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JUNE 2016

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From the President...



MARC SOFFLER
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It seems every spring my wife comments on the weather as “crazy and unusual for this time of year”. In fact, the sudden changes of cold and warm days during the shoulder season are quite normal. The average daily temperature of 61 degrees in New York during the month of May has been the same for the past twenty years, give or take a few degrees.

As an HVAC contractor, I try to stay informed of the temperature and future weather patterns. As spring approaches, being aware of the weather allows me to anticipate future work load and prevent unnecessary frustration for my customers. It also reminds me of the urgency to complete the seasonal inspections in a timely manner and to prepare the service department to gear up for a hectic few weeks.

The “Round Table” forum at our April association meeting was a great success and focused on topics including planning techniques for personal finance, pros and cons of arbitration, and strategies with regards to hiring new employees. I would like to thank Jay Hochheiser, Barbara DeMatteo, Stuart Zisholtz, and Jimmy Moyen for moderating the event.

Please remember to register for our upcoming June events, our annual “Night with the Mets” and cocktail networking event at the Chalet in Roslyn. I’m looking forward to seeing you soon, and remember to visit our web site at www.maccny.org for upcoming events.

— **Marc**

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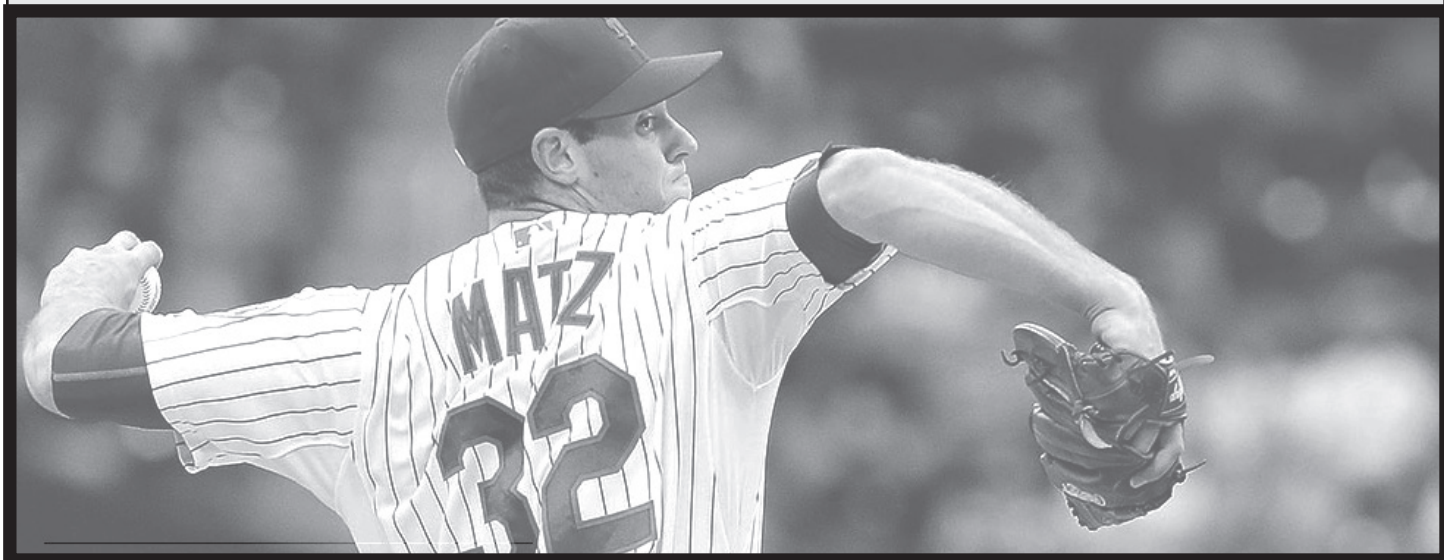
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Editor's Notes

by **Anthony N. Carbone**

A bouncing economy, uncertain weather and May 16th hits a near record low temperature for this time of year. The presidential election with rhetoric we have never seen before. The general public is looking to turn things upside down. The good old Boy's Political Clubs are under scrutiny and are poised to be dismantled if Donald Trump or Bernie Sanders get closer to the election. Trump urges Bernie Sanders to run as an independent third (3rd) party candidate. Trump knows that will split the democratic vote, thereby providing a certain victory for the besieged Republican party. "So, you want a revolution" as the Beatles said in the 1960's.

We are looking past the Great Recession and it appears that jobs are on the rise, interest rates are still low, and some feel it is now the time to spend on cars and housing sales, modifications, and additions. The housing economy continues to grow with new construction and sales of pre-existing homes. Yet, the news media still reports a discord of the haves and have-nots. The middle class is being reported to be evaporating and the Great Divide in economic classes is occurring more and more every year. Department stores sales are waning as Macy's reported a forty (40%) percent reduction in sales. But this did not include internet sales which have risen sharply. The market place is changing rapidly.

The HVAC industry continues to seek talent for installers, techs, and people interested in a mechanical career. . .

These are topics that must be discussed. . . Please meet us at our networking cocktail meeting at The Chalet in Roslyn, June 2nd! I want to hear your thoughts and of course, your solutions!

— **Anthony N. Carbone**

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Statement From Stuart S. Zisholtz, Esq.

To Leave The Job or Finish It and File a Mechanic's Lien

Many times a client comes to us for advice on whether to cease operating on a project or finish the work and file a Mechanic's Lien after the work is completed.

Most of the time, I recommend that he complete his task and finish his work. If the amount remaining on the contract is minimal, it is advantageous to complete the project. The costs associated with having the Owner or General Contractor engage a new contractor to complete the work would most likely exceed the amount claimed by him.

Essentially, if there is \$10,000 of work remaining on the project out of a \$500,000 contract, it makes economic sense to finish the work and address the balance due at a later date. If he walks off the job, the Owner or General Contractor will claim it cost them \$50,000 to complete the \$10,000 worth of work and will seek \$40,000 from him.

If, however, you decide to leave a project, it is necessary to understand what notices, if any, must be provided to the General Contractor or Owner.

The AIA contract requires a 7-Day Notice before leaving the project. The Prompt Payment Act requires a notice be served within 10 business days prior to any suspension. The last thing you need is for the Owner or General Contractor to claim you breached the contract and are liable for damages they sustained in completing your work.

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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Carrier Introduces New Performance™ Series Ductless Systems

Carrier, the world's leader in high-technology heating, air-conditioning and refrigeration solutions has announced the release of a new line of mid-tier single-zone ductless outdoor units that offer stronger performance in extreme temperatures as well as increased energy efficiency.

The new Performance Series outdoor unit is part of a larger commitment Carrier has made toward providing customers with a comprehensive suite of ductless products that can meet or beat competing models.

"Carrier recognizes the tremendous demand for ductless options that can meet a number of housing configurations and customer requirements. We continue to innovate to ensure we have the systems that can stand up to challenging climates," said Meredith Emmerich, managing director, Ductless and VRF Systems.

The improved Performance Series ductless products

will provide improved performance with 100 percent heating capacity at five degrees and heating operation down to -22 degree Fahrenheit.

The variable-speed inverter compressor provides tremendous efficiency with performance up to 25 seasonal energy efficiency ratio) and heating up to 12 heating seasonal performance factor. This efficiency has led to six of the systems earning the coveted ENERGY STAR® rating from the U.S. Environmental Protection Agency.

The new outdoor units are designed for compatibility with the Performance Series high wall, cassette, ducted and floor console indoor units while operating quietly, as low as 27 A-weighted decibels. •

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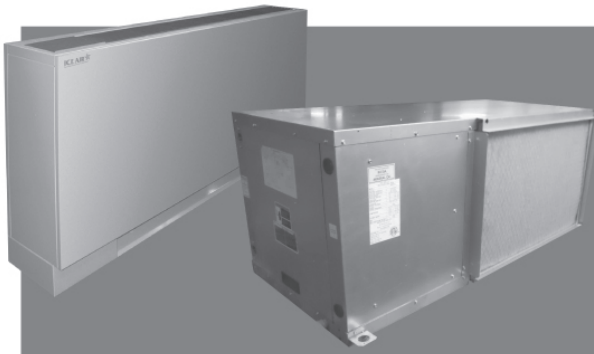
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New Tool Helps Contractors with Software Selection

ACCA has published a Software Self-Assessment tool to help its contractor members looking to purchase new software for their businesses.

The self-assessment tool is broken into three major categories to help contractors come up with a baseline of what they want and need from a software program. The three categories are: Company Demographics; Company Forecast; and Needs Assessment. Along with the self-assessment tool, ACCA has provided information about why each question is on the assessment to further help contractors as they are filling out the form.

The Software Self-Assessment tool is available for free download to all ACCA members at www.acca.org/software-assessment under the Business Forms & Template Library. ACCA members will be required to log into their ACCA account to be able to download the file. •

Strong El Niño Helped Reduce U.S. Winter Heating Demand and Fuel Prices

Above-normal temperatures during the 2015-16 winter were a key factor in lowering heating demand and winter fuel expenditures. Compared with the 2014-15 winter, propane and heating oil demand decreased by 16% and 45%, respectively, and residential electricity demand decreased by 6%. The 2015-16 winter season (October through March) was 15% warmer than last winter, driven in part by one of the strongest El Niño events in decades.

El Niño is a large-scale warming event that affects temperature and precipitation patterns in the Pacific Ocean. It occurs every three to five years, and it is caused by warmer-than-normal ocean temperatures in the east-central equatorial Pacific. El Niño events typically last 9 to 12 months. The 2015-16 El Niño was one of the three strongest on record, and contributed to the warm winter weather experienced in the United States. •



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Mitsubishi Premisys® Fusion DOAS Improves Efficiencies, Reduces Sound In VRF

Mitsubishi Electric US, Inc. Cooling & Heating Division, introduces the PremiSys® Fusion Dedicated Outside Air System (DOAS) – a premier split-system solution for acclimatizing outside air for commercial buildings.



PremiSys Fusion DOAS is a split-system consisting of a Variable Refrigerant Flow (VRF)

outdoor unit and an air handler. The system is designed to handle 100 percent outside air with energy recovery models. It offers an energy-efficiency improvement of up to 20 percent over a traditional dedicated outside air system.

“The integration of Mitsubishi Electric’s VRF technology with the PremiSys DOAS allows PremiSys Fusion to deliver greater efficiencies and flexibility than previous models,” says Kevin Miskewicz, senior manager, commercial marketing, Mitsubishi Electric US, Inc. Cooling & Heating Division. “The system incorporates INVERTER-driven compressors, which significantly reduce energy use, and provides building owners and managers with improved equipment operation, reduced noise and improved quality of outside air delivery.” •

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PremiSys Fusion DOAS is the latest innovation among the Mitsubishi Electric dedicated outside air systems. The two models – MPF-1 and MPF-2 (a split-system with energy recovery) are pre-engineered to provide semi-custom flexibility. Heating options include modulating gas heat, electric and hot water coils.

PremiSys Fusion DOAS not only offers improved efficiencies, but building owners can also save on operating costs. The use of an INVERTER-driven compressor in the PremiSys Fusion DOAS allows the unit to better match the conditions of the targeted temperature and outside air – this technology results in significant energy reduction during mild and moderate months of the year.

Other benefits include:

- Equipment location – allows for a distributed load on the roof by separating the condenser from the dedicated outside air unit by up to 50 feet.
- Humidity control – single refrigeration circuit provides directly proportional reheat to the entire cooling load, allows for room-neutral conditions, and humidity control.
- Cooling capacity of 5 to 20 tons.
- Optional accessories include smoke detectors and condenser hail guards.

More information on the PremiSys Fusion DOAS can be found at www.mitsubishipro.com/ready. •



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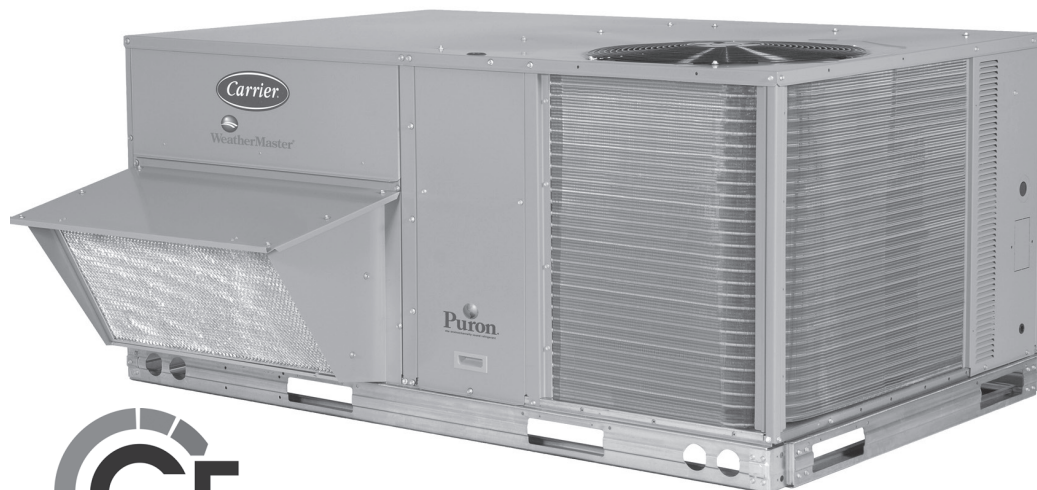
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Accommodating Employees Who Request Light Duty During Pregnancy

Does your company accommodate injured employees who have physical restrictions by adjusting their work duties as needed? Do you do the same for pregnant employees if they request it? A federal appellate court recently issued a decision reminding employers that such equal treatment is required under federal law.

The appellate court overturned a verdict issued by a lower court in favor of an employer in a pregnancy discrimination case. The plaintiff, a corrections officer at a county jail, had been denied "light duty" by while pregnant. The county had a policy allowing employees who were injured on the job to be given light duty assignments, such as clerical work, but the policy did not apply to pregnant employees. The county did not view pregnant employees as being entitled to accommodation because their condition did not result from an on-the-job injury. So when the plaintiff-employee submitted a doctor's note saying that, due to a high-risk pregnancy, she should work light duty and not have contact with inmates, her request was denied.

The appellate court held that the employee's claim under the Pregnancy Discrimination Act should not have been dismissed. The court found that, by showing that the county had provided light duty accommodations to injured workers but not to her, the plaintiff had produced sufficient evidence from which a jury could find in her favor. Accordingly, the case will be re-tried.

The appellate court based its decision on a 2015 U.S. Supreme Court case with similar facts: an employee of UPS had requested light duty due to lifting restrictions ordered by her doctor during pregnancy and was denied the accommodations, even though UPS had a policy of granting light duty assignments to injured employees. The Supreme Court found that the employee had a valid claim under the Pregnancy Discrimination Act because she was being treated differently than employees who were not pregnant.

Prior to the Supreme Court's decision, policies such as UPS's were common. The recent appellate court decision applying the Supreme Court's reasoning to a corrections officer serves as a reminder that employers must revise these policies if they have not done so already. Employers cannot exclude pregnant workers from light duty accommodations extended to injured employees.

If your company has a light duty policy for injured employees, be sure to revise it to include pregnant employees who request light duty. If you do not have any official policy, but in practice you have granted light duty accommodations to injured employees, that same treatment must be extended to pregnant employees if they request light duty.

If you have any questions about the Pregnancy Discrimination Act or what is necessary in terms of pregnancy-related accommodations, please do not hesitate to contact me. •



Larry Klein
Territory Manager

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and see how
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Nortek Global HVAC Introduces New 14 SEER 3-Phase Light Commercial Rooftop Unit

Nortek Global HVAC, has launched a new 3-phase large packaged gas/electric system in 2 to 5 tons for light commercial use. Model R8GE delivers energy-efficient 14 SEER cooling in advance of new federal efficiency standards that will take effect on January 1, 2017.

"After January 1, no manufacturer will be able to produce 13 SEER 3-phase models under 65 MBTUH," explains John Remley, Nortek Global HVAC product manager. "We are well ahead of this standards change with our new 14 SEER R8GE 3-phase model, giving our customers a competitive advantage in the market."

In addition to a higher efficiency level, model R8GE 3-phase includes several benefits for light commercial



contractors:

- All-aluminum Micro-Channel evaporator and condenser coil
 - Rugged and innovative design for longevity
 - Lighter weight for easier hoisting Less refrigerant needed for comparable performance
- TXV for precise refrigerant control
- Five-speed ECM blower motor for challenging airflow applications
- Corner protectors for personal safety
- Factory-installed air filter racks and access panels for servicing convenience
- High-pressure switch and factory-installed refrigerant filter drier for added compressor protection

Nortek Global HVAC's new gas/electric packaged system is offered in a wide range of capacity and voltage variations, making it the preferred choice for many retrofit and new project jobs. Model R8GE 3-phase is available in the Mammoth® and Reznor® brands of commercial HVAC equipment.

For more information about innovative Nortek Global HVAC products, contractors and distributors should visit nortekhvac.com. •

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Big Turnout For Twinco Product Expo and Seminar May 10th



MACC Roundtable Meeting Wesbury Manor – May 12, 2016



A large number of members gathered at the MACC Roundtable to hear and participate in presentations from Alan Pearl, Esq. and Barbara DeMatteo of Portnoy Messinger Pearl and Associates; Stuart S. Zisholtz, Esq. of Zisholtz and Zisholtz LLP; Jay E. Hochheiser, CFP, Hochheiser Deutsch & Co. and Jimmy Moyon, First Choice Mechanical, Inc. Topics were wide and varied and drew much dialogue from attendees.

