

IN THIS ISSUE...

- 1 President's Message
- 1 February Meeting Notice
- 4 Editor's Notes
- 6 Technician Selling Is A Hot Button
- 8 Photos From January 6th Meeting
- 10 Pearl – Recap Legislative Changes
- 12 Affordable Mobile Management
- 14 Zisholtz – Insurance & Labor Law Claim
- 15 Welcome New Members

Air Conditioning Contractors of America

Greater New York Chapter
123 South Street,
Suite 112
Oyster Bay, NY
11771

RETURN
SERVICE
REQUESTED

Greater New York Contractors' NEWS



www.accany.org

PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

February 2011

President's Message



Michael Newman

January 2011 began with our board meeting

at the LaGuardia Marriott. Most of our board members attended and pledged their support for our organization to bring great achievements and new ideas to the Greater New York Chapter of ACCA.

The January meeting featured Alan Pearl and Rita DiStefano from Portnoy, Messinger, Pearl & Associates who discussed new points on Labor and Employment Law, Employee cell phone use, new

Turn to President's Message on page 3

February 3rd Meeting

Grow Your Profit Margins In This Economy! \$\$\$

Rich Chiarello of Sandler Training will discuss issues to help your business and your profit margins grow during this economy. Sandler Training is a world leader in innovative sales and management training. For more than 40 years, this company has taught a distinctive, non-traditional system and highly effective training mythology. Be part of this meeting and come away with opportunities for greater profit margins now, when you need them most.

Thursday, February 3, 2011

Westbury Manor

Cocktails at 5:30 pm; Dinner at 6:30 pm

Register Online at www.accany.org

ACCA, a federation of 60 state and local affiliated organizations, is the leading trade association representing the business, educational, and policy interests of the nation's heating, air conditioning, ventilation and refrigeration contractors. ACCA represents over 9,000 small businesses nationwide through its federation of affiliates.

Amerisc Corp.

Atlynx

Surety Brokers, LLC

Amerisc Benefits Corp.

SPECIALIZING IN
INSURANCE PROGRAMS
 FOR THE HEATING, VENTILATION AND
 AIR CONDITIONING INDUSTRY FOR OVER 20 YEARS!

Commercial Insurance - Health & Life
Bonds - Personal Insurance

CONTACT FRANK ABBATIELLO
 Tel: 516-745-7500
 Fax: 516-745-7565
 e-mail: fabbatiello@theamerisc.com
 www.theamerisc.com



"Large enough to deliver, small enough to care."

conEdison

the power of green



Expand Your Residential Business Through Energy Efficiency



Become a participating contractor for Con Edison's residential energy efficiency program.

- ✓ Offer customers valuable rebates of **up to \$1,000** on the purchase of qualified equipment and services.
- ✓ Receive **cash incentives** for completing Quality Installations*.
- ✓ Access sales training and marketing materials.

Participating contractors must be licensed and insured in New York State and attend a one-day training session.

* Participating contractors may be eligible for an incentive of \$200 if they are BPI-certified as a Central Air Conditioner or Heat Pump Specialist and provide documentation that an ACCA Manual J load calculation worksheet has been completed to determine the proper size of installed equipment.

Call **1-800-430-9505** to sign up for training or request additional information.

PRESIDENT'S MESSAGE *Continued from page 1*

wage and hour developments and workplace privacy issues. As always, they put on an amazing show and we walked away with very valuable information.

This year we will be focusing on increasing the membership within our organization and seeking out greater participation from our contractors, suppliers and associate members. If anybody has an idea or issue relating to our business and industry, please get in touch with us and we will make it happen. How can ACCA help you this year?

Please use ACCA as a networking experience and a place where you can bring the hottest and most relevant business topics back to your day to day operations.

Thank you for your support and I look forward to seeing you at the next meeting!

— *Michael Newman*

**Make a habit of checking
the ACCA Chapter website at
www.accany.org**

JOHN F. DELILLO
Certified Public Accountant

**ACCOUNTING
TAX & BOOKKEEPING SERVICES
BUSINESS VALUATIONS**

*SPECIALIZING IN THE
HVAC INDUSTRY*

**CERTIFIED
QUICKBOOKS PROADVISOR**

**123 South Street, SUITE 112
Oyster Bay, NY 11771**

Tel: (516) 922-2102 • Fax: (516) 922-1414

www.johndelillocpa.com
Email: john@johndelillocpa.com

ACCA Greater NY Chapter

Officers

- President*
Mike Newman, *Standard Refrigerator* - 718-937-0490
- President-Elect*
Al Trudil, *Almore Corporation* - 631-345-6050
- Treasurer*
Marc Soffler, *Dynaire Corp* - 516-248-9320
- Secretary*
Brian Aull, *Atlantic Contracting & Specialties Corp.* - 631-563-6510
- Past-President*
Anthony N. Carbone, *Systematic Control* - 516-482-1374
- Executive Director*
John F. DeLillo, 516-922-5832

Directors

- Steve Bergman, *Twinco Supply Corporation* - 631-547-1100
- Roy Bernheimer, *Cascade Water Services* - 516-932-3030
- James Carlson, *Michael James Industries (MJI)* - 631-231-3434
- Ken Ellert, *Comfort Tech Mechanical* - 718-932-2444
- Ron Nathan, *County Fair A/C Corp.* - 516-997-5656
- John Ottaviano, *Air Ideal* - 518-873-3100
- Greg Singer, *Martack Corporation* - 516-998-1000
- Richard Staiano, *National Compressor Exchange* - 718-417-9100
- Joe Stranieri, *Industrial Controls Distributors* - 212-947-3100
- Harvey Stoller, *Airdex* - 718-646-7200

Advisory Council

- Robert Berger (retired)
- Mark Bedson, *Brinco Mechanical Services* - 516-378-2277
- Thomas Cleary (retired)
- Anthony Cutaia, *Air Ideal* - 516-873-3100
- John J. Fanneron, *BP Air Conditioning Corp.* - 718-383-2100
- Michael Gelber, *Stan Gelber & Sons* - 516-538-0040
- Gene Klochkoff, *Cascade Water Services* - 516-932-3030
- Lauren Larsen, *Power Cooling* - 718-784-1300
- Michael O'Rourke, *BCC Best Climate Control* - 631-218-8022
- Brandon Stone, *All Weather Temperature Control* - 631-842-8777
- James Stone, *All Weather Temperature Control* - 631-842-8777
- Brian Svedberg, *BCC Best Climate Control* - 516-981-1008

Committees

- | | | |
|--|--|---|
| <i>Advertising/Newsletter</i>
Anthony Carbone
Donald Gumbrecht & Co. | <i>Golf Outing</i>
Ken Ellert
<i>Holiday Party</i>
Anthony Carbone
<i>Membership</i>
Ron Nathan
<i>Political Action</i>
Anthony Carbone | <i>Scholarship</i>
John Ottaviano
<i>Trade Show</i>
Rich Staiano
Steve Bergman
<i>Web Page</i>
Roy Bernheimer |
|--|--|---|

Greater New York Contractors' News is printed monthly by the Greater New York Chapter of ACCA. 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.

Editor's Notes

by **Anthony N. Carbone**

Even after multiple major snow storms many members of ACCA came out to hear the "Pearls" of wisdom from our friend and Labor Attorney Alan Pearl and Rita DiStefano of Portnoy Messinger and Pearl Associates. New Department of Labor laws for the year 2011 will impact your business and, if not adhered to, can cost you big money.

Alan and Rita detailed these new laws. Did you know you are not allowed to deduct any loans or traffic tickets from your employees pay checks? If you do take these monies you are subject to a fine from the Department of Labor. This was only one of the topics addressed at this excellent presentation. Advice from these professional consultants would have cost you hundreds of dollars. Joining us and being part of our ACCA monthly programs adds value to your business. We are appreciative of the support and information we received from Portnoy Messinger and Pearl. This was a really valuable program.

Snow is falling this year in record amounts and

it seems the economy is still forging ahead. The stock market is still rising and the economic climate is thawing out.

In the HVAC industry, the added stress on old heating equipment that has been patched or been limping along is now beginning to fail and consumers need to make a decision to replace. Investing in the fundamentals and basic functions of a person's house or business such as air conditioning or heating, trumps other more glamorous purchases like redecorating. It's back to basics. Rising energy costs will continue to make buyers concentrate on "HIGH" efficiency for real dollar savings over the life of their new equipment purchase.

We will continue to work with the board of directors to bring value to contractors and suppliers, so it makes it hard not to join us.

Next month our program is at The Westbury Manor. Please join us for information you will "Need to Succeed!" — **Anthony N. Carbone**



Your Totaline® sales center has got you covered.

You have a lot on your mind – you're a busy HVAC/R pro with new challenges to meet every day. That's why your Totaline sales center is the one-stop shop for all your HVAC/R needs. From after-market motors and compressors to thermostats and IAQ products, we'll help you get the job done. Need chemicals, tools, fittings, and installation items? Or maybe the little things, like duct tape and wasp spray? We've got those, too. And remember – we carry a full line of Factory Authorized Parts, which provide an exact-fit, drop-in replacement on Carrier®, Bryant®, and Payne® products.

Reminder: You know we're full of hot air.

But did you know that we're also all wet?

bryant

FACTORY
AUTHORIZED
PARTS

Carrier

TOTALINE

VIE MANN **WILO** Bell & Gossett
SAMSUNG QUIETSIDE Rinnai
Partridge TriangleTube
WATTS Taco Honeywell

Ask about hydronic
heating solutions from:

Bohemia
21 CROSSWAYS EAST
BOHEMIA, NY 11716
Phone: (631) 588-2181
Fax: (631) 218-8104
Manager: Tom Rucci

Brooklyn
445 CONEY ISLAND AVE
BROOKLYN, NY 11218
Phone: (718) 287-5927
Fax: (718) 287-6134
Manager: Paul Reynolds

Farmingdale
175 CENTRAL AVE- Suite 300
FARMINGDALE, NY 11735
Phone: (631) 501-5720
Fax: (631) 501-5733
Manager: Andrew Casey

Maspeth
48-23 55TH AVE
MASPETH, NY 11378
Phone: (718) 472-0200
Fax: (718) 472-6330
Manager: Mike Byrnes

The Contractors Choice!

CSI, is a complete full service company offering a large array of HVAC water treatment and air-conditioning services and supplies that many major HVAC Contractors utilize in the tri-state area.

- Water treatment chemicals and chemical feed equipment for cooling towers, closed systems, boilers and glycol systems.
- Air conditioning cleanings on an emergency or preventative basis including coils air/water cooled condensers, HVAC duct cleaning (including video taping of the ductwork conditions).
- Pre-cleaning of new piping systems.
- Cooling tower rebuilding and rehabilitation.
- Comprehensive indoor air quality evaluations and testing of drinking water.



For a healthy building

Chemical Specifics, Inc.

46-09 54th Road
Maspeth, NY 11378

*For more
information
about CSI,
call us at
718-361-6666 or
look us up on
the web @
CSIontheweb.com*

Member ACCA, NADCA & BOMA, NY

Technician Selling Is A Hot Button

By John R. Hall

Excerpted from ACHR News

One of the most interesting and talked about topics in the HVAC trade is technician selling. The question is: Should an HVAC technician be trained to sell HVAC equipment and supplies?

That question has sparked debate among the trade for many years. The result is that there is no definitive right or wrong answer to the question. It is based on the preference of the business owner and manager. Tech selling works for some and not for others.

The question was once again put to an array of HVAC contractors across the United States and their answers, sometimes very passionate, are included in this article. For a full text of all replies, visit the Extra Edition at www.achrnews.com.

The most compelling arguments for tech selling include the fact that technicians often know more about the equipment they service than anyone else and are the most qualified to sell it. They also establish a trusting bond with customers that is very important in the sales process. The most compelling arguments against tech selling include the fact that the selling process takes technicians away from what they are trained to do — fix equipment. Sales opportunities among techs can also be seen as extra income opportunities that often lead to unnecessary equipment replacement — leading to distrust among customers.

And then there is the area “in between” where technicians may be allowed to sell add-on equipment such as air filters and humidifiers, as well as service agreements, but not the complete HVAC system. Technicians can also be encouraged to generate sales leads and are often rewarded with a commission for leads closed on by salespeople.

Tech selling for accessories is critical to the success of the business,” said Dave Dombrowski, NEWS consultant and manager at Metro Services/ARS, Raleigh, N.C. “However, with the new mechanical code, using selling techs to size and install equipment is a code violation waiting to happen. All jobs must have a heat load run and this either requires an investment of a computer for each tech or eliminating a one-stop sale.”

Linda Couch, COO and vice president of sales for Parrish Services Inc., Manassas, Va., sees both sides of the issue. “In our company, there are appropriate situations for both tech selling and salespeople,” she said. “Clearly there are benefits to having a technician close a sale on the spot. However, rather

than “tech selling,” we want our technicians to take on the role of “trusted advisor.” What’s the difference?

“To explain, we use the analogy of a veterinarian and how they work. First, veterinarians are not cheap. We pay a premium for their expert opinions. Second, veterinarians know that sometimes the most appropriate recommendation is to put a pet down, and they’re not afraid to tell us that is the best option. That’s what a tech needs to be able to do; he needs to use all his knowledge and experience to identify all appropriate recommendations, including replacing a system, and help the owners decide which alternative is best given their unique situation.”

THE CASE FOR TECH SELLING

There are many reasons why techs should sell HVAC systems and many support systems for doing it. HVAC contractors have several resources to send their techs to for training and rely on their own staff to provide support during the sales process.

But some contractors are content to turn over the entire selling process to their technicians. “I feel tech selling is very important to a company,” said Bill Bradley of Airtronic Heating, Redford, Mich. “The tech is the most trusted person the homeowner sees on a regular basis. I started as a tech selling products and did so well my boss at the time got rid of our salesman. I send my techs to classes at Lennox and have done a lot of coaching to get them started.”

In some cases, trust is the key word and a huge reason why techs can be successful salespeople. “Customers have an inherent distrust of salesmen,” said Dan Troyer of Danco Heating & Cooling, East Peoria, Ill. “A selling tech has a leg up on salesmen because people tend to trust their opinion more. I think it’s better to have the sales staff dress down, even to the point of wearing a service tech uniform.”

Selling equipment may not be the strong point of many techs, but selling air filters and service agreements are important and fall under the selling umbrella. One contractor has seen the process from different sides and has enjoyed success because his techs have practiced good selling skills.

“Everyone in our company is expected to sell,” said Bob Forty of Energy Services Air Conditioning and Heating Co., Naperville, Ill. “Several months ago, I heard rumors that three of my service techs wanted to begin selling,” he said. “I took each one of them privately into my office to try to talk them out of selling. They firmly told me they decided they wanted to sell and would do whatever was necessary to get the job done.

“Each one of them is doing well. My main guy actually conducts his own sales training meetings with the techs who want to learn more. When he comes up with a successful

sales process, he loves to train the other guys and see them succeed as well.”

Tech selling can be the difference between good margins and no margins at all, according to trainer Dan Favata of Oklahoma City. “The only way to make any real profit is to utilize your service techs as emissaries for the company, to build trust from the customer so that when replacement of equipment is called for, they utilize your company,” he said.

“I teach classes weekly to technicians and although there are technical aspects, the bulk of the training is sales: equipment leads/ sales, agreement sales, and add-on sales. If a tech cannot sell, it does not matter if he/she can repair any system in the world, they will not be seen as a valuable asset to the vast majority of service companies, and will be compensated and treated accordingly.”

Couch said she is one person whose mind has changed about tech selling since entering the HVAC industry. “I came to this industry after 20 years in a Fortune 500 IT company known for its excellent sales force,” she said. “Having managed both salespeople and technicians, I was very much in favor of leaving all selling to our salespeople. I believe sales involve both skill and process, and I didn’t think technicians should try to take on more than one role. After two years at Parrish, I’m a convert to tech selling.”

The word “selling” itself has some negative implications and one contractor likes to label the process differently — because he believes that techs should be able to sell equipment. “We make a concrete effort to sharpen the selling skills of our service techs through the use of outside consultants twice a year and a monthly tech meeting dedicated to the subject,” said John Waldorf of Estes Heating & Air Conditioning Inc., Atlanta. “We just do not refer to it as selling; that word can sometimes have a negative connotation to techs, especially the more experienced ones,” he said. “We call it informing and educating. The goal is to inform the customer as to the options available and educate them as to what is in the customer’s best interest.”

THE CASE AGAINST TECH SELLING

The very nature of a tech’s job is to fix something, whether it is the equipment or the customer. That is usually done by repairing HVAC equipment and providing comfort and relief to the customer. There is little doubt that a tech must have mechanical aptitude to diagnose and repair systems — and contractors who responded to this topic preferred to keep techs in that mindset and not cross over into selling.

“We have a shortage of technicians in our industry,” said Fred Canady of Canady’s Precision Air Conditioning & Heating, Richmond Hill, Ga. “They work about 2,000 hours per year. We should be generating as much revenue as possible with this valuable resource. A service tech is a revenue

generator, not a salesperson.

Service techs have a different mindset and skill set than salespeople. The same is true for accountants, dispatchers, and installers. If we are going to allow service techs to sell, why don’t we just send our bookkeeper to perform a job set-up?”

One contractor said his company tried to get techs to sell but not everyone could do it well. “We have gone away from having our service techs sell equipment in the field,” said Dennis Muravez of McClelland Air Conditioning Inc., Chico, Calif. “In 1995, we developed a pricing cookbook for our service techs and they would sell the equipment when needed. We found that one tech excelled at this and the others had less success. Some of the techs did not want to sell, and we would miss sales.

“In 1998, we abandoned this program and made our best selling tech our salesperson. This increased our equipment sales because we closed more sales and our service sales increased because our techs spent more time on billable service. With the increased regulations from the building codes and tax credits, rebates, and financing, service techs do not have training to keep up.”

For some contractors the answers to tech selling or not is very black and white: there are job definitions for everyone, period.

“We are a firm believer that salesmen sell, installers install, and servicemen handle the service,” said Steve Hale of Hale’s Air Conditioning, St. Petersburg, Fla. “We do let our service techs give pricing for standard efficient systems. They do not have the time needed to properly educate a homeowner on high efficiency and duct modifications that are needed to make a proper working system.”

“Can you really have a true technician that is also able to sell and still maintain a service schedule?” asked Paige Fisher Simpson of Simpson Air, Tampa, Fla. “In rare instances a tech will quote a condenser or air handler change out if warranted and to code. We are one of the a/c contractors in our area that does not hire service/sales technicians. We believe that when a company does this, they are (typically) paying them based on sales not repairs and this leads to replacement sales when they may not be necessary — and we all know what this may lead to.”

For one former tech, the answer is obvious. “So much money is being left on the table due to the time constraints on the tech,” said Jon Askew of Bud’s Heating & Air Conditioning, Yorktown, Va. “The tech is the frontline of any company, and they are the profit generators. With an average call day of five to six calls a day, they are in front of more customers than the salespeople. Therefore my stand is techs should not sell but turn over the proper lead the right way — and everyone will benefit.” •

January 6th Meeting —
Important Developments In Labor and Employment Law



Photos – Anthony N. Carbone



YOU'RE INVITED!



**FOOD
DRINK
FUN
PRIZES**

R.S.V.P. at www.accany.org

**ACCA's
CASINO
NITE**

**Wednesday
April 6th**

**at Westbury Manor
6:30 to 10:30 PM • \$60pp**



CONFERENCE & INDOOR AIR EXPO

**Where HVACR professionals
take control of the future.**

The ACCA Conference is where America's most successful HVACR, building services, and energy professionals come together to share, learn, and collaborate. In February 2011, it's where our industry will meet as one, take a stand -- and surge ahead!

**ACCA 2011
FEBRUARY 15-17
SAN ANTONIO, TX**




Call the ACCANY office at 516-922-5832
for information.

take a
STAND
ACCA 2011 • FEBRUARY 15-17
SAN ANTONIO, TX



49-70 31st Street
Long Island City, NY 11101
Phone: 800-786-2075
Fax: 718-937-9776

Fulfilling All Your HVAC / R Needs

 In-Depth Inventory  On-Staff Experts  Fast Delivery

Bronx
600 East 132nd Street
Bronx, NY 10454
Phone: 718-401-1001
Fax: 718-401-2286

Hauppauge
33 Central Ave
Hauppauge, NY 11788
Phone: 631-234-5500
Fax: 631-324-5077

Brooklyn
100-01 Avenue D
Brooklyn, NY 11236
Phone: 718-257-5700
Fax: 718-257-5880

Hicksville
225 Charlotte Street
Hicksville, NY 11801
Phone: 516-938-8400
Fax: 516-938-8421

Manhattan
541 West 34th Street
NY, NY 10001
Phone: 212-929-8400
Fax: 212-629-5768

Suffern
12 North Airmont Rd
Suffern, NY 10901
Phone: 845-357-3322
Fax: 845-357-5444

Staten Island
420 Bay Street
Staten Island, NY 10304
Phone: 718-273-0200
Fax: 718-720-0500

White Plains
80 West Post Road
White Plains, NY 10606
Phone: 914-946-2020
Fax: 914-946-6822

ABCO's Commitment: *Pride Only In Exceeding Each Customer's Highest Expectations™*

16 Convenient Locations Throughout the Northeast

Long Island City • Brooklyn • Bronx • Manhattan • Staten Island • Hicksville, NY • Hauppauge, NY • Suffern, NY • White Plains, NY
Stamford, CT • Totowa, NJ • Kenilworth, NJ • Philadelphia, PA • Center City, Philadelphia, PA • New Castle, DE • Somerville, MA

People & The Workplace

By Alan B. Pearl,

Portnoy, Messinger, Pearl & Associates, Inc., Syosset, NY
516-921-3400, Fax 516-921-6774 e-mail: ABPearl@pmpHR.com, Website: www.pmpHR.com

Recap Of Legislative Changes In 2010

Our state and federal legislators kept themselves busy in 2010. Below is a recap of several legislative changes that employers should be mindful of in the New Year. All ACCA members should review these statutes and adjust their employment policies accordingly.

1. Federal HIRE Act: Enacted March 18, 2010, the federal Hiring Incentives to Restore Employment ("HIRE") Act provides two kinds of tax breaks to employers that hire certain previously unemployed workers ("qualified employees"). One is a payroll tax exemption that exempts the employer's 6.2 percent share of Social Security tax on wages paid to qualifying employees, effective for wages paid from March 19, 2010–Dec. 31, 2010. The second is that for

each worker retained for at least 52 consecutive weeks, businesses may claim an additional general business tax credit on 2011 income tax returns of up to \$1,000 per worker.

2. Final GINA Regulations Issued by EEOC: The Genetic Information Nondiscrimination Act (GINA) took effect in November, 2009, but the final regulations on this statute were not issued until November, 2010. GINA strictly prohibits employers from collecting genetic information from employees, and using this information to make decisions regarding hiring, firing, or any other term of employment. The final regulations i) provide examples of genetic tests, ii) more fully explain GINA's prohibition against requesting, requiring, or purchasing genetic information, iii) provide model language employers can use when requesting medical information from employees to avoid acquiring genetic information, and iv) describe how GINA applies to genetic information obtained via electronic media, including websites and social networking sites.
3. NY Bereavement Benefits to Same Sex Couples: Employers must now extend funeral and bereavement leave to unmarried same-sex couples. Bereavement leave, if offered by an employer, must be available to same-sex couples who are in a committed relationship.
4. NY Quarterly Wage Report and New Hire Requirements with Respect to Child Support Orders: This law compels employers to report on both quarterly wage and new hires reports when employer-sponsored family health insurance is available. This bill was signed into law on July 15, 2010.



We're your bridge to cost effective insurance management

- Home Builders Insurance Program
- Remodelers Insurance Program
- Trade Contractors Insurance Program

Contact: Anthony Capone, CIC, John Glanzman, CIC, Jim Murphy, CIC
Joseph Teixeira or Edward C. Palace

**NEWBRIDGE
COVERAGE CORP.**

1666 Newbridge Rd
N. Bellmore, NY 11710
Phone (516) 781-9000
Fax (516) 781-9172

236 Main St.
Center Moriches, NY 11934
Phone (631) 325-1972
Fax (631) 325-9065

<http://www.newbridgecoverage.com>



Sneak Peak of 2011

Employers should anticipate scrutiny by state and federal agencies on their pay practices in 2011. Both an increase in

LENNOX

COMMERCIAL COMFORT SYSTEMS

ENERGENGE™
Saving Energy with Intelligence

For More Information Contact Mike Cartelli at 917-270-8712

minimum wage for hospitality employees and changes to New York’s Labor Law can create pitfalls for unobservant employers. Take note of the following changes now before they negatively affect business and profits.

Payroll Tax Reduction: The Tax Relief, Unemployment Insurance Continuation and Job Creation Act of 2010 changes how employer’s process payroll in 2011. This law includes a 2% reduction in the employee portion of the Social Security part of FICA taxes. Employers should make their change to payroll deductions as soon as possible. If employers are not able to make the adjustment with the first paycheck in January, the 2% overpayment will need to be refunded to employees in a later paycheck. The IRS says the adjustment should be made no later than March 31, 2011.

1. Wage Theft Prevention Legislation

- a. New York’s Labor Law (“NYLL”) has been amended to include increased penalties for employers who fail to pay their employees the correct wage. In addition, employers now must notify employees of their appropriate wage rates and keep accurate records of payments. Employers who fail to meet these obligations face larger fines and more severe penalties than in the past.


Employers’ failure to pay the correct minimum wage and overtime are not the only focus of the NYLL.



**portnoy
messinger
pearl & associates, inc.**

Partnering with ACCA
for Comprehensive Human Resource Solutions


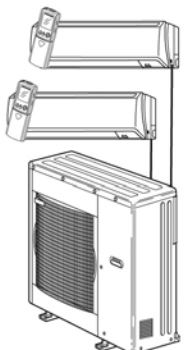
Policy Development * Training * Employee Handbooks * Affirmative Action Plans
OFCCP Audits * Labor Strategies & Solutions * Compliance * HR Vulnerability Reviews
Union Avoidance * Arbitration * NLRB Hearings * Recruiting & Placement
Compensation * Job Descriptions * Performance Management
HR Outsourcing * HR On-Site Mentoring * HR Help Desk
www.pmpHR.com abpearl@pmpHR.com
516-921-3400



**MITSUBISHI
ELECTRIC**

Cooling and Heating Solutions
www.mitsubishicomfort.com

John Hanley
973.256.3690
jhanley@hvac.me.com

Employers must provide written notice to new hires of their rates of pay, pay days, and overtime rates (where appropriate). Employers must maintain an acknowledgment that such notification was received, furnish details of earnings with each paycheck, and provide written notification of paid time off policies. Employers must also keep accurate records of compensation including: pay rates, basis of pay rate, how the employee will be paid (e.g., hour, shift, week, salary, etc.), the regular pay day and the overtime rate. This notice must be provided upon hire and annually on or before February 1 of each following year. These records must be maintained for six years. Violation of any of the above employer obligations could result in significant civil penalties as well as criminal charges. The statutory changes are effective April 11, 2011.

Naturally, the above paragraphs provide only a brief synopsis of the laws. Portnoy, Messinger, Pearl and Associates can help you further understand the topics discussed in this article, and adapt your internal HR policies accordingly. Of course, any questions about the above topics can be addressed to me at ABPearl@pmphr.com. •

A&R TECHNICAL
ANRTECHNICAL.COM
516-827-9570

We now offer EPA on-line testing with instant results!
Single students accepted.
3 hr. Training session.
2 hr. for Universal test.
Training manual included.

EPA preparation and testing last Saturday each month.

Custom Training for your needs!

NATE & HVAC Excellence on-line proctored testing
3 hr. review 2 hr. test

Program Preparation
6 sessions 3 hr. each course

Core

Electrical Application	Commercial Gas Heat
Air Conditioning	Commercial A/C
Heat Pump	Commercial Refrigeration
Residential Gas Boilers: Install and Service	
Standard and High Efficient, Wall Hung	
Class Starts upon Enrollment	

Call Art for information and pricing 516-827-9570
Special rates ACCA Members

Affordable Mobile Resource Management Is Dream Come

By Kelly Hiner/Enterprise Fleet Management

Businesses that always thought a mobile resource management system was too expensive should take another look. New, affordable technology is not only available, there are solutions specifically designed for businesses with medium size fleets. In a highly competitive environment where time is money and driver safety is a priority, mobile resource management solutions can be a dream come true.

Mobile resource management solutions integrate real-time GPS vehicle tracking and navigation tools with automated scheduling, dispatching and route optimization applications, as well as job status tracking and two-way one-touch canned messaging to improve efficiency. In addition to generating efficient daily schedules to job locations, software can handle dispatching for emergency and last minute calls that occur throughout the day and alert the closest available worker or workers.

Using a mobile resource management system can produce measurable results, as well as intangible benefits. For example, just two months after implementing a mobile resource management system for its fleet of 52 vehicles, one material handling equipment and services company has lowered the average number of hours each of its technicians works per day by one hour, with no loss in productivity. The company estimates this will translate into saving approximately \$400,000 over the next 12 months.

For company drivers, the benefits of improved navigation

and other technology advances far outweigh previous objections about being monitored via GPS tracking. Drivers can receive timely updates about unanticipated schedule changes and audible navigation commands provide directions between job locations, including route optimization that prioritizes alternatives based on current traffic patterns. In addition, drivers don't have to take time to maintain timesheets with detailed arrival and departure times at a job location because this data can be automatically recorded.

Combined with technology advances that have brought down the cost of what used to be prohibitively expensive for businesses with medium size fleets, today's mobile resource management solutions can connect the GPS tracking device to a GPS navigation unit, such as a Garmin, which operates as a mobile workstation. When data is integrated with a fleet management company's mobile resource management system, a variety of reports can be generated to help a company better manage payroll, billing, off hours vehicle usage and other administrative tasks that depend on accurate tracking.

In addition to increasing efficiencies to help a business complete more jobs per day, lower mileage costs, and benefit the environment by reducing fuel consumption through route optimization, mobile resource management solutions improve driver safety because drivers know their vehicle is being tracked and monitored on everything from speed to jack rabbit starts.

With a wide variety of GPS navigation units available, it is important to choose a device that includes safety features such as hands-free, one-touch technology, as well as an automatic "lock" when a vehicle is accelerating over five miles per hour.

The bottom line is that improved customer service, reduced cost and increased mobile workforce efficiency are the main benefits of mobile resource management solutions. Automatic routing and tracking not only enhance the ability to give customers timely updates about arrival times, customers receive the most accurate and timely information to help them better manage their business.

Kelly Hiner is Group Sales Manager for Enterprise Fleet Management in New York and can be contacted at 973-709-2499. Visit the company's web site at www.enterprisefleet.com or call toll free 1-877-23-FLEET. •

GCM

Technology Solutions

Full construction accounting systems from Estimating, Job Costing and Service Management to Payroll, Accounts Receivable and Project Management.

We are your local computer technology specialist for the Heating Ventilation & Air Conditioning Industry.

2001 Marcus Avenue, Suite 5265
Lake Success, NY 11042
(516) 256.4444

SAGE TIMBERLINE OFFICE
www.gcmsystemsllc.com

Kevin Hughes
Area Sales Manager

Paul Bambinelli
Account Executive

718-458-7920, ext. 303
paul.m.bambinelli@erac.com

Enterprise
fleet services

8334 23rd Avenue
East Elmhurst, NY 11376
718-458-7920
www.enterprise.com/fleets



Kevin Cirincione
President

COUNTY ENERGY CONTROLS, LLC

A wholly owned subsidiary of County Pneumatic Controls, Inc.

Web-Based Energy Management Systems

429 Montauk Hwy - POB 780
East Quogue NY 11942
www.countyenergycontrol.com

p: (631) 653-9124
f: (631) 653-9177
e: kevin@countyenergycontrol.com



**We Want You!
Join a Committee!**

Call John DeLillo at 516-922-5832

For All Your
HVAC Requirements

Twinco Supply Corp.

TWINCO LOCATIONS

Long Island 11746
55 Craven St. • Huntington Station, NY
Tel: 631.547.1100 Fax: 631.547.1103

Long Island City 11101
10-11 38th Ave. • Long Island City, NY
Tel: 718.729.0005 Fax: 718.729.3866

New York City 10001
548 West 28th St. • New York, NY
Tel: 212.631.0555 Fax: 212.631.0776

www.twinco.com

COMPRESSORS

National Compressor Exchange, Inc.
Remanufacturer: Reciprocating & Screw Semi Hermetic Compressors
Full Stock.....Immediate Replacement
1 to 5 Year Warranty

New Facility: 75 Onderdonk Ave., Ridgewood, N.Y. 11385
Plus — New Location on Long Island — Old Bethpage
Tel: 718-417-9100 Fax: 718-821-7032
Outside New York: 1-800-225-7381
www.nationalcompressor.com

MAR CONTROLS INC.

4 Magnet Street
Stony Brook, New York 11790

Johnson Controls
AUTHORIZED BUILDING CONTROLS SPECIALIST

Our staff of factory trained application and sales engineers are ready to help you meet the growing challenges of today's HVAC, Temperature Control and Building Automation Systems marketplace.

- HVAC, Pneumatic, DDC Controls
- Access Controls & CCTV
- Wireless Controls
- Systems Design
- Panel Fabrication - UL508
- Mechanical Equipment
 - * VAV Boxes
 - * Fan Coil Units
 - * Blower Coil Units
 - * Variable Frequency Drives
 - * Dampers - Fire, Smoke, Control
- Wire & Cable

Phone: 631-689-5745 • Fax: 631-689-5463
E-mail: jmarcntl@optonline.net

Cascade Quality Services Are Better Than Ever!

Water Treatment

- Cooling Water
- Boiler Water
- Drinking Water
- Well / Ground Water

Scale, corrosion, biological growth, air & water born dirt & debris are expensive if not controlled properly. Total service and or advisory service programs are available that are custom designed specifically for your system.

Cleaning Services

- Cooling Towers •Boilers
- Chillers •Piping
- "Closed" Systems
- Water & Air Cooled Condensers
- Air Handlers & Ducts •Tanks

Dirty systems are expensive, both in energy costs and downtime. Our trained service personnel and custom designed equipment and vehicles are available for prompt, cost efficient response to either *emergency* or scheduled cleanings.

Rebuilding & Repair

- Cooling Towers
- Water Tanks

We restore cooling towers and tanks to original capacity at a fraction of the replacement cost.

113 Bloomingdale Rd.
Hicksville, NY 11801
Tel: (516) 932-3030
Fax: (516) 932-0014

Licensed by: THE CITY OF NEW YORK
DEPARTMENT OF HEALTH #20 000173, 14 000156;
and the NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION # C1628716; All
biocides are registered with the UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY.

Quality Works

Air Conditioning Contractors of America

Statement From Stuart S. Zisholtz, Esq.

Insurance And The Labor Law Claim

In the past I have written several articles with respect to liability insurance coverage, indemnification and similar issues.

It appears that the insurance industry together with various liability decision is putting together situations where exposure for accidents might ultimately fall back on the employer. You must consult with your insurance experts to make sure that you have full coverage and that your exposure to indemnification is eliminated.

If one of your employees gets hurt on the job, he has the right to bring what they call a Labor Law claim. A Labor Law claim means that the owner and general contractor are absolutely responsible to pay damages if your employee gets hurt on the job. Your employee cannot sue you because you are his employer and his sole remedy is what he can collect under workers' compensation. If the case is worth one million dollars there is no way that he will ever get that type of money out of workers' compensation. As a result, he brings a claim under the Labor Law against the owner and the contractor.

To turn this whole situation around, once the employee brings his claim against the owner and the contractor, they may "implead" you as his employer so that now the claim is not being made by your employee but the claim is being by the owner and the contractor who are seeking "indemnification". This means they want to be reimbursed for whatever they pay your employee. Thus, the circle is complete.

The employee gets his million dollars and you, who are only responsible for workers' compensation benefits, wind up paying one million dollars directly to your employee by paying the owner the contractor.

That was changed by an amendment to the workers' compensation law that said that the only time that situation would apply is if the employee suffered a "grave injury". The definition of a grave injury means death, loss of use or amputation of an arm, leg, hand or foot, total blindness, loss of a nose, ear, index finger, facial disfigurement and certain brain damage. Anything less than that prohibits the owner and the contractor from turning the tables around and seeking indemnification from you.

Moreover, the statute specifically says that an employer cannot waive the prohibition against indemnification for a grave injury. In other words, you cannot agree to reimburse the owner and the contractor and waive your rights under the workers' compensation law as far as grave injury is concerned.

What do the owners and contractors try to do? The around

Become a LIPA Cool Homes Contractor

Earn more with LIPA contractor incentives every HVAC season!



Becoming a LIPA Cool Homes contractor can mean more business for your business. LIPA's comprehensive Cool Homes Program for contractors includes:

- Educational seminars, taught by independent trainers, on proper equipment sizing using ACCA Manual J and airflow and system charging.
- Additional HVAC technician self-development courses available online through vocational training companies. Visit www.lipower.org/commercial/trade/online. Special discounts are offered when registering through the LIPA Web site.

Learn more about LIPA's exciting customer and contractor incentives. Call 1-800-692-2626, or visit www.lipower.org/efficiency

LIPA...working with you for a more energy-efficient Long Island.

The Cool Homes Program is part of LIPA's Efficiency Long Island initiative, a groundbreaking, 10-year effort to increase energy-efficiency and reduce greenhouse gas emissions on Long Island.

LIPA
Long Island Power Authority

that statute they are trying to insert clauses into contracts where you waive all the benefits that you have under the workers' compensation laws. You are not confining your self to grave injury but to any aspects of the workers' compensation law. If you confine your waiver to a grave injury, it will be void. If you give a general waiver or whatever benefits you have under workers' compensation, you might be charged the obligation of indemnifying the owner and contractor for any claims that your employee makes under workers' compensation whether they be grave injury or not.

The law is not clearly settled on that. The purpose of this notice is to advise you that those clauses are going to creep into the contract that you sign with the owners or general contractors and you may very well be stuck holding the bag.

I stress that you have to get hold of your workers' compensation carriers and your general insurance carriers and make sure that you have no waivers and there is no feedback against you where you are violating either the law or the terms of your insurance policy by signing contracts containing waivers.

Never let your lien time run out!!

For a free copy of a pamphlet pertaining to mechanic's

Stuart S. Zisholtz is a partner in the law firm of Zisholtz & Zisholtz, Mineola, New York, a general practice firm specializing in Construction Law and Mechanic's Liens. He is also a member of the Greater New York Chapter, ACCA. He can be reached at 516-741-2200. •

WELCOME NEW MEMBERS

New Contractor Member

Van Grol Inc.
Robert Van Grol
 84 Merritts Island Road,
 Pine Island NY 10969
 Telephone: 845-258-4600
 Fax: 845-258-4611
 email: vangrolinc@yahoo.com

New Bronze Associate Member

Electrical Training Center
Sal Ferrara
 65 Elm Street
 Copiague, NY 11726
 Phone#: 631-226-8021
 Fax# 631-226-8326
 email: sal@electricaltrainingli.com
 website: electricaltrainingcenterli.com

Things are looking up at BLACKMAN



Blackman is your one-stop HVAC supply center, featuring these great brands:

- Ruud
- Heil
- Hart & Cooley
- Acme
- Honeywell
- Fujitsu
- Diversitech
- Honeywell
- Shurtape
- Cambridge-Lee



BLACKMAN[®]
 PLUMBING/HEATING/COOLING SUPPLIES
www.blackman.com

Manhattan	212-337-1000	Wantagh	516-785-6000
Flushing	718-939-7200	Bohemia	631-567-1551
Queens Village	718-479-5533	Medford	631-475-3170
Lynbrook	516-593-3100	Rocky Point	631-744-1955
Mineola	516-742-1011	Riverhead	631-727-4800
Hicksville	516-931-6144	Southampton	631-283-1500
Huntington	631-271-0500	General Offices	631-823-4300



Commercial and Residential Heating & Air Conditioning Equipment
Air Movement & Air Quality Products, Controls, Accessories,
Supplies & Building Automation Systems

Serving the Greater New York & Metro Trading Areas

Contact us to learn how we can help you!

Elmsford, NY • (914) 347-3929

Headquarters in NJ • 1-800-886-8740

Nick Conte cell • (201) 618-9687



Dedicated to the success of our HVAC partners



Wholesale Distributors ■ Air Conditioning ■ Heating

485-13 South Broadway
Hicksville, NY 11801
516-931-6500
Fax: 516-931-6566

80 13th Avenue, Suite 4
Ronkonkoma, NY 11779
631-981-4000
Fax: 631-580-3792

5-15 54th Avenue
Long Island City, NY 11101
718-937-7300
Fax: 718-706-6529

175 Clearbrook Road
Elmsford, NY 10523
914-592-0020
Fax: 914-592-0291

You can also find these and other quality products and services at www.wallworkgroup.com

