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JANUARY 2017



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15 & 16*

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Formerly Air Conditioning Contractors Association - NY Chapter  
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# From the President...



**Brian Aull**  
Atlantic Contracting & Specialties

I would like to thank the board and it's members for letting me represent MACC New York this upcoming year. I would especially like to thank past president Marc Soffler. Marc became president at a tough time for this organization transitioning from ACCA to MACC. I think I can speak on behalf of the board by saying Marc did a tremendous job. I have some big shoes to fill but I am up for the challenge.

We have a big year planned and I look forward to seeing some new and familiar faces. The first event planned for the year is a Night at the Islander game Tuesday January 31st vs. the Washington Capitals at the Barclay Center in Brooklyn. Visit our website at [www.maccny.org](http://www.maccny.org) to sign up and view upcoming events/meetings.

Hope to see you soon  
-Brian

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## Editor's Notes

by Anthony N. Carbone

What will the Trump factor mean for the HVAC industry? Will it be a rollback of environmental concerns and interests? Are the “tree huggers” going to “hit the ceiling?” Will it be easier for our industry to proceed, without crushing regulations and new laws that preclude contractors from doing business, without jumping through inordinate hoops to perform an installation? Will R-22 make a comeback or will MO-99 become the refrigerant of choice?

We have tons of unanswered questions, regarding the Presidency of Donald Trump. This political outsider makes decisions by instinct and rarely, uses the advice of the past. He tends to claim that logic prevails over redundant bureaucracy.

His tax ideas of creating an income tax across the board of fifteen percent (15%) sounds interesting to many, but is it feasible? . . . Can we sustain our country's obligations and policies? . . . Maybe, it's time to look at things entirely different.

When President Obama surprised the country, eight (8) years ago, with little political experience, he had a strong message to many for a “Vote for Change”. Well, some

change came about, but as many of his predecessors concluded, change did not come easy. President Obama was an excellent orator, who presided over low gas prices, a rising economy, and a job market that got people back to work, as compared to George Bush II. The interest rates remained low and the stock market recovered from the 2008 crash. The banks were put back together and the feeling of many was “things are getting better!”

Well, Hillary Clinton tried to get the message across to the masses, that she was in touch with them, but Donald Trump seemed to connect with middle Americans and an upset victory for the Republicans was had!

Now, we shall witness the executive business decisions of Donald Trump in the coming months. . . so hold on tight, it's history in the making!

Tell me your predictions of the future as you see it, and let's see what will occur during the next four (4) years.

Now, get back to work and “follow the money” . . . because this isn't a business for the faint of heart!!! Good Luck and Happy New Year to all of the members and readers of our industry publication!!!

**Anthony Carbone**  
Systematic Control Corp.  
Editor of MACC News



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## Home Automation Market: High Demand for Being Able to Control a Home's HVAC

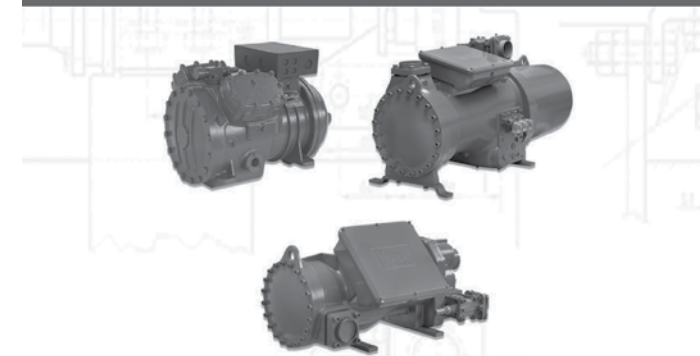
Home automation solutions are some of the most sought-after services in the world in the consumer markets. The demand for home automation solutions is much more pronounced in the developed economies than the emerging ones, but the latter is catching up to the competition. Automation solutions are constantly evolving these days in terms of efficiency, ability, and overall performance. A lot of regions refer to home automation solutions as an umbrella term that includes



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both systems and single point applications that are used to automate any home process. This also includes integrated solutions. A majority contingent of home automation devices are powered by electricity and can be manually overridden. Thanks to efforts in device communication standardization, devices from multiple aspects and different companies are able to connect to each other.

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The report on the global home automation market is essentially a description of a projected chart for the market and its progress between 2014 and 2020. To achieve this, the report includes past and current trends and factors of influence. A number of proven industry standard research and calculation methodologies are used to gauge the global home automation market, including Porter's Five Forces analysis and a SWOT analysis. The report also includes a section dedicated to revealing the attractiveness of each segment in the market over forecast period from 2014 to 2020.

### Global Home Automation Market: Trends and Opportunities:

The primary driver acting on the global home automation market currently is the ever-increasing need shown by homeowners to increase the efficiency of several domestic applications. Home automation

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can be used to enhance a home's HVAC, entertainment systems, energy consumption management, security, and lighting. Homeowners are showing a particularly high demand for being able to control a home's HVAC needs. Furthermore, the proliferation of high-speed internet in developed regions is becoming a key factor that the home automation market of these regions is hinged upon. High-speed connectivity allows for a much smoother communication rate between devices. It is playing an important role in the application of home automation systems in the U.S., the U.K., Germany, and France.

A significant factor working in favor of the global home automation market currently is its ability to promote energy conservation and manage overall energy consumption in a home. The depleting natural resources are putting a high strain on the energy supply in the world, while the demand only seems to increase. Home automation thus becomes one of the methods used by an individual or a family to minimize their energy consumption on a daily basis. Another trend visible in the proliferation of home automation is the growing use of smartphones across the world. Smartphones allow a user to gain a high degree of control over a smart home, therefore imparting a greater affinity for consumers towards home automation.

### Global Home Automation Market: Region-wise Outlook:

North America has been the leading consumer of



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home automation solutions and services in the world for the past few years. It is expected to continue being the leading region in this global market, an estimated based on the massive demand for home automation solutions in the region, the large-scale presence of high-speed connectivity modes, and the high penetration of smartphones in the consumer electronics industry. The U.S. and Canada both possess advanced technologies that can allow for an easier transition for homeowners to the latest trends in home automation. The two nations also hold a large number of consumers with high awareness levels.

Europe and Asia Pacific follow North America in terms of consumption of home automation solutions, but are showing a heavy increase in their demand, which is expected to increase even further over the coming years.

### Companies Mentioned in the Research Report:

The leading companies present today in the global home automation market include Honeywell International Inc., AMX LLC, Johnson Controls, 2GIG Technologies, Crestron Electronics, Inc., ADT Corporation, Siemens AG, Vantage Controls, Control4 Corporation, iControl Networks Inc., and Schneider Electric SA. •



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## Five Strategies to Strengthen Your HVAC Contracting Team

*Align your employees to ensure everyone shares common business interests*

By Mike Agugliaro

As an employer, you recruit, hire, and train staff to deliver your service to customers. But if most service business owners were to be really honest, many would admit their relationships with their employees are lacking. It doesn't always feel like everyone is on the same team. The truth is, many even feel their relationships border on adversarial.

If you want your employees to step up and deliver the best service to customers, it's time to make sure you and your employees are on the same team — that everyone is aligned and pulling in the same direction.

### FIVE ALIGNMENT STRATEGIES TO BUILD YOUR TEAM

**Alignment Strategy No. 1: Start Early** — Don't wait until your employees are employed before you start creating alignment. Instead, start during the recruiting process and actively recruit potential employees who already share the qualities you need in an aligned team.

Once you start talking to these prospective

employees, share your vision of your company with them and get their early agreement. That way, they know before day one what everyone is trying to accomplish and it will be a strong start for them.

**Alignment Strategy No. 2: Strong Culture** — A key part of being on the same team is feeling like you're on the same team. That's why your company's culture is so important. Culture is created either by default, as is the case for most service businesses, or by design. Design your company's culture to be a team of strong, focused, hard-working people who always push each other to be the best.

Create a culture that is so compelling that your employees show up early and stay late — not because they have to but because they love hanging out with like-minded individuals.

**Alignment Strategy No. 3: One Big Target** — You've already shared your vision with your new employees, but a vision will only get you so far. You also

need quarterly targets that are inspiring, stretching, and measurable. Create one big company target and share it with everyone. Build incentives around that target and measure performance based on that target. Make sure everyone — from your managers to your custodial staff — know how they contribute to that quarterly target. Build all quarterly performance measurements and contests around this target, and make sure you keep your team up to date on how they're doing and encourage them to keep pushing hard.

**Alignment Strategy No. 4: Daily Meetings** — Before the day gets busy and overwhelming, hold a 5-minute stand-up meeting to realign everyone to the quarterly target for the day. In a small company, you should do this; in a larger company, get the managers do this. Keep that quarterly target in everyone's mind and use this daily meeting for inspiration and alignment.

It might be tempting to use these meetings for administrative tasks but actively work to avoid that. Keep these meetings only about alignment and inspiration, and save the administrative details for later.

**Alignment Strategy No. 5: Lead** — Your team is not looking for a buddy; they need you to be a leader. That means you need to step up and deliver the strong, confident voice at the front of the room that everyone

wants to listen to. Even if this is not your personality, and even if you like the idea of being buddies with your employees, you'll get everyone on the same team faster if you are a dynamic and inspiring leader. This takes practice but is a powerful strategy.

Even if this type of leadership does not come naturally to you, it is possible to learn to be a strong leader who commands respect. Leadership is a skill that can be built. Find a mentor to teach you leadership and help you tap into a leadership style that works for your personality.

### IN SUMMARY

When you send employees out daily to serve customers, are you confident they'll meet your expectations? If you don't have that confidence, then it's time to implement these strategies to make sure you and your employees are on the same team.

*Mike Agugliaro is co-owner of Gold Medal Service, East Brunswick, New Jersey. He also founded CEO Warrior, a business coaching service for the mechanical trades. Contact him at [mikea@goldmedalservice.com](mailto:mikea@goldmedalservice.com) or visit <http://goldmedalservice.com>. Information is also available from Jennifer Rice at [jrice@ripleypr.com](mailto:jrice@ripleypr.com). Printed with permission. •*

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### Federal Overtime Changes Halted; New York Changes Still Likely

As most employers have heard by now, the changes to federal overtime laws that were to become effective December 1 have been halted by a preliminary injunction. Many employers breathed a sigh of relief when they heard this news. But for New York employers, changes to overtime laws are likely still imminent.

Changes recently proposed by the New York Department of Labor would increase overtime exemption salary thresholds for New York employees, effective as early as December 31, 2016. Further, automatic increases would be made annually for the next several years.

If the DOL ultimately implements these changes in the form they were proposed, the amount of the increases would depend on the size and location of the employer, as follows: For employees working for "large" employers (11 or more employees) in New York City:

- \$825.00 per week on and after December 31, 2016;
- \$975.00 per week on and after December 31, 2017;
- \$1,125.00 per week on and after December 31, 2018.

For employees working for "small" employers (fewer than 11 employees) in New York City:

- \$787.50 per week on and after December 31, 2016;
- \$900.00 per week on and after December 31, 2017;
- \$1,012.50 per week on and after December 31, 2018;
- \$1,125.00 per week on and after December 31, 2019.

For employees working in Nassau, Suffolk and Westchester Counties:

- \$750.00 per week on and after December 31, 2016;
- \$825.00 per week on and after December 31, 2017;
- \$900.00 per week on and after December 31, 2018;
- \$975.00 per week on and after December 31, 2019;
- \$1,050.00 per week on and after December 31, 2020;
- \$1,125.00 per week on and after December 31, 2021.

For upstate employees -i.e., those working anywhere other than New York City or Nassau, Suffolk, or Westchester County:

- \$727.50 per week on and after December 31, 2016;
- \$780.00 per week on and after December 31, 2017;
- \$832.00 per week on and after December 31, 2018;
- \$885.00 per week on and after December 31, 2019;
- \$937.50 per week on and after December 31, 2020.

If, prior to the injunction being issued, your company was already in the process of preparing for the federal overtime exemption changes that were previously expected, then you are likely well on your way to timely compliance with the New York-based changes, if and when they are officially adopted by the NY DOL. Although the relevant salary amounts will not be the same as what was expected under federal law, much of the underlying analysis needed to prepare for the changes remains the same. Gathering data on your employees' actual hours worked, assessing the potential impact of increasing certain employees' salary to meet the new threshold, assessing the impact changes in exemption status may have on morale and retention, preparing staff for the changes --- all these exercises are just as relevant in preparing for the proposed New York changes as they were for the (now postponed or defunct) federal changes.

Please feel free to contact me if you need assistance in preparing for the proposed changes to NY overtime law. •



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**Statement From  
Stuart S. Zisholtz, Esq.**

One way for a contractor to obtain money is factoring his receivables. Factoring involves a transaction where an invoice or a requisition is reviewed and a factor pays a percentage to the contractor of the receivable. The predetermined percentages may vary dramatically but often are between 70% and 90% of the receivable.

Eventually, when the receivable is paid by the owner directly to the factor, the factor pays the remainder of the value of the receivable to the contractor's suppliers or subcontractors minus the factor's fees and administrative expenses.

In New York, there are a few issues involving factors. New York maintains a trust provision under the Lien Law which mandates that the funds received from the owner must be used to pay the trust fund beneficiaries which include subcontractors and suppliers. These beneficiaries are to be paid before the contractor takes any of the funds for itself.

There is a serious issue as to whether the factoring of the funds and the assignment of the receivable to a factor is considered a trust fund diversion. In order for the factor to be properly protected, it should file a Notice of Lending

under the Lien Law to prevent them or the contractors from a claim of trust fund diversion.

If the project is under bid or there are cost overruns, the factor would not be able to pay the various subcontractor beneficiaries. Thus, there would be a serious question as to whether the factor and the contractor diverted trust funds by permitting the factor to accept the funds from the owner without paying the subcontractors or suppliers.

These issues, while they are technical and complicated, are relevant in this economy. It is imperative that you understand the ramifications that may exist in the event you factor your receivables.

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## Energy Managers are Keeping HVAC Pros Busy

By Carl Weinschenk

It is possible to determine the health of a sector both directly and indirectly. In the case of energy management, the most direct measure is the amount of energy being saved. The indirect way is the progress being made by support industries.

The HVAC and HVACR sectors are the best of these indirect support industry indicators. And, according to them, the health of the energy management sector they serve is very good indeed.

The AHR Expo and ASHRAE Journal, in anticipation of the 2017 AHR Expo, recently conducted a nine-question worldwide survey of 1,400 HVAC firms. The main goal of the survey was to predict the prospects for 2017. The Expo will be held from January 30 to February 1 in Las Vegas.

The feelings are upbeat. "Energy managers have an encouraging opportunity in the coming year to work alongside the other HVACR trades in elevating the level of efficiency across the industry at-large," wrote Clay Stevens, president of International Exposition Company, in response to emailed questions from Energy Manager Today. "From the survey results, it's evident that the industry landscape is not only receptive to the overall message of designing for energy efficiency, but that those within it are unanimously eager to learn and grow in continual pursuit of advanced levels of efficient operation."

The survey is filled with interesting information. Respondents in half of 12 categories covered (residential, light commercial, heavy commercial, schools, lodging and international markets) used the term "excellent" to assess their prospects for the year ahead more than they did in last year's version of the survey. A higher percentage of respondents see "good" prospects for 2017 compared to those prognosticating about this year from the end of 2015. Two stood out, Stevens wrote. "Light commercial applications were indicated as providing the most opportunity in the coming year, closely followed by those in the heavy

commercial sector."

The key services that HVAC professionals expect to offer customers in 2017 are reliability, maintenance, first costs and energy efficiency. All of these were cited as "very" or "somewhat" important by more than 90 percent of respondents. Energy efficiency was seen by 36 percent of respondents as a key focus for the year ahead. "Respondents indicated that maintenance and replacement jobs held the greatest amount of promise for 2017," Stevens wrote.

The growth of HVAC and HVACR is nothing short of stunning. A new report from MRRSE says that the worldwide market will increase at a compound annual growth rate of 5.50 percent between this year and 2020, with the total value of the market growing from \$81.1 billion from last year to \$130.7 billion by 2020. To experience such an increase in a mature area suggests that it is undergoing great changes.

The world of HVAC obviously is changing and a tremendous amount of money is being spent in keeping pace. "From the survey results, it's clear that energy managers are supported by the HVACR industry in their advocacy around the importance of mechanical system efficiency," Stevens wrote. "Survey respondents acknowledge the call to action in designing, specifying and installing HVACR equipment to meet continuously higher levels of energy efficiency."

Another driver is that processes that were done once and forgotten for long periods of time in the past now are done more often. For instance, it has been shown that keeping air conditioning and heating equipment clean and tuned saves money. This was never something that was really in doubt — but often was neglected. The emphasis on energy efficiency of the past few years is leading businesses to take this message to heart. Clean and tuned equipment reduces energy use. Reduced energy use saves money and reflects well on the organization. This all leads to more work for HVAC personnel.

*Reprinted with permission - Energy Manager Today. Article first appeared online at www.energymanagertoday.com •*

## OSHA Issues Final Rule Clarifying The Ongoing Obligation To Make And Maintain Accurate Records Of Work-Related Injuries And Illnesses

OSHA has issued a [final rule](#) that clarifies an employer's continuing obligation to make and maintain an accurate record of each recordable injury and illness. The final rule becomes effective Jan. 18, 2017.

OSHA's longstanding position has been that an employer's duty to record an injury or illness continues for the full five-year record-retention period, and this position has been upheld by the Occupational Safety and Health Review Commission in cases dating back to 1993. In 2012, the D.C. Circuit issued a decision in [AKM LLC v. Secretary of Labor \(Volks\)](#) reversing the Commission and rejecting OSHA's position on the continuing nature of its prior

recordkeeping regulations.

The new final rule more clearly states employers' obligations. "This rule simply returns us to the standard practice of the last 40 years," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "It is important to keep in mind that accurate records are not just paperwork; they have a valuable and potentially life-saving purpose."

The amendments in the final rule add no new compliance obligations and do not require employers to make records of any injuries or illnesses for which records are not already required. •

# HOLIDAY PARTY PHOTO GALLERY

On Thursday, December 1st, MACC held our Annual Holiday Party at the Chalet Restaurant & Lounge in Roslyn, Members and friends enjoyed merry evening in a festive atmosphere. Networking with peers abounded. U.S. Marines were on hand to accept members' Toys for Tots donations, a highlight of our holiday celebration for many years. Thanks to all who contributed and participated.



More photos on back page...





MACC Holiday Party photos... continued from previous page

