outdoor games, nature hikes, movie night and much more.

Educational seminars were conducted on Friday and Saturday mornings. Both seminars were presented by Stephen Phillips, Henderick, Phillips, Salzman and Flatt. Topics were: “Legal Issues— How Much Do You Know?” and “Provisions that Roofing Contractors Should Include in Their Proposals and Contracts”

Thank you to the following convention sponsors:

- ALCO Products, LLC
- Bornor Restoration, Inc.
- GAF Materials Corporation
- Garwood, Buda, Knight and Associates
- Hoekstra Roofing Company
- Johns Manville
- L.T. Ollesheimer & Son, Inc.
- Mid Michigan Roofing
- National Ladder & Scaffold Company
- National Roofing & Sheet Metal Co., Inc.
- North Roofing Company
- Roofing Industry Promotion Fund
- Thomas Brown & Son Roofing Company
- Uniflex Industrial Roof Coatings
- Valenti Trobec Chandler, Inc.

A special thank you to Marc Garwood, Garwood, Buda, Knight and Associates, Inc., for hosting the hospitality suite.

Thank you to those who attended. It was a great convention!



Through the eyes of the MiRCA kids



Single Member LLCs—Current Challenges

BACKGROUND

When the Michigan legislature adopted the limited liability statute almost twenty years ago, a new protective shield came into place and gave business owners a choice of asset protection entities. Before this statute was enacted, businesses could be conducted as a sole proprietorship, general partnership, limited partnership or a corporation.

There is unlimited liability when conducting business to a sole proprietor. This concept also applies to the partners of a general partnership. In a general partnership, an individual or an entity could be liable for their partners' liabilities. Limited partnerships were typically restrictive to real estate investments and were not a preferred way to operate an ongoing business other than in a real estate setting. Corporations can be structured as either a "C" corporation or an "S" corporation. The "S" corporation provides tax flow-through treatment to the owners, however, there were many restrictions on who could be an owner of an "S" corporation.

The LLC is basically a hybrid of a general partnership and an "S" corporation. The corporate shield now exists for an individual or entity along with the tax flow treatment of a general partnership, thereby eliminating the double taxation of a "C" corporation. The requirements of stock certificates and annual meetings are also liberalized in the LLC setting.

Many individuals set up single member owned LLCs in order to conduct business. The concept of protection was considered the same as in a single owner corporation.

FLORIDA ISSUE

Recently, the Florida Supreme Court in *Olmstead v. FTC*, held that Florida law permits a court to order a judgment debtor to surrender his/its entire right, title and interest in a single member owned LLC in order to satisfy a judgment creditor. Florida, like Michigan, relied upon the concept that a charging order would provide a degree of asset protection for the owners of the LLC, because absent consent of the owners, the judgment creditor would only be entitled to receive profits and distributions to the debtor member and not be entitled to levy and execute on the ownership interest itself or acquire the rights of the owner, including the right to participate in the management of the LLC. The Florida court reasoned that the owner of a single member LLC did not need anyone's consent to assign its interest in the LLC. The court concluded that a creditor could avail itself of the remedy of levy and execution under sale against the debtor's full interest in the single member LLC and was not limited simply to the charging order and profits and distributions from the LLC as its exclusive remedy.

The court's conclusion, at this time, is limited to Florida. Many states, including Michigan, are taking steps in the legislative process to strengthen the asset protection standpoint of the statute so that a charging order concept is the sole and exclusive remedy against a single (or even a multiple member) LLC. Time will tell whether further challenges to a single member LLC will be successful.

Required Disclaimer Under IRS Circular 230: Internal Revenue Service regulations require us to notify the recipient that any U.S. federal tax advice provided in this communication is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer (i) for the purpose of avoiding tax penalties that may be imposed on the recipient or any other taxpayer, or (ii) in promoting, marketing or recommending to another party a partnership or other entity, investment plan, arrangement or other transaction addressed herein.

*Any questions or comments regarding this article may be addressed to **Mark Stasa at Kerr, Russell & Weber, PLC** (Attorney's for the SMRCA/RIPF). Please note that you should also consult your attorney concerning the application of the law to your specific situation.*

Fun Dates to Remember

October 31—Halloween

November 7—Daylight Savings Time Ends

November 25—Thanksgiving

December 25—Christmas



New Websites

Check out the new websites that have been created by the Roofers Union Local #149, Joint Apprenticeship Training School and the SMRCA.

Roofers Union Local #149 www.rooferslocal149mi.com

SMRCA www.smrca.org

Joint Apprenticeship Training School www.detroitrooferstraining.com
Coming Soon

Upcoming Seminars

If you are interested in any of the following seminars, call the SMRCA office at (586) 759-2140 for more information.

NRCA Programs

Online Educational Programs

Roofing 101

Roofing 101 is an interactive online educational program addressing basic roofing terminology, roof assembly components and roof systems. This program consists of five self-paced learning modules requiring about one hour each to complete. Animation, graphics, videos and interactive learning activities combine to create a fun, effective learning experience.

Impact-resistant Roofs: Smart Steps to Reduce Hailstorm Damage

Impact-resistant Roofs: Smart Steps to Reduce Hailstorm Damage is a free, online learning experience that consists of four self-paced learning modules. It teaches homeowners and other consumers about the benefits of installing impact-resistant residential roofing products.

Impact-resistant Roofs: Contractor Certificate

A convenient online educational program that will help you and your employees better serve your customers by building basic competencies for identifying, selecting, installing and selling impact-resistant roofing products. This program requires you to complete in-depth technical training and pass a comprehensive exam before you are awarded an NRCA University Certificate of Completion. Once you have been awarded an NRCA University Certificate of Completion, you will be listed in NRCA's database of roofing professionals who have successfully completed the program. This database increases your business by allowing consumers and insurance claim adjuster to effectively search for quality roofing professionals.

Roofing, Energy and the Environment Series: Energy Efficiency in Roof Systems

Grow your company's business with new energy-efficient systems, installation methods and technological advances. You will learn the latest information concerning cool, vegetative and photovoltaic roof systems. In addition, you will review: how materials and the environment influenced the energy-efficient roofing industry, how market conditions, the global economy, and government regulations and incentives have influenced roofing and energy-efficient design options.

For more information, visit:

<http://www.nrca.net/rp/education/nrca/onlinechedule.aspx>

MIOSHA Training Program

MIOSHA Construction 10-Hour Course

October 5 & 6	Benton Harbor, MI
October 12 & 13	Holland, MI
October 20 & 21	Midland, MI
October 26 & 27	Northville, MI
November 9 & 10	Lansing, MI
November 17 & 18	Grand Rapids, MI
December 1 & 2	Clinton Township, MI
December 1 & 2	Benton Harbor, MI

This 10-hour program presents an overview of MIOSHA regulations for the construction industry. Detailed information is presented to enable the participant to develop an accident prevention plan as required by Rule 114 of MIOSHA Construction Safety Standard Part 1, General Rules. An overview of MIOSHA inspection procedures is presented, as well as most frequently cited MIOSHA violations in the construction industry. Participants gain detailed information regarding construction and health standards relative to the industry. Students will receive both MIOSHA and OSHA 10-hour cards upon successful completion of the class.

MIOSHA Construction—Part 45 Fall Protection

October 7	Grand Rapids, MI
November 9	Midland, MI
December 9	Northville, MI

Review the MIOSHA Part 45, Construction Safety Standard for Fall Protection including the latest OSHA and MIOSHA interpretations. Examination of recent fatal falls in construction and discussion of the latest fall protection techniques for construction will be covered. This class will also cover fall exposures for residential construction and MIOSHA fall protection criteria. Additionally there will be an explanation of the MIOSHA agency instruction for residential construction, a video on residential fall protection, and detailed instructions for builders, followed by a question and answer period.

Green Websites

There are many excellent websites from which to get information about LEED, Green and Sustainable design and construction and general information about what's going on in the world of Green.

www.aia.org/cote	www.michigangreen.org
www.ashrae.org	www.tagosgreen.com
www.bepinfo.com	www.usgbc.org
www.buildinggreen.com	www.wwj.com/GLITR
www.cam-online.com	

CAMTEC

OSHA 10-Hour

September 15 & 16 Bloomfield Hills, MI

This program is designed to provide participants with a basic understanding of the hazards present in most construction projects. Participants will be able to identify, and then avoid, reduce, or eliminate job hazards. In addition, they will become more familiar with required record keeping and MIOSHA enforcement procedures. Special emphasis is placed on those areas that are the most hazardous. Upon completion of the course, the student will receive an OSHA Construction Safety and Health 10-hour course completion card.

Preparing Documents to Preserve Construction Liens and Payment Bond Claims

September 30 Bloomfield Hills, MI

This class will provide hands-on document preparation to make sure that proper documentation is completed and issued to protect and enforce construction liens and rights to payment under project payment bonds. This course also provides some helpful review of the key requirements of the Michigan Construction Lien Act and Michigan law governing claims under project payment bonds. The benefits of this class can be enhanced by taking the Construction Lien and Payment Bond class.

Lien Law / Payment Bonds

October 5 Bloomfield Hills, MI

Marty Burnstein will explain the step-by-step approach to protecting contractor, subcontractor and supplier payment rights on private work under the Michigan Construction Lien Act and on Public work under the Michigan Bonding Acct with an explanation of how to fill out all forms.

OSHA 30-Hour

November 2, 4, 9 & 11 Bloomfield Hills, MI

This course is for construction industry personnel and will cover OSHA policies, procedures and standards, as well as construction safety and health principles. Topics include the scope and application of the OSHA construction standards. Special emphasis is placed on those areas that are most hazardous, using OSHA standards as a guide. Upon completion of the course, the student will receive an OSHA construction safety and health 30-hour completion card.

For more information on the above classes, registration information and additional classes, log on to: www.cam-online.com