

## LEARNING OPPORTUNITIES FOR FALL 2018!

On September 13th MACC Presents

# SURVIVE & THRIVE

Featuring Speakers Jim Carlson and Matthew Sher

See details on page 6

### INTRODUCTION TO HEATING

September 15, 2018

See page 7 for details

### 4 DAY OSHA 30 CLASS

October 20 & 27, November 3 & 10

See page 7 for details



### INSIDE THIS ISSUE:

- ✓ Product Showcase
- ✓ Featured Article
- ✓ News Clips



### PHOTOS FROM MACC GOLF OUTING



### PLAN AHEAD!

- Nov 1 - Round Table Meeting
- Nov 17 - Soft Skills

Mark your calendars & register today



## From the President

**Brian Aull**  
Atlantic Contracting  
& Specialties, LLC

Thank you to those of you who attended and/or sponsored our sold out, 40th Annual Golf Outing! The event was another enormous success. Golf foursomes, as well as our golf clinic, sold out weeks prior to the event, which is a huge

accomplishment! The 90-degree weather couldn't stop us from enjoying a great day of golf with friends, colleagues and other industry professionals.

In a yearly tradition, we were honored to donate to Make-A-Wish, an organization that does the great work of granting the wishes of children that are diagnosed with critical illnesses. MACC donated \$2,000 to the organization, so that they can continue with their mission. A representative from Make-A-Wish joined us to accept the donation, as well as gave us an example of how powerful a wish can be by telling us the story of a child they helped.

In October, we will be hosting an OSHA 30 Training Class. By December 1, 2018, in addition to the OSHA-10 Course, all workers must have attained at least a Limited Site Safety Training Card, which includes a minimum of 30 hours of training. Our class is limited to 40 students. Be sure to sign up your employees as soon as possible, so that you don't miss out! Also, we have two seminars coming up this Fall. All class information can be found on page 7 of this issue.

We are excited to come back from Summer with our "Survive and Thrive" Meeting Series. On September 13th, we will be joined by Jim Carlson, President of Michael James Industries and Matthew C. Sher, President of Day & Nite / All Service. You do not want to miss hearing what these industry experts have to say about lessons they've learned, challenges they've faced, and advice they give to fellow industry professionals. Be sure to sign up online!

I look forward to seeing everyone in September! Enjoy the rest of your Summer!

- Brian



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## Product Showcase

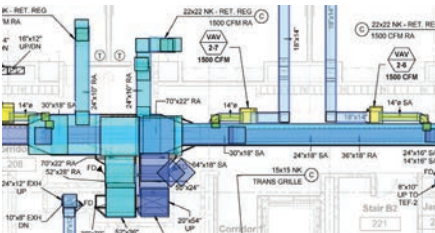


### ABCO presents the Mitsubishi Electric MLZ One-Way Ceiling Cassette Heat Pump

In keeping with the demand for HVAC products and designs that maximize living space, ABCO Supply + Solutions offers the Mitsubishi Electric MLZ One-Way Ceiling-Recessed Cassette Heat Pump. Ideal for retrofit or new projects, these units are appropriate for a wide variety of applications, featuring...

- Sleek, narrow-body ceiling cassette design
- Design that fits between standard 16" joists
- Simplicity in installation and service
- Effective air flow regardless of ceiling height

**For more information on Mitsubishi MLZ One-Way Ceiling-Recessed Cassettes, call ABCO at 718-937-9000 or visit ABCO at [www.abcohvacr.com](http://www.abcohvacr.com).**



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(Continued on page 5)

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## Editor's Notes

By Anthony N. Carbone

With unemployment at an all-time low, the chance of finding talented workers that have qualified technical skills is getting harder and harder.

Every time I'm at a networking function or gathering, the main topic is finding qualified workers. It's not only in the HVAC field, but other industries as well. Several landscapers were also commenting about finding reliable, on-time, consistent workers are near impossible. The ones that are reliable are demanding more money per day. This is true as well in the HVAC industry.

This country is having an epidemic of non-qualified labor. By the forces of the robust economy and the demand for skilled workers will ultimately raise the pay scale into the stratosphere. This still doesn't solve the shortage, but a bidding war for employees will occur to allow your company to survive and have the ability to respond to calls for the work that is prevalent during this unusually hot summer season.

The shake out of marginal workers that are less skilled, lazy, or show up late will begin shortly as many companies tolerate nonsense behavior during needy times. . . I guess it's, "All hands-on deck" for now.

What are your suggestions for this industry-wide problem? Let us know. . .  
anthony@systematiccontrol.com

- Anthony N. Carbone

## Product Showcase (Continued from page 3)



### Ameristar Heating & Cooling Systems from Trane Supply

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# LEARNING OPPORTU

**We've got some awesome programs scheduled over the next three months:**

Inspiring... Motivating... and Informative, these learning events and seminars are designed to enhance skills, increase expertise and and help our members grow and prosper.

## First Up:



**When: September 13, 2018**  
**Where: Trattoria 35**  
**213-15 35th Avenue, Bayside NY**  
**5:30pm – 8:30pm**

Our third annual Survive & Thrive event will feature two outstanding industry leaders: **Matthew Sher, President, Day & Nite/All Service** and **Jim Carlson, Founder and President of Michael James Industries.**



Matthew Sher

*"If you're going to Survive & Thrive in the HVAC industry you've got to think about the resources and assets around you," emphasizes Matt Sher. "Your organization cannot just depend on you. Building a sustainable future is all about the strength of your team and your responsibilities in creating a 'deep bench' that will shape the future of your company."*

Day & Nite/All Service was founded in 1977 by Matt's father Kenneth Sher and his uncle Irwin Sher. Matt joined the company in 2004 and today, as President, leads the executive management team, providing the vision and overall plan for the organization with input from his executive team. Lifelong exposure to the service industry and a decade plus of entrepreneurial experience has given Matt a forward- thinking perspective that drives measurable results for Day & Nite / All Service and its customers.



Jim Carlson

*"I believe that an integral part of our success has been our early commitment to technology," says Jim Carlson, President of Michael James Industries. "We started with paperless work tickets back in 2007, way before everyone else, and have remained dedicated to innovation and technology ever since. My partner Mike handles the technology aspects of the business, which enables me to focus on business development and growth."*

Jim Carlson founded Michael James Industries with his partner Michael Herman in 1999. In 2006, Mike and Jim received their CBCP certification from the Association of Energy Engineers. As certified building commissioning professionals, they offer environmentally friendly, cost effective energy saving Green Solutions for their customers' HVAC needs. Passionate about the business, Jim attributes the continuing success of the company to a fantastic partnership that has enabled both Jim and Mike to focus their individual talents on the growth of Michael James Industries.

**MACC launched the Survive & Thrive series in 2016, inviting leading industry professionals to share their tips, war stories, successes and challenges with fellow HVAC professionals. This valuable and successful series is a popular annual event you will not want to miss!**

# NITIES FOR FALL 2018!

## Introduction to Heating

**Saturday, September 15, 2018**

**8:00 AM - 4:00 PM**

**Class Location: The Electrical Training Center (65 Elm Street, Copiague, NY 11726)**

**Cost: MACC Member Price - \$199 | Non-Member Price - \$299**

Installing and servicing furnaces is a big responsibility. Because flame and combustible fuels are involved, there is a potential for fire or explosion. Equipment for heating shall be installed by manufactures instructions, and periodically inspected and serviced by qualified technicians so they will operate satisfactorily for many years.

### During Introduction to Heating, you will learn...

- The fundamental concepts of heating and combustion
- The role of forced-air gas furnaces in residential heating
- Hydronic and electric heating systems
- How to troubleshoot the components related to gas heating



**This class is limited to 12 students! Register Today at [WWW.MACCNY.ORG](http://WWW.MACCNY.ORG)**

## Four-Day OSHA 30 Class

Local Law 196, signed into law October 2017, requires certain workers and supervisors to receive safety training for construction sites that designate a Construction Superintendent, Site Safety Coordinator or Site Safety Manager. The OSHA 30 Class encompasses four days of training and takes place on:

**Saturday, October 20, 2018**

**Saturday, October 27, 2018**

**Saturday, November 3, 2018**

**Saturday, November 10, 2018**

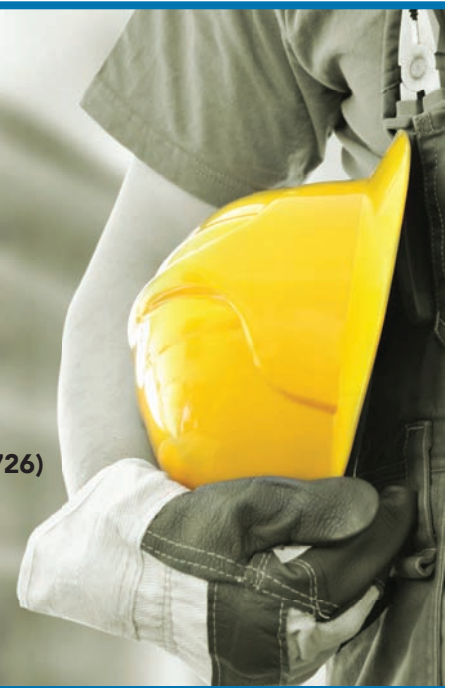
**Class Time: 8:00 AM - 4:30 PM**

**Class Location: The Electrical Training Center (65 Elm Street, Copiague, NY 11726)**

**Members - \$295 | Non-Members - \$395**

Training will be given by private course providers approved by the Department.

Class is limited to 40 students. Additional dates will be offered if the Department determines there is insufficient capacity to provide training.



## Plan Ahead! Mark Your Calendars for November 1st and November 17th

### November 1st – Round Table Meeting

Cocktail Hour: 6 PM -- Dinner: 7 PM

Milito's Fine Italian Restaurant

(315 Walt Whitman Rd., Huntington Station, NY 11746)

### November 17th – Fall Seminar: Soft Skills

8:00 AM – 4:00 PM

At the Electrical Training Center (65 Elm St., Copiague, NY 11726)

(Class limited to 12 students!)

**TO REGISTER FOR COURSES PLEASE VISIT [WWW.MACCNY.ORG](http://WWW.MACCNY.ORG) OR CONTACT THE MACC OFFICE AT 516-922-5832 OR AT [INFO@MACCNY.ORG](mailto:INFO@MACCNY.ORG).**

**NEWS CLIPS****Honeywell Unveils New Nonflammable Refrigerant With Lower Global-Warming-Potential For Use In Stationary Air Conditioning Systems**

*Addresses a major concern for the HVAC industry, contractors and end-users in light of new regulatory requirements and safety standards*

Honeywell today unveiled Solstice® N41 (provisional R-466A), a nonflammable and lower global-warming-potential (GWP) refrigerant for use in stationary air conditioning systems. Once on the market, Solstice N41 will be the lowest GWP, nonflammable, R-410A replacement refrigerant available worldwide. The refrigerant received a provisional number and a preliminary A1 designation from the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), a key milestone needed to bring the product to market.

The innovation comes after years of research and development by Honeywell scientists who set out to address one of the most vexing regulatory and safety challenges facing the HVAC industry. All other alternatives proposed to date as R-410A replacements are flammable and require cumbersome changes to safety standards and building codes.

“What we invented and developed in Solstice N41 is a remarkable breakthrough,” said Sanjeev Rastogi, Honeywell vice president and general manager of Fluorine Products. “It is an incredibly promising product that is poised to solve a key problem and potentially become the next big global advance for refrigerants.”



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With numerous regulations (including Europe's F-Gas regulation and the internationally adopted Kigali Amendment to the Montreal Protocol) requiring the phase down of high-global-warming products, the HVAC industry has been looking to replace the current industry standard refrigerant, R-410A, with an energy efficient, nonflammable, and lower GWP solution with a similar or better performance. Solstice N41 is the only refrigerant that combines those attributes.

"Solstice N41 offers a unique combination of benefits. With a GWP that is 65% lower than R-410A, it is energy efficient and environmentally preferable," said Rastogi. "Moreover, the costs associated with moving to Solstice N41 pale in comparison to those required for conversion to a flammable refrigerant. It is the logical economic choice."

In addition, early testing indicates that switching to Solstice N41 would require minimal changes to equipment and no additional training for installation and repair technicians. Preliminary data indicates that the refrigerant may allow OEMs to easily convert from R-410A.

ASHRAE, a highly-respected global organization that dedicates itself to sustainability and research that advances the heating, ventilating, air conditioning and refrigeration industry, determined that Solstice N41 earned an A1 designation, the same as R-410A.

Solstice N41 joins the family of Solstice products which Honeywell developed to accelerate the transition away from materials with high GWPs. It is expected to be available commercially in 2019.

Honeywell is a world leader in the development, manufacture and supply of refrigerants that are sold worldwide under the Solstice® and Genetron® brand names for a range of applications, including refrigeration, building and automobile air conditioning. Honeywell and its suppliers have completed a \$900 million investment program in R&D and new capacity based on Honeywell's HFO technology.

For more information about Solstice products and how they are contributing to a smarter, safer, and more sustainable world, visit [www.fluorineproducts-honeywell.com](http://www.fluorineproducts-honeywell.com).



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Statement from Stuart S. Zisholtz, Esq.

## Filing a Mechanic's Lien

Once again, I was requested to publish an article setting forth the time frames associated with filing a mechanic's lien. Recent calls to my firm have indicated that many people still do not know the time frames.

On private projects, a mechanic's lien must be filed within 8 months after the last item of work or materials was performed. The lien lasts for one year. Before the end of the first year, the lien can be renewed on filing of a notice. The second and third renewals must be obtained by Court Orders.

After the second order of renewal, there are no more renewals. That means that the maximum period of time that a mechanic's lien can remain on a piece of property is 4 years. You must foreclose that lien within the 4-year period or the lien will lapse.

With respect to a 1, 2 and 3-family house, which includes co-ops and condominiums, you can only extend a lien for the first time by a Court Order and then you have one more Court Order, after which the lien lapses. Under those circumstances, the maximum life of any lien on a residential project is 3 years.

What this means is that you have to move forward with a foreclosure action within that requisite period of time. If you start your action to foreclose the lien and file a Notice of Pendency where applicable, the lien will not lapse. The sum and substance is that you cannot sleep on your lien rights. You cannot keep renewing the lien and have the property tied up indefinitely.

Never let your lien expire!!

For a free copy of a pamphlet pertaining to mechanic's liens and payment bond claims, kindly contact me.



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**NEWS CLIPS****LG Expands Smart Home Connectivity Solutions**

LG Electronics led smart home conversations at the American Institute of Architects (AIA) 2018 Conference on Architecture Expo, in New York.

Driving its commitment to future-ready open platforms for smart home innovations, LG announced that nearly all of its indoor variable refrigerant flow (VRF) HVAC units are now Wi-Fi enabled and compatible with LG's SmartThinQ® technology.

With literally hundreds of smart appliances and other devices already on the market, LG is offering consumers more ways to control their home and enjoy the benefits of a connected lifestyle. At AIA Expo, the premier industry event for architects and design professionals, LG highlighted multiple smart solutions for today's modern buildings, supporting new smart products, technologies, and ideas across the entire industry.

"LG's leadership in HVAC smart connectivity on our open platform strategy and broad range of smart-enabled consumer products makes it easier for homeowners to enjoy the convenience of today's connected home," said Kevin McNamara, senior vice president, LG Air Conditioning Technologies. "Expanding Wi-Fi capability even further to include our indoor VRF units, including ducted and duct-free models, further enhances the LG smart home ecosystem for single-phase VRF projects and multi-family residential applications. This increased connectivity gives architects and engineers even more advanced technologies for their modern building projects."

Introducing connected HVAC products is part of LG's "Open Partnership, Open Platform, Open Connectivity" strategy, and "represents another important step in creating a smart home ecosystem with connected products for every room," according to McNamara. Wi-Fi already is built into virtually all of LG's 2018 appliances, and expanding Wi-Fi and app capabilities to LG VRF indoor units makes it easier for consumers to connect and interact with these devices, he explained.

(Continued on page 15)

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**NEWS CLIPS** (Continued from page 11)

Setup is simple and convenient with the free LG SmartThinQ app, available for Android and iOS. With just one app, users can control the entire lineup of LG smart appliances in their home. Whether it's turning on the air conditioner, preheating the oven on the way home from work, or checking the remaining laundry time while at the gym, LG SmartThinQ brings consumers a new level of convenience.

LG smart appliance owners can also have Amazon Alexa or the Google Assistant help them around the house. For example, they can use simple voice commands from anywhere within range of the Google Assistant or Amazon Alexa (or on their smartphone) to adjust thermostat settings on their LG air conditioner, check the time remaining during wash cycles on their washing machine, ask their LG refrigerator to make more ice, turn off their range after cooking, and even check the air quality level in their home using their LG air purifier.

In addition to compatibility with Google and Amazon, LG's open partnership approach will also include other partners to meet the evolving preferences of smart home adopters. McNamara said LG's industry-leading VRF technology and duct-free solutions have made major inroads in the United States where the demand for high-performance, flexible HVAC technology continues to grow. LG systems are designed to minimize efficiency losses found in conventional HVAC systems, provide sustainable energy savings, and offer some of the lowest lifecycle costs of any system on the market today.

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## Carrier Introduces Infinity<sup>®</sup> Air Conditioning System with Greenspeed<sup>™</sup> Intelligence

Carrier has redefined what is possible in a cooling system with the introduction of its new Infinity 20 Air Conditioner with Greenspeed intelligence. Carrier, a world leader in high-technology heating, air-conditioning and refrigeration solutions, is a part of UTC Climate, Controls & Security, a unit of United Technologies Corp. (NYSE: UTX).

As part of its commitment to provide homeowners with the widest range of high-efficiency home comfort systems, Carrier is pleased to introduce its first home air conditioner featuring Greenspeed intelligence.

Systems with Greenspeed intelligence run quietly and at different speeds, allowing them to operate at longer run times but at lower and steadier capacities to better manage humidity. The combination of performance and precise temperature control of these systems allows them to adjust to the heating and cooling demands of the home, which can also lead to energy savings.

When paired with an Infinity<sup>®</sup> system control and Infinity<sup>®</sup> furnace or fan coil, the Infinity system provides precision in temperature control and leverages Carrier's proprietary Ideal Humidity<sup>™</sup> technology to manage humidity without overcooling.

"We recognize our customers' desire for a fully variable-speed air conditioning system to provide highly-efficient cooling for homes and small businesses," said Matthew Pine, president, residential HVAC, UTC Climate, Controls & Security. "Our Infinity<sup>®</sup> heat pumps have long set the standard for merging reliability, efficiency and remote-access technology and we are excited to be able to offer the same Greenspeed intelligence in our Infinity line of air conditioners."

The most efficient system in this lineup features 20.5 SEER and 15.5 EER and boasts the lowest max-speed sound ratings among all competitive variable-speed air conditioning systems.

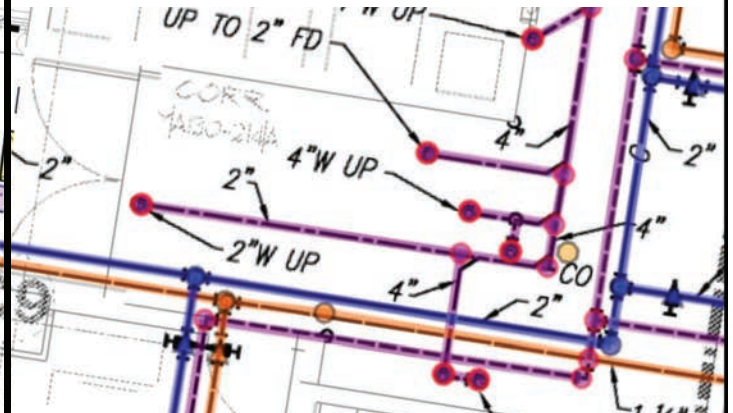


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### **Risky Business! Rescinding a Job Offer**

It is common for circumstances to arise requiring an employer to rescind a job offer. Even after seeking out the most qualified candidate for a position and making an offer, there are a variety of reasons the offer might need to be retracted. For example, the corporate health of the company is poor and the company cannot take on another employee, or the candidate did not pass a background check. Although rescinding a job offer is not necessarily unlawful, there are legal issues an employer must consider when withdrawing a job offer.

Most states, including New York, are employment-at-will states which enable employers to terminate an employee with or without reason at any time. Generally, these laws equally apply to the withdrawal of a job offer.

However, sometimes a job offer can constitute a promise of a job which can be enforced by the candidate. For instance, if the candidate reasonably relies upon the job offer and quits his or her job only to have the offer later withdrawn, there can be damages for the candidate's reliance on the offer. The employer can be held liable for the candidate's economic loss if his or her reliance and conduct were reasonable under the circumstances. Thus, if an offer is conditional, be sure to express it as a conditional offer in writing.

Employers must also be aware that depending upon the wording of an offer it can constitute a contract of employment. A written offer should not contain a time period of employment, and if it states an annual salary it should have the reservation that it is stated as an annual figure for convenience only. Offer letters should clearly state that the employment is at-will in order to avoid the possibility of it being construed as a contract.

Employers may also find themselves defending against a discrimination claim if the unsuccessful candidate falls within a protected class, e.g., race, national origin, age, religion, disability or gender. Further, this risk increases if the employer extended an offer to a candidate falling outside of a protected class for the same job. If an offer is withdrawn be sure to have documentary proof as to the business reason for the withdrawal.

In order to avoid running into problems with rescinding a job offer, employers should not extend an offer until pre-employment screening information has been received. However, some screening steps, including background checks, physicals and drug tests, cannot be done until after the offer is made. Hence, the offer letter must clearly state that the job offer is merely conditional and not a promise of employment.

Under New York and Federal law, there are strict guidelines on how an employer can consider matters that arise from a criminal background check or credit check. New York employers should be sure to familiarize themselves with the requirements of Article 23-A governing criminal background checks. There are a number of steps an employer must document that it took before it rescinds an offer based upon a conviction.

Ultimately, if the decision is made to withdraw an offer, documentation of the reasons are necessary. Just as a company would document its reasons for terminating an employee, the same measures should be taken in rescinding an offer. Ensure that those employees who communicate with candidates understand what should and should not be said about an offer and that they know the difference between a firm offer of employment and conditional offer. Lastly, it is important for employers to handle a withdrawal of a job offer with as much tact as possible, as this can have reputational and legal implications.

If you have any questions about this article, or other employment law matters, please contact me at 516-921-3400 or email me at [ABPearl@pmphr.com](mailto:ABPearl@pmphr.com).

# THANK YOU ALL FOR ATTENDING



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