

May Roundtable Meeting May 12, 2016

**Alan B Pearl, Esq. Portnoy Messinger Pearl & Associates
and Barbara DeMatteo, Director of Human Resources Consulting**
'How to ask the tough interview questions without crossing the line'

Stuart S. Zisholtz, Esq. Zisholtz & Zisholtz, LLP
*'What are the pros and cons to arbitration
as opposed to proceeding with a claim in the Courthouse'*

Jay E. Hochheiser, CFP, Hochheiser Deutsch & Co.
*'How to be Financially Successful through
Budgeting, Saving & Tax-Efficiency'*

Westbury Manor

1100 Jericho Turnpike, Westbury, NY 11590

5:30 pm Cocktails; 6:30 pm Dinner

RSVP Online:

www.maccny.org

From the President...



MARC SOFFLER
Dynaire Corp.

IT'S APPARENT THAT MACC HAS ESTABLISHED ITSELF as a successful trade association that represents the HVAC community in the greater New York Area. The current board of directors, in collaboration with Association Development Services, continue to provide many exciting new programs and events throughout the year. Our entertaining networking events, "Workshop Program", technical training, are all contributing to record attendance to our events.

It's important to stay informed about issues that affect our industry. As a community of HVAC professionals, it is our responsibility to stay connected and contribute to the establishment of favorable laws and regulations. Sharing information about changes to these regulations amongst the membership is equally important.

Our April meeting was a great success. With over 70 attendees, members got to enjoy a fabulous meal at Il Bacco and be entertained by Daniel Jacobs, middle weight boxing champ. After hearing about his inspiring life story, Daniel took questions and posed for photographs with all of the members.

Our May meeting will be a "Round Table" event, a discussion of topics that will affect the bottom line of your business. Please remember to register for our upcoming June events, our annual "Night with the Mets" and cocktail networking event. I'm looking forward to seeing you soon, and remember to visit our web site at www.maccny.org for upcoming events. — **Marc**

Photos from MACC's April Special Event are on pages 15 & 16

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MACC News is printed monthly by the Metropolitan Air Conditioning Contractors of New York. Questions should be directed to the appropriate director or committee member for assistance. While this newsletter is designed to provide accurate and authoritative information on the subjects covered, the Association is not engaged in rendering legal, accounting, or other professional or technical advice. Accordingly, the Association cannot warrant the accuracy of the information contained in this newsletter and disclaims any and all liability which may result from publication of or reliance on the information provided herein. If legal advice or other expert assistance or advice is required, the services of a competent, professional person should be sought.

MACC Invites you to A NIGHT AT THE METS! Friday, June 17



New York Mets vs. Atlanta Braves

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Editor's Notes

by Anthony N. Carbone

This past month's presentation with boxing champion, Danny Jacobs, was an inspirational and motivational story that made the attending audience put some hard thoughts towards what it is to be in a precarious situation and ending up prevailing. Danny Jacobs described his medical experience with great detail and emotion. All were riveted by his story.

Applying Danny's will to succeed in everyone's daily life and experiences we encounter on an everyday basis can really make you be thankful and give you the fortitude to strive on.

As witnessed this year, our organization MACC is bringing contractors together for valuable programs that allow a synergy of information within our industry and is like no other.

I recommend that you make room in your schedule to attend our programs and events to expand your influence within our MACC organization. You will find that people in our industry, whether it is on the supply side or the contractor side will provide valuable information and share similar experiences which in turn can save you time and money.

I must commend Marc Soffler for his leadership skills, as he is forging our organization to new heights and great recognition as an industry leading organization.

—Anthony N. Carbone

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Statement From Stuart S. Zisholtz, Esq.

Beware The Liquidating Agreement

When an owner or a General Contractor refuses to pay all of the trades on the job, the trades should unite, and "stand" together. Something is radically wrong with the argument that every trade supposedly did a horrible job on the project. By uniting, it puts a recalcitrant owner or General Contractor into a very difficult position.

A liquidating agreement, however, attempts to absorb a subcontractor into the General Contractor's claim against the owner. The General Contractor usually approaches the subcontractor and badmouths the owner claiming that the owner did not pay him and, therefore, he cannot pay the subcontractor. Aside from the fact that pay when paid clauses are illegal and unenforceable in New York, the scam here is that the General Contractor is trying to absorb and avoid paying the subcontractor.

If the General Contractor owes the subcontractor money, the General Contractor has to pay it regardless of whether or not he got paid from the owner. The owner might have defenses against the General Contractor completely unrelated to the subcontractor's work. To enter into a liquidated agreement, the subcontractor joins forces with the General Contractor and is bound by whatever happens to the claim between the Gen-

eral Contractor and the owner. If the General Contractor exaggerates his bill by 100% and the hapless subcontractor joins with him, the General Contractor can turn around and say that the big bad owner only paid him 50% and, therefore, he can only pay the subcontractor 50%.

There are many other reasons why the liquidated agreement is bad news. The General Contractor will try to get the subcontractor to pay a portion of the legal expenses, make the subcontractor responsible for the General Contractor's default, and argue over the distribution of any recovery.

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. •

Twinco Product Expo and Seminar to be Held May 10th

Twinco Supply Corp. will host their Annual Trade Show on Tuesday, May 10, 2016 at the Inn at New Hyde Park (214 Jericho Turnpike, New Hyde Park, NY 11040) from 11 am- 8 pm.

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The MACC SPONSORED OSHA 10 hour class will be held in two five (5) hour sessions on June 4th and June 18th from 9:00 AM to 2:00 PM.

Location will be at
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Trends To Tackle Your Top Field Service Challenges

Field service has rapidly evolved into a critical revenue center in many industries that formerly relied on new product sales for profits. Service organizations are in the midst of a business model transition in terms of how they



competitive, or deliver the margins upper management expects to see.

Service organizations will face a number of challenges in the next several years, but by planning for and addressing these areas now; they can improve their competitive positions and position themselves to take advantage of new revenue opportunities in the future.

Astea and the Technology Services Industry Association (TSIA) have identified six primary areas that service organizations should focus on in order to be successful over the next year (and beyond).

Delivery Channel Optimization: Service isn't just delivered via on-site visits anymore; in fact, leading companies employ a mix of service channels to improve responsiveness and reduce costs. Service organizations are shifting their support focus from on-site visits to call centers and remote support. According to a recent survey by TSIA,

members reported eliminating 35 percent of truck rolls using "proactive technologies."

deliver service, interact with customers, and develop new lines of revenue. Legacy operational models may no longer be sufficient to meet customer demands, remain

Smart, Connected Products: Assets at a customer site can be remotely monitored, diagnosed and repaired, often before the customer even knows there is a problem. The advent of the Internet of Things (IoT) is opening up new possibilities when it comes to service delivery. Service companies should develop strategies now to take advantage of this potentially rich source of data — and revenue.

Engaging Technicians to Increase Revenue: Service technicians are the face of your company. As such, many service organizations are asking techs to increase end user adoption and consumption by providing information on new features or services, capturing best practices at customer sites, and helping customers achieve their business goals using the companies' products.

Mobility and Video Technology: More and more organizations have improved dispatching, scheduling, and technician productivity through the adoption of mobile technology. According to TSIA's most recent benchmark data, 81 percent of companies have implemented mobility platforms in the field. Mobile video is the next frontier, enabling technicians to collaborate with each other using real-time images of the service challenges they have encountered.

Talent Management: An aging workforce and

shrinking talent pool have made recruitment increasingly competitive. Service organizations will need to adopt new strategies for knowledge management, retention, recruitment, and training and development in order to make sure they have enough hands on deck to meet customer demand, and to ensure those technicians are properly trained and equipped.

Spare Parts Logistics: As companies shift to outcome-focused strategies, reducing costs and improving response times are imperative. Service organizations have to find ways to source and deliver parts to their technicians faster and more cost effectively.

—Field Technologies Online

Kevin Cirincione
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New Paid Leave Law Will Affect all New York Employers

For New York employers, big changes are coming in the realm of mandatory benefits. Until now, the only entitlements New York employees had with respect to maternity or paternity leave was the unpaid leave available to certain employees under the Family and Medical Leave Act and, for mothers following childbirth, a relatively small amount in state-mandated disability pay. But under a new statute signed into law by Governor Cuomo last week, employees in New York will — as of January 2018 — be entitled to paid maternity or paternity leave, as well as paid leave to care for a sick or injured family member and or to handle matters arising from the active military duty of a family member.

Specifically, any New York-based employee who has been with his or her employer for at least six months will be entitled to paid leave to bond with a newborn, newly adopted child, or newly placed foster child; to care for a family member with a serious health condition; or to attend to certain matters when the employee's spouse, domestic partner, child, or parent is called to active military service.

The new requirements will be implemented incrementally, with employees' entitlements increasing over a three-year period, as follows:

- January 1, 2018-December 31, 2018: 8 weeks at 50 percent of employee's weekly wage, capped at 50 percent of state average weekly wage
- January 1, 2019-December 31, 2019: 10 weeks at 55 percent of employee's weekly wage, capped at 50 percent of state average weekly wage
- January 1, 2020-December 31, 2020: 10 weeks at 60 percent of employee's weekly wage

- January 1, 2021 and thereafter: 12 weeks at 67 percent of employee's weekly wage, capped at 67 percent of state average weekly wage

While this may sound daunting to many employers, the good news is that wages during an employee's leave will not come from the employers' pockets. Rather, paid leave will be funded entirely by employee contributions via small paycheck deductions. We believe these deductions will go into effect January 1, 2018.

New York is not alone in its recent focus on paid leave. California, which was the first state to require any form of paid leave for employees caring for a new child or sick family member, just passed an expansion of its existing paid leave law this month. Paid leave laws are also on the books in New Jersey and Rhode Island, but New York's new law is by far the most expansive of such laws to be passed to date.

Like any new requirement, New York's paid leave law will require significant adjustments and will likely raise many questions. If you have questions about how this law will affect your business, do not hesitate to reach out to me. •

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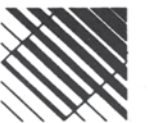
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ABCO HVACR Supply + Solutions hosted its 35th annual ABCO EXPO, the largest independent HVAC and Refrigeration trade show in the Northeast on Wednesday, March 9th, at Terrace on the Park in Flushing, NY. An energized gathering of 4,000 HVAC and Refrigeration manufacturers, contractors,



ABCO CEO Michael Senter addresses manufacturers

builders, engineers, architects, students and instructors attended to engage with the nearly 200 exhibits, product demonstrations, many Tech Tips classes—and each other.

“From all over the Northeast—from Washington, DC to Boston— a great number of customers, partners and students came to see all the latest innovations from the industry’s leading manufacturers and suppliers—eye-to-eye and in-person,” said Hugh Drumm, ABCO EVP of HVAC Sales. “Our ABCO EXPO continues to establish and renew relationships and promote the exchange of important information and ideas in an exciting format.”

ABCO CEO Michael Senter stated at the exhibitor luncheon: “ABCO’s success comes from our intensity, integrity, honesty and independence. We are a family at ABCO, and this dedication and devotion to each other helps us deliver a distinct qualitative difference to our customers and partners.”

ABCO is the industry’s definitive source for authoritative information about HVAC/R commercial and residential technologies, products and specifications. Through its annual ABCO EXPO and its many ongoing ABCO University courses, ABCO helps train HVAC professionals in this increasingly technologically advanced field.

An essential component of ABCO training involves

attracting and developing students to pursue HVAC careers. These represent important new domestic jobs to succeed in the new economy. Good-paying HVAC/R jobs are in tremendous demand in the New York metro area and throughout the U.S. Recent research reports conducted by the HVACR Workforce Development Foundation state that current demand for HVACR employment—jobs that cannot be exported—far outstrips the supply of HVAC/R workers.

Dramatizing how ABCO and the HVAC/R field has provided excellent careers for multiple generations, Mr. Senter also recognized ABCO employees celebrating their 20-year anniversaries at the company with presents and praise.

In addition, ABCO believes in giving back to the community through a variety of charitable initiatives. At the ABCO EXPO—in partnership with Luxaire and others—ABCO again sponsored a Make-A-Wish Foundation raffle that raised over \$5,000 for children with life-threatening illnesses. Since 2002, ABCO and its partners have raised more than \$1.5 million for Make-A-Wish Metro New York & Western New York.

ABCO University “Tech Tips” classes at ABCO EXPO covered a range of the industry’s most important new developments. These included:

Luxaire Commercial—Introduction to Luxaire SE control board and LX Residential Package systems; *Luxaire Residential*—Luxaire Revolutionary Residential Product Launch: Learn why YOU should take notice; *Mitsubishi*—Mitsubishi M&P New Product Update: Whole Home Solutions & WI-FI Controls;

Copeland—Emerson E360: Prepare for Changes Coming to Our Industry; *Chemours*—Regulations and New Generation Refrigerants: What you and your customers should know; *Heatcraft*—Refrigeration, Regulations and Responsive Controls (QRC): Learn all about the upcoming EPA and DOE refrigeration regulations; the Quick Response Controller from Heatcraft and what it all means to you and your customers.

ABCO EXPO has become the go-to show for major HVAC and Refrigeration manufacturers, contractors, builders and architects. Admission was free of charge. ABCO Applications Specialists, Sales Consultants and team members from all of ABCO’s locations throughout the Northeast and Mid-Atlantic were on hand to help everyone stay on top of this rapidly evolving industry.

ABCO HVAC/R Supply + Solutions was founded in 1949 as a company servicing Refrigeration firms door-to-door. Under the leadership of CEO Michael Senter, ABCO has grown into the nation’s leading independent HVAC/R resource, with 18 branch locations throughout the Northeast and Mid-Atlantic. The ABCO EXPO exemplifies the company’s ongoing commitment to sharing knowledge and providing outstanding service to its customers and partners. For more information on ABCO HVACR Supply + Solutions, visit ABCOhvacr.com or contact Chief Marketing Officer Bob Cesiro at 718-937-9005 ext.1280, or at bcesiro@abco.co

ON APRIL 7th MACC PRESENTED A SPECIAL FEATURE. Seventy-five Members and friends took advantage of meeting and hearing the inspiring story of Brooklyn’s own Danny Jacobs, the current WBA (Regular) middleweight boxing champion who also held the NABO and NABF middleweight titles.

Rightly named “Miracle Man” because in the middle of his career he was diagnosed, fought and won against osteosarcoma, a life-threatening form of bone cancer. He returned to the ring and championship. His stirring story is an example of courage and how you can rise up during difficult times and go on to succeed.



ABCO CEO Michael Senter addresses manufacturers



See more photos on the following page...

MACC Members with "Miracle Man" Boxing Champion Danny Jacobs
More pictures inside on page 15

