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OCTOBER 2016

**Thursday, October 6, 2016**

**HOW TO:**

**survive & thrive**

**IN THE HVAC INDUSTRY**

**part 2**

**The second part of our Survive & Thrive series**

Join us on Thursday, October 6, 2016 at Vivaldi Ristorante in Bayside, as industry experts, Doug Matz, President of Flanders Heating & Air Conditioning and Curt Picard, VP, Strategic Asset Management at Brinco Mechanical Services, present part 2 of our Survive & Thrive series!

We will also have a special presentation by USI Insurances Services. They will discuss Network security and privacy ("cyber") related issues that continue to dominate the headlines and are costing organizations billions of dollars annually.

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## *From the President...*



MARC SOFFLER  
*Dynaire Corp.*

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**N**ow that the hottest part of the summer season is behind us, fall is a good time to evaluate the successes and failures of the previous season.

Many of us get wrapped up in the day to day operations of our businesses and forget to take the time to evaluate the processes that can affect the profitability of our companies. We often rely on looking at the bottom line at the end of the year to determine our success. Both profitable and unprofitable businesses need to be prepared for the hazards and opportunities in the future.

One of the best resources to measure your success or failure will be your customers. Surveys can be excellent means to gathering information about the performance of your company. Our industry is based on customer service and by listening to your customers and implementing their suggestions can only lead to more profitability.

Many of us have also taken advantage of participating in a mixed group program. The ability to network with other non-competing contractors can be a valuable opportunity to improve the efficiency of your business. Having like-minded professionals review your business and offer constructive criticism has proven to be one of the most effective business improving tools in our industry. In the upcoming months, the MACC board of directors are planning to redevelop the mix group program with other HVAC association groups in other states.

Our September meeting was well attended by our members for our continuing series “Survive and Thrive”. Special thanks to Scott Berger and Jack Fanneron for telling their stories and sharing their experiences. On Thursday, October 6, 2016, at Vivaldi Ristorante, we will continue our “Survive and Thrive” series where business owners share stories and tips encountered during their journey in the HVAC industry. In addition, representatives from USI Insurance Services will speak about Network security and privacy. I’m looking forward to seeing you soon, and remember to visit our web site at [www.maccny.org](http://www.maccny.org) for upcoming events.

— *Marc*

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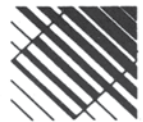
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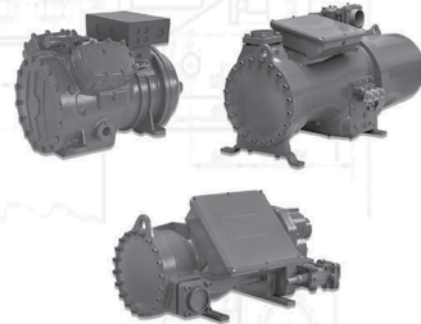
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## Editor's Notes

by **Anthony N. Carbone**

Why are contractors compelled to join an industry organization?

What makes them compelled to attend any of its program meetings?

What makes a contractor or supplier join an industry organization and serve on its board of directors or even consider becoming an officer or participate on a committee?

Well in all accounts it is the relevancy the organization holds that has meaning for the individual or his or her company. How does it relate to what is happening now.

The topics change from year to year as the business environment changes. Whether it be the economy or the weather climate changes or it can be a specific elements like utility competition or consolidation, refrigerant changes.

The transition from ACCA (Air Conditioning Contractors of America) to MACC (Metropolitan Air Conditioning Contractors) has been dynamic. The interest in our newly named independent industry organization has brought new attention and interest as seen by our attendance. The events are well thought out.

You are beginning to see the renaissance of the organization as the President Marc Soffler and the board of directors have focused our attention to bringing excellent ideas to the members.

Please attend our October 6<sup>th</sup> Survive & Thrive meeting as it will reveal relevant and informative content found no where else within our industry. The September conversation with Jack Fanneron and Scott Berger was very enlightening. Convey your experience and thoughts of the changes you have noted of MACC to me.

**Anthony@systematiccontrol.com**

*Editor- MACC News*

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## ACCA Launches Online Training Program For HVAC Office & Sales Staff

ACCA, has launched a new online training program, HVAC for Office & Sales Staff. This new program explains the basics of HVAC equipment, how important the HVAC contracting industry is, and how vital the role of each employee is in running a successful contracting company.

The program is broken into three parts that will help the non-technical staff in a contracting business understand the basics of HVAC systems and how central heating and cooling systems work.

The three parts are:

### Part 1 - The things that make us different are the same

HVAC is defined along with a brief history and the industry's relevance in modern society is explained. Human comfort is discussed and explained as the primary product that our industry sells. The importance of customer interaction is discussed at all levels in any size company. Business cycles with respect to weather and the economy are revealed. The flow of paperwork within a company and the product chain of distribution are detailed.

### Part 2 - How comfort works

Simple definitions are provided for Btu, CFM and a ton of cooling. A distinction is made between furnaces and boilers with an explanation of how both work. AFUE and SEER ratings are defined as well as Energy Star requirements. An air conditioning system is built from the ground up and all major parts are described and explained. A brief discussion is offered on the phase-out of R-22 and the emergence of R-410a. Heat pump operation is explained as well as HSPF and COP ratings. Duct system types are briefly reviewed. The standards and codes that regulate the HVAC industry are discussed.

### Part 3 - How much does it cost?

The cost of doing business is explained in detail. The need for training is explained and the trade associations are enumerated. The need to distinguish your company from the competition is discussed. Accessories such as humidifiers, electronic air cleaners, media air cleaners, UV lights, programmable thermostats and HRV/ERVs are all explained and their application discussed.

Once a participant completes all three parts of the training, there is a 10 question quiz. Participants who pass the quiz with a 70% or higher total will receive a course certificate.

The HVAC for Office & Sales Staff program costs \$60 and the course can be accessed online at [www.acca.org/certification/hvacofficestaff](http://www.acca.org/certification/hvacofficestaff).

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## Rheem, Fujitsu To Collaborate On Ductless Products

Fujitsu General Limited and Rheem 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, according to 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. •



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## Clean Energy Board Approves Suffolk County's Membership

*County Joins Energize NY to Help Commercial Building Owners Access Low Cost, Long-Term Financing Program*

Suffolk County announced it has joined EIC, which enables Suffolk's local businesses and not-for-profits to participate in EIC's Energize NY Property Assessed Clean Energy (PACE) program. EIC's Board of Directors voted unanimously to accept Suffolk County into the program making Suffolk the largest municipality in New York State to join.

The County's membership enables commercial, industrial and non-profit building owners in Suffolk County to access Energize NY's Property Assessed Clean Energy (PACE) financing for energy efficiency and renewal energy projects. Other benefits include job creation for Suffolk County-based contractors in the energy efficiency and solar sectors as they embark on expansion and future projects.

Suffolk County is now the fifth county and 28<sup>th</sup> municipality in New York State to offer Energize NY (PACE) finance and commercial services, joining Dutchess, Orange, Tompkins, and Ulster Counties. Energize NY (PACE) Fi-

nance offers low cost, long-term capital for energy-related building improvements and allows property owners to repay the financing on their property tax bill.

Energize NY plans on making presentations on the new program to business organizations such as the LIA and HIA, trade groups, clean energy advocates, chambers of commerce, and the local agriculture community. Suffolk County will be coordinating with town economic development agencies and energy offices to bring Energize NY's presentation to their local businesses, chambers and associations this fall.

With support from local elected officials, solar and energy efficiency developers and environmentalist groups, the Suffolk County Legislature passed legislation on November 17, 2015, that would allow Energize NY to offer low-interest loans for energy efficiency and alternative energy improvements. There are currently 30 projects pending or under development awaiting completion of the membership process.

"Investing in energy efficiency is always a smart idea but unfortunately the required upfront money is not always available," said Gordian Raacke, Executive Director of Renewable Energy Long Island. "Suffolk County together with



**Let's put our heads together  
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Energize NY now solves this ‘chicken-and-egg’ problem by offering low-interest loans to businesses and not-for-profit organizations, helping them save money on energy bills without having to come up with the upfront cash.”

Theresa Ward, the Acting Commissioner of Economic Development and Planning said that one of the most often heard feedback from CEO’s in Suffolk County is the high cost of energy. “This program will allow a company to reduce its energy bill and invest the savings back into the business,” Ward said.

“PSEG Long Island provides extensive rebates to our commercial customers for upgrading to energy efficient equipment and installing rooftop solar,” said Michael Voltz, director of energy efficiency and renewables, PSEG Long Island. “Through our rebates and the financing now available in Suffolk County through the Energize NY PACE program, our commercial customers will save money on their electric bill, realize an immediate positive cash flow and a reduced impact on the environment.”

PSEG Long Island and National Grid have already spotlighted the PACE program at their spring contractor meetings, as well as the U.S. Green Building Council and Islip Town CEO Roundtable. •



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## Carrier Improves Ductless Lineup With Enhanced Performance Series

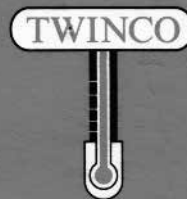
Carrier has announced the introduction of an improved Performance Series ductless multi-zone heat pump lineup that will offer increased flexibility, greater energy efficiency and improved operation compared to the previous mid-tier lineup.

The improved Performance Series multi-zone ductless units are the latest addition to support Carrier’s commitment to invest and grow its ductless line of heating and cooling products.

“Our customers are hungry for improved ductless products that deliver the reliability and comfort that Carrier is renowned for - combined with the flexibility and efficiency that our ductless products deliver,” said Meredith Emmerich, managing director, ductless and variable refrigerant flow systems, Carrier. The improved Performance Series multi-zone ductless product line boasts a Seasonal Energy Efficiency Ratio (SEER) rating up to 23.8 with a Heating Seasonal Performance Factor up to 10.5 while providing heating down to minus 22 Fahrenheit and cooling up to 122 degrees Fahrenheit. To accommodate most installations, the piping length has also been extended to 328 feet in this improved product line.

The Performance Series mid-tier ductless system will merge energy efficiency, flexibility of configuration and a wide range of operation capabilities in extreme temperatures to provide an affordable option for year-round comfort. •

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## Avoid Retaliation Claims

Claims of unlawful retaliation in the workplace continue to be on the rise. Avoiding these claims requires understanding what, exactly, constitutes unlawful retaliation. Many employers believe they understand the concept but still find themselves the target of retaliation claims.

Unlawful retaliation occurs when an employer takes an adverse employment action against an employee who has engaged in protected activity. Protected activity may include complaining about discrimination under Title VII of the Civil Rights Act, raising concerns about wages or other terms and conditions of employment under the Fair Labor Standards Act, taking a leave of absence under the Family and Medical Leave Act, requesting a disability-based accommodation under the Americans with Disability Act, and other activities. Retaliating against an employee who has engaged in protected activity is unlawful because if employers can punish work-

ers for seeking to protect their legal rights, it would have a chilling effect on workers' willingness to fight against discrimination and other unlawful acts.

While the idea behind prohibiting retaliation is relatively easy to understand, carrying it out in practice can be difficult. One problem is that employers do not always recognize when an employee has engaged in protected activity. In some cases, it may be obvious that the employee's complaint is protected. For example, if a minority employee complains that minorities are not being promoted, that is clear-cut protected activity. But in other cases, the protected nature of the complaint can be less obvious. For example, if an employee complains that her boss plays favorites within the department, that may not seem to be a protected complaint at first blush. But it is one that bears further scrutiny. Is she complaining that the objects of the favoritism are, for example, male, while females are left out in the cold? That would make the complaint protected.

Another complicating factor of retaliation claims is that there are numerous laws creating protections in various scenarios. For example, if an employee complains that she is not getting paid as much as the men in her department who are performing the same work, most employers would recognize this as protected activity and proceed accordingly. But if the same employee complains that she is not being paid enough because she is being denied overtime pay, some employers might not immediately recognize this as protected activity. Because the complaint is not based on discrimination, they think, concerns about retaliation are not relevant. But the complaint would in fact be protected under the Fair Labor Standards Act, making any retaliatory act unlawful.

Yet another complicating factor when it comes to retaliation is the fact that it generally does not matter whether the underlying complaint is valid. If the complaint constitutes protected activity, retaliating against the employee for making it is unlawful. For example, if a salesman with a poor sales record complains that his

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boss gives all the best leads to his white peers, and the complaint is demonstrably false, it is still unlawful to retaliate against the complaining employee as long as the employee had a *reasonable, good faith belief* that the discrimination was real.

Retaliation is a complex area of employment law, fraught with pitfalls for uninformed employers. For this reason, once an employee has made a complaint the employer should obtain legal advice before making any decisions that would affect the terms and conditions of that individual's employment. Do not hesitate to call me whenever you are uncertain about addressing an employee complaint or changing the status of an employee after he or she has made a complaint. •

## Johnson Controls And Tyco Complete Merger

With a vision to create a safe, comfortable and sustainable world, a newly formed Johnson Controls has begun operations following the successful completion of its merger with Tyco, marking a historic turning point for both companies.

By uniting Johnson Controls, the number one provider of building efficiency solutions with Tyco, the number one provider of fire and security solutions, the new company is uniquely positioned as a leader in products, technologies and integrated solutions for the buildings and energy sectors.

Tyco and Johnson Controls' buildings platforms create immediate opportunities for growth through cross-selling, complementary branch and distribution channel networks, and expanded global reach for established businesses.

The company is uniquely positioned to drive new innovations in technology and business models to support the smart buildings, campuses and cities of the future as well as building upon strategic, high value-added services driven by data analytics and connectivity like the Retail Solutions and Connected Services businesses.

"We are more than just two businesses that have come together – we are now one team uniquely positioned to create value," said Alex Molinaroli, Johnson Controls chairman and CEO. "Our combined insights and world class technologies will help build even smarter, more secure and more sustainable environments that help our customers win and broadly move the world forward." •



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## Statement From Stuart S. Zisholtz, Esq.

There is a statutory requirement in the Lien Law which mandates that a lienor name the General Contractor in its Mechanic=s Lien. Failure to do so could render the lien void. It is therefore vital that you determine whether you are dealing with a General Contractor or a Construction Manager.

It is easy to find out who the owner is on a particular project. That comes from a title search. It is also easy to know who your contract is with - that comes from your written agreement or your purchase order.

It is between you and the owner that difficulties develop. Is the owner doing the job through a Construction Manager or a General Contractor? Are you a subcontractor to a General Contractor or are you a subcontractor to a subcontractor?

From a subcontractor=s point of view, the ideal situation is to find a Construction Manager, not a General Contractor. A Construction Manager may be a window to the owner. Many times, the Construction Manager is an agent for the owner.

If the subcontractor is dealing with a General Contractor, he may find himself too far removed from the owner. For example, the subcontractor might be a third tier subcontractor and cannot file a lien. However, if one of the parties between you and the owner is a Construction Manager, then you have eliminated one tier and you are that much higher

on the totem pole.

If the subcontractor is dealing with a General Contractor, the legal ramifications are substantially different. The subcontractor must establish that the owner is still holding money for the account of the General Contractor without offsets or back charges in order to establish a valid mechanic=s lien.

With respect to a Construction Manager, no such problem exists because the Construction Manager is the agent for the owner and whatever work the Construction Manager authorized, it is chargeable to the owner.

In doing your due diligence, therefore, I strongly suggest, in addition to all of the other things I have suggested in the past, that you find out if the party involved is a Construction Manager or a General Contractor. The distinction could be the difference between collecting and not collecting.

Never let your lien time run out!

For a free copy of a pamphlet pertaining to mechanic=s liens and payment bond claims do not hesitate to contact me or the Association.

## Samsung HVAC Will Offer Five Recertification Training Courses

Samsung HVAC has announced that five of its training courses have been approved by North American Technician Excellence (NATE) for its Recognized Training Provider (RTP) program. NATE is the nation=s largest non-profit certification organization for heating, ventilation, air



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"We are pleased to be recognized by NATE as a Recognized Training Provider and look forward to offering sessions for those interested in earning certification," stated Kenneth Myers, National Service Manager of Samsung HVAC.

"Training is key to the future of the HVACR workforce and we are pleased to welcome Samsung HVAC to the NATE Recognized Training Provider program and wish them success moving forward," said John Lanier, NATE COO.

Visit the Samsung HVAC Training University website to register for training. •

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## New Basic Electricity Qtech Online Training Program From ACCA

ACCA has launched its newest online certificate program, Qtech: *Basic Electricity for the HVAC Contractor*.

Through Qtech, contractors can offer their employees on-demand training in quality HVACR installation, maintenance, home performance, and other areas. Technicians that successfully complete Qtech programs will be awarded certificate designations allowing them to differentiate themselves in the field. In addition, the courses are approved for CEU hours from a wide variety of organizations.

“ACCA is continuing to expand its popular new Qtech online training, because we know that readily available training that is affordable, helps contractors invest in their teams’ success,” said Paul T. Stalknecht, ACCA president and CEO. “The new program, which focuses on the basic electrical knowledge necessary to properly understand, install, and service the electrical components of HVAC systems, expands on the knowledge base that field staff needs to provide exceptional service to customers.”

The Basic Electricity program consists of 6.5 hours of video training broken up into five sections that cover:

- Atoms, Current Flow and Circuits (1 hour)
- Relays, Contactors and Motors (1:40 hour)
- Ohm’s Law, Series and Parallel Circuits, and Meters (57 minutes)
- Schematic Diagrams, Electrical Service Panels and Compressors (1:58 hour)
- Power Distribution and Electrical Safety (50 minutes)

Upon passing this program’s final exam, students will receive a certificate and are eligible for CEUs from the following organizations: BPI; HVAC Excellence; ICC; NATE; and RSES.

Contractors and their technicians can sign up for the new Basic Electricity program at [www.acca.org/qtech](http://www.acca.org/qtech). The course costs \$139 (\$99 for ACCA members). To receive the CEUs, students must contact the individual organizations and provide them with a copy of their certificate.

For assistance with registration and managing the online classes, contact [training@acca.org](mailto:training@acca.org) or 888-290-2220. For questions about Qtech course material, contact Donald Prather at [donald.prather@acca.org](mailto:donald.prather@acca.org).

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**Survive & Thrive Part One.**  
More than 40 attended this session featuring Scott Berger from Arista Air Conditioning and Jack Fanneron from BP Air Conditioning Corp. On October 6th Part Two will highlight cyber security led by representatives of USI Insurance Services.



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