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NOVEMBER 2016

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From the President...



MARC SOFFLER
Dynaire Corp.

Santa or Scrooge, how will your employees feel about you at the end of the year. Annual bonuses are the best way to show your appreciation for those individuals who have gone above and beyond throughout the year. Recent studies show that the bonus plan should always be merit based. It is the best way to validate an employee's hard work, and is also leverage for the employer to use an incentive to motivate those who may not be performing to standard. The expectation that every employee will receive equal bonus based on position is outdated, and simply provides no benefit to the employer.

The most effective way to validate your bonus plan is through an annual review. Employers should have open communication with their employees throughout the year so their end of year compensation will come as no surprise. In our industry, an employee's performance will be based mostly on output and work quality. This can be a little more challenging to quantify. By effectively communicating with your staff, you can reference examples as to the reasons why the employee is receiving the maximum or minimum bonus. In an ideal situation, supervisors should be able to earn 10 to 15 percent of their annual salary, while lower level employees should earn between 5 to 10 percent. By following these guidelines, you can create an environment of hard working individuals who feel appreciated and therefore are more willing to perform at the high standards we expect from our employees.

Our October membership meeting included the second part of our "Survive and Thrive" series. I would like to thank Curt Picard and Doug Matz for telling their stories and sharing their experiences. This type of programming has been well received by our membership and I'm asking other members to share their stories as we continue this series in the upcoming year.

Please join us at our Holiday Cocktail Party at the Chalet Restaurant in Roslyn on December 1st.

As we begin our holiday season, please remember to bring an unwrapped present as we continue our annual "Toys for Tots" tradition. I look forward to seeing you there and remember to visit our web site at www.maccny.org for upcoming events.

— Marc

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Editor's Notes

by Anthony N. Carbone

October 15th, 2016 – The NY Times front page headlines the “phase out” of HCFC and the public is starting to become more aware and the fear is being emanated into the masses. Remember folks, HCFC’s are not allowed to be vented into the atmosphere and alternate refrigerants have characteristics that have presented other problems. A phase out is sensible, but the real culprit was and is the R-12 Refrigerant. This toxic refrigerant had more caustic characteristics than the HCFC R-22 Refrigerant.

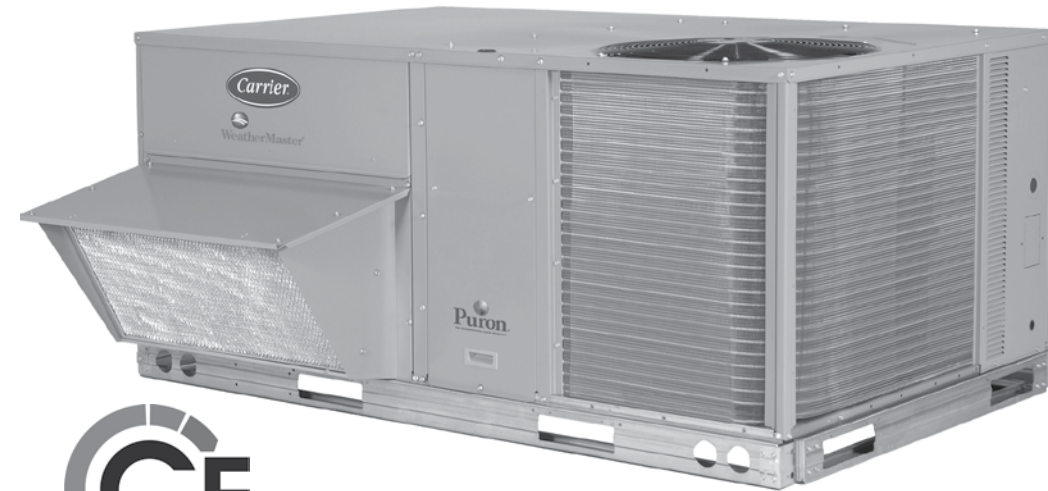
The HVAC business has become laden with obstacles and restrictions causing many newcomers to avoid the industry. The profit that can be had in this industry becomes illusive by the cloud of a bureaucratic fog.

Like I had said in previous issues, a “Web Master” is more appealing than a “Master Mechanic” and our school systems and society does not have the same regard for the two professions. Much of the workforce required to perform jobs for HVAC companies can’t afford to live in the areas that they work in. Therefore, making the workforce commute far to get to their destinations of work.

Well... we have it all figured out at the MACC monthly meetings. Please join us to hear our input, conclusions, stories, and results of our collaborative efforts...

Anthony Carbone
 Systematic Control Corp.
 Editor of MACC News

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Research Firm Names Top-5 Heat Pump Vendors

Heat pumps are the most viable option in continental climatic zones; major demand is expected.

Technavio, a global technology research and advisory company, has announced its the top five leading vendors in its recent global heat pump market report: Carrier, Daikin, Danfoss, Mitsubishi and NIBE.



The full research report, which must be obtained from the company, also lists 46 other prominent vendors that are expected to impact the market during the forecast period.

Domestic heat pumps typically have a coefficient of

performance (COP) in the range of 2-4.5 and cooling energy-efficiency ratio (EER) in the range of 2.5-4, which means heating or cooling in the same factor as the electricity utilized. Apart from solar energy,

heat pumps are at present the only source of heating that offer a COP of more than 1, making them the most efficient space heating option available. Thus, heat pumps are the most viable option in continental climatic zones, and the major demand is expected from these regions during the forecast period.

Although the number of countries using heat pumps is more consolidated in Europe, APAC continues to dominate the market for heat pumps globally. Japan has maintained its position as the globally leading heat pump market by value in 2015, followed by China. Germany remains the leading nation with the highest share of heat pumps in the EU, followed by France.

The global heat pump market is highly fragmented with the presence of many vendors. The market is characterized by the presence of well diversified international, regional, and local vendors. Many local and regional vendors provide highly-customized, and energy-efficient heat pumps at lower prices than those provided by international vendors. Although several local and regional vendors are emerging in the market, they find it difficult to compete with international vendors in terms of quality, features, and services.

“The competitive business environment in this market is expected to intensify further in the future, with increased product extensions and technological innovations. It is predicted that international players may grow inorganically during the forecast period by acquiring regional or local players,” says Gaurav Mohindru, a lead tools and components analyst from Technavio.

Heat pumps are attaining a mass market and are gaining wide popularity among the public. The market is predicted to witness technological advances in heat pump technology. Also, the growing focus on changing the energy mix worldwide will compel the bigger players to invest more in R&D. This will make it difficult for the regional and local players to compete due to lack of funds and resources.

Top five heat pump market vendors:

Carrier Corporation

Carrier Corporation offers high technology heating, air-conditioning, and refrigeration solutions. The company serves three markets, including residential and light commercial (for homes and small facilities); commercial building and multi-level facilities; and refrigeration systems for food retail and transportation. It provides furnaces, central air conditioners, air filters, split systems, heat pumps, and other home comfort solutions.

Daikin

The company is a manufacturer of air conditioning systems and chemical products worldwide. It offers air conditioning systems for use in offices, residences, restaurants, data centers, hospitals, marine applications, and warehouses. The company manufactures air conditioning equipment, chemicals, refrigeration equipment, oil hydraulics, and electronics and defense system products. It has a wide geographical presence across Asia, Africa, Oceania, North America, Latin America, Europe, and the Middle East.

Danfoss

Danfoss is involved in developing, manufacturing, and selling of mechanical and electronic products. The company offers domestic air source heat pumps and commercial air and ground source heat pumps.

Mitsubishi Electric

Mitsubishi Electric manufactures and markets electrical and electronic products and systems worldwide. Its products are used in energy and electric

systems, industrial automation, information and communication systems, electronic devices, and home appliances.

NIBE

NIBE is a Sweden-based company that is manufacturer of products for household and commercial use. It employs 10,000 people in its operations spread across Europe, North America, Asia, and Australia.

Technavio develops more than 2000 pieces of research every year, covering more than 500 technologies across 80 countries. •



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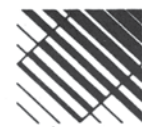
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Eliminate Seasonal Swings: Use a Retail Approach for HVAC

By Dominick Guarino
Chief Executive Officer, National Comfort Institute

The old adage in our industry is, “our business will always be dependent on the weather.” Extreme weather forces HVAC service companies to ramp up to levels they normally can’t sustain year-round. When the slowdown occurs we’re faced with laying off good people, and parking assets such as trucks, tools, etc. needed for the busy season.

Go Retail

The retail business also has seasonality to it - primarily holiday-related - but most major retailers would fail if they had to depend on holidays for their year-round cash flow and revenue. The key to retail is a constant flow of new product messaging and merchandising to keep customers coming back to the store, combined with regularly scheduled “sale” events.

Don’t try to sell all-or-nothing solutions at a cost beyond most people’s reach. Offer affordable, incremental solutions.

Why not do this in your business? How do you keep customers coming back to your store? You must do a better job of packaging and merchandising your services as products that your customers want to buy on a regular basis.

Rather than showing pictures of condensing units or furnaces in your marketing, you need to get creative and showcase a diverse range of products and services that pique the interest of the average consumer. Strategically placed sales during typical seasonal lulls will also help attract customers to products and services to improve their homes.

Focus on offering solutions that help:

- Make homes better, safer, healthier, and more

comfortable

- Reduce disruptions caused by comfort system problems
- Allow customers to better control their home’s comfort
- Save time and money
- Justify the investment through energy savings.

Based on consumer research, customers say the best comfort systems are the ones they never notice. Our products should unobtrusively maintain a comfortable home environment. To accomplish this, we must go beyond the equipment and address the entire home as a comfort system.

This doesn’t mean we should try to sell all-or-nothing solutions at a cost beyond most people’s reach. By offering solutions in increments your customer can wrap their heads (and their purses) around, you can establish deeper trust as you deliver on each promise. This sets you up for the next purchase, and the next one, and so forth. The key is to make each offer unique, aimed at solving a specific issue rather than a cure-all that promises to fix every problem they could ever have with their home’s comfort.

A great place to start is to establish a baseline –

where does their system stand today? The best way to accomplish this is to measure four static pressures that tell an extensive story about the condition of the indoor equipment and distribution system.

Once you establish yourself as a home comfort “retailer,” customers will look forward to your next offerings that can help improve their homes.

By pinpointing the easiest and most cost effective problem to fix first, you can quickly establish credibility and trust. It might be something as simple as identifying a restrictive filter that is killing airflow, and offering a better filtration solution. If done correctly, this solution should significantly improve airflow as well as Indoor Air Quality. Remember, we’re looking for incremental improvements – not a fix-all.

Think about breaking your solutions into smaller offerings you can market month after month with high-quality consistent messaging. Continuously offer a different product or service. Throw in a sale during seasonal lulls. Once you establish yourself as a home comfort “retailer,” customers will look forward to your next offerings that can help improve their homes.

Spend some time studying retail marketing and sales. The key is to transition your company from a reactive service provider to a retailer that continuously communicates what you can do to improve your customer’s home living experience. •

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“Cat’s Paw” Theory Of Retaliation: Employers Can Be Held Liable For The Retaliatory Motives Of Non-Management Employees

When you investigate an employee complaint of sexual harassment, how you conduct the investigation -- and the actions you take as a result -- matters a great deal. In fact, given a recent case expanding the basis upon which an employer can be held liable for retaliation, it may matter now more than ever.

In the case *Vasquez v. Express Ambulance Service, Inc.*, the Second Circuit Court of Appeals held that an employer may be liable for unlawful retaliation if the employer allows itself to be manipulated by an employee into taking an adverse action against another employee, even if the employer itself had no retaliatory intent. The case arose from the complaint of Andrea Vasquez, an EMT working

for Express Ambulance Service, Inc. Vasquez’s co-worker, dispatcher Tyrell Gray, sexually harassed Vasquez – harassment that culminated in Gray texting Vasquez a photo of his erect penis. Vasquez informed management about the harassment after receiving the photo, and management began an investigation. Meanwhile, Gray found out Vasquez had reported him. Anticipating that he would be questioned about it, he altered text messages on his phone to make it appear that Vasquez had participated in a consensual sexual relationship with him. He printed out screen shots and had them at the ready when he was questioned by management about Vasquez’s allegations.

Management believed Gray’s side of the story, accepting the doctored text messages at face value and refusing Vasquez’s offer to show them her own phone. Determining that Vasquez had engaged in an inappropriate sexual relationship with Gray, they fired Vasquez. And so it seemed that, in this particular bout of he-said-she-said in the workplace, Gray had won.

But of course, that was not the end of the story. Vasquez sued Express Ambulance Service, and when the case reached the Second Circuit, the appellate court rejected the employer’s argument that it could not be held responsible for the retaliatory animus of Gray, a low-level, non-supervisory employee. Instead, the court adopted a legal theory known as the “cat’s paw” theory to hold the employer liable.

The cat’s paw theory of liability derives from an Aesop’s fable in which a monkey persuades a cat to pull roasting chestnuts out of the fire, promising they will eat them together. But the monkey eats all the chestnuts himself, leaving the cat with nothing but a burned paw for his trouble. In the Vasquez scenario, the employer is the cat and Gray is the monkey, tricking the unwitting employer into doing his bidding. The Second Circuit reasoned that the employer allowed itself to be manipulated by Gray due to its own negligence in refusing to examine Vasquez’s phone when she offered it, instead crediting Gray’s side of the story without question—despite the fact that, as the accused party, Gray had every reason to lie.

This case is significant in that the retaliatory animus of a non-supervisory employee was attributed to the employer. The takeaway for employers is that any investigation of discrimination or harassment must be handled carefully and even-handedly. It should not be an exercise in merely going through the motions and papering the file. Before accepting one party’s version of disputed facts, the employer must conduct a meaningful examination of the evidence and consider each party’s credibility and motives.

In other words, if you receive a complaint of sexual harassment or discrimination, tread carefully and keep a cool head. Don’t get your paw burned in the fire. •



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SURVIVE & THRIVE Part 2 – October 6, 2016



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

It has been a number of years since I last wrote an article setting forth the time frames associated with filing a Mechanic's Lien. Contractors run the gamut on what they believe is the proper time frame associated with filing a lien. Unfortunately, many Contractors are mistaken in their belief. If the lien is not filed timely, the Contractor runs the risk of losing its leverage in recovering the amount due and owing. So, for the benefit of the industry and the members of the Association, I am providing everyone with the appropriate time frames to file a Mechanic's Lien.

Private Improvement:

One family (also two family suggested).....4 months
Commercial and more than one family.....8 months
Duration of Lien.....1 year

Renewal:

One family dwelling first year with
2 more renewals available.....Court Order

More than one family and commercial – for the 1st year.....Notice of Renewal

After one year on more than one family dwelling and
commercial.....Court Order

Public Improvement Project:

Lien.....30 days after completion
and acceptance of project

Duration..... 1 year

It is imperative that you comply with the time frames associated with the filing of the lien. Failure to do so could be a catastrophe in attempting to collect the outstanding balance due and owing.

Never let your lien time run out.

For a free copy of a pamphlet pertaining to Mechanic's Liens and Payment Bond Claims, kindly contact me or the Association. •



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and see how
innovative we can get.**

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Environmental Regulations to Shape Trajectory of HVAC Refrigerant Market

Market Research HUB

Market Research Hub (MRH) has announced the addition of a new market intelligence study to its growing repository. The report examines the global market for HVAC refrigerants and presents a thorough overview of the various product types in the market, the various applications of HVAC refrigerants, and the key regional segments of the global HVAC refrigerants market. The report presents a review of the historical development of the global HVAC refrigerants market and reliable forecasts regarding the market's development in the coming years.

HVAC systems are gaining increasing demand across the world due to the increasing disposable income of consumers. While traditional HVAC units did not include refrigeration, it has become increasingly popular in recent years and is likely to remain a key component of HVAC systems in the coming years. HVAC refrigerants are used in accordance with the requirements of particular consumers and environmental regulations governing the composition of the refrigerants, the latter becoming a prime concern after the discovery of

the harmful effects of chlorofluorocarbons—a conventionally popular type of refrigerant—on the ozone layer.

The report studies the three key types of refrigerants used in HVAC units: Fluorocarbons, hydrocarbons, and inorganic refrigerants. In contrast to chlorofluorocarbons, fluorocarbons lack chlorine, which is responsible for the depletion of the ozone layer. This makes fluorocarbons a significant advance over CFCs. However, the lax nomenclature and regulatory policies in many countries have allowed CFCs to be sold as fluorocarbons, making it a key concern for the global HVAC refrigerant industry.

Geographically, the report studies the market for HVAC refrigerants in North America, China, India, Japan, Southeast Asia, and Europe. The 2011-2021 trajectory of the HVAC refrigerant market in each region is examined in the report, with a solid analysis of the market's current figures providing the base for reliable forecasts regarding the market's future development. The production and revenue figures of the HVAC refrigerant industry in each region are examined in

MACC Board Members Play a Key Role In Shaping Our Association's Activities. You Might Want To Join Them. Contact the MACC office.

Photo: Board deliberates the agenda on October 6th



the report, along with the industry's pricing structure. The report also provides the shares of various applications of HVAC refrigerants in each regional market for the same. This information will provide readers with key indicators about which regions to target in the coming years.

The report also studies the competitive landscape of the global HVAC refrigerant market by profiling the operations of key companies in the market. Leading players examined in the report include Airgas Refrigerants, Dongyue, Honeywell, Chemours, Arkema, Linde, Daikin Industries, NavinFluorine International, Climalife, and Sinochem Group. The profiles contain information regarding the manufacturing base of each major player, their role in the market for each type of HVAC refrigerant, and their revenue structure and production capacities.

The report, titled 'Global HVAC Refrigerant Market Research Report 2021,' can be browsed at www.marketresearchhub.com/report/global-hvac-refrigerant

Cooper&Hunter Expands their Range of HVAC Solutions with the Launch of Multi-zone Heat Pump Systems

Cooper&Hunter, a globally acclaimed manufacturer of a wide range of HVAC equipment, has recently started offering the latest multi-zone air conditioners. These multi-zone cooling and heating systems are designed to enhance user experience with numerous benefits including individual temperature control, noise reduction, and cost minimization.

The company has announced the formal launch of their new line of multi-zone air conditioning and heating systems. With a mission to deliver the world's most innovatively designed air conditioners for an affordable price, the company is considered to be a global leader in manufacturing of different types of high-quality HVAC equipment: packaged terminal air conditioners, portable air conditioners, single zone mini-split systems, dehumidifiers and much more. Over the last few years, the global market for ductless HVAC systems has shown a strong inclination towards multi-zone products with higher capacities and efficiencies. Industry experts suggest that this trend will continue at least for the next few years. A multi-zone HVAC system splits up a house or office into multiple zones that can be controlled separately. Heat Pump units can heat & cool up to 5 zones. Enhanced comfort is one of the top reasons behind the growing popularity of the multi-zone air conditioners. With

a central cooling system, the entire house has to be set to the same temperature. However, multi-zone cooling allows users the complete control over how cool the different rooms are. Most importantly, multi-zone air conditioners are not just about cooling. Many houses/apartments are using it as a complete climate solution for cooling in summer and heating



in winter. Free Match Multi-Room Ductless Inverter Heat Pump Systems from Cooper&Hunter reduce energy waste, maximizes efficiency and can achieve up to 22 SEER. With the launch of Cooper & Hunter multi-zone air conditioners, more than one-hundred combinations are now available with the company's popular line-up of Victoria and Sophia series. Based on the requirement of the customers, these systems can be mixed and matched. The Sophia multi-zone series is currently available in 18,000 BTU, 28,000 BTU, 36,000 BTU and 48,000 BTU classes. Equipped with some of today's most advanced ductless split heat pumps, these systems offer an extremely innovative inverter technology. The Victoria series offers assortments ranging between 18,000 BTU and 42,000 BTU. This series is available in different shapes including wall-mount, mini floor consoles, ceiling cassette, universal floor/ceiling and slim duct. Some of the top benefits of Cooper&Hunter multi-zone air conditioners are: • Reliable, energy efficient and quiet • Advanced ductless split heat pumps • Cooling and heating at up to five zones • I-Action inverter driven compressors • Eco-friendly R410A refrigerant. Announcing the launch of the new multi-zone air conditioners, the CEO of Comfortside LLC Marat Terchiev stated, "The entire team has worked hard for months to deliver this state-of-the-art line of multi-zone air conditioners. These air conditioners have been designed to offer an unrivaled user experience with benefits such as energy savings, individual temperature control, space-saving installation, low noise and much more." •

Rheem And Fujitsu General Limited Announce Strategic Collaboration

Companies will collaborate to expand their U.S.-focused HVAC businesses

Fujitsu General Limited and Rheem have announced a strategic collaboration that will expand the heating and cooling product portfolios for both companies.

Ducted central air conditioning systems account for approximately 90 percent of the U.S. residential HVAC market (source: AHRI). However, in recent years, the demand for ductless cooling systems—pioneered by Japanese manufacturers—has grown in the United States due to consumers’ interests in systems that provide comfort and energy savings, and meet special add-on installation requirements, such as sites where duct-work is not feasible.

As part of this agreement, Rheem will begin offering ductless mini-split systems manufactured by Fujitsu General to its U.S. customers under the Rheem and Ruud brands. The relationship will expand to other product categories in the future and will further include joint development of products, as well as collaborative

operational opportunities. Additionally, Fujitsu General will introduce a portfolio of ducted HVAC products, manufactured by Rheem, in its channel.

“In recent years, the demand for ductless mini-split and commercial VRF systems has risen dramatically in North America. Rheem is pleased to partner with Fujitsu General a global leader in these categories,” said Mike Branson, vice president and general manager, Rheem Air Conditioning Division. “Our businesses are extremely complementary. We are excited about the potential of this relationship to develop and deliver new and expand HVAC solutions to the market.”

“This relationship between Fujitsu General and Rheem makes perfect sense. Both Fujitsu General and Rheem are known for market leading, innovative HVAC solutions,” said Hiroyuki Yokoyama, corporate senior vice president, of Fujitsu General Limited. “We look forward to beginning our collaboration with Rheem and the value it will provide to all of our customers and the market.”

The companies expect to begin introducing new products in early 2017. Rheem and Fujitsu plan to showcase some of these products at the 2017 AHR Expo, which takes place Jan. 30 through Feb. 1, at the Las Vegas Convention Center. Rheem will exhibit in booth C1336 and Fujitsu will exhibit in booth N10113.

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