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October 2010

President's Message



Anthony N. Carbone

The programming presented at our September meeting, regarding today's G.P.S., from Leslie Gross of Sage Quest, was very well organized and professionally conveyed. Using global positioning satellites to identify the location of your vehicle makes sense on many levels. The efficiency that is gained pays for the monthly service. Many contractors' fuel consumption was reduced and their employees think twice about using vehicles for personal use. From a logistical standpoint, to

Turn to President's Message on page 3

October 7th Meeting Technical Presentation

- Recent EPA rules
- Technical Review of all R-22 Retrofit & Service Blends on the Market
- Survey of OEM Recommendations for Retrofit & Service Blends
- Refrigerant Choices for New Equipment
- Lubricant Issues

1. Oil Return Performance with Hydrocarbon Additives
2. Partial POE Retrofit

SPEAKER: UMAR KHOKHAR. National Refrigerants, Inc.

Umar Khokhar is a Technical Service Engineer at National Refrigerants, Inc. Philadelphia, PA. He graduated from Rutgers University with a MS degree in Chemical Engineering. He has been with NRI for four years answering technical questions regarding refrigerants, lubricants, and chemicals used in HVAC/R systems, involved in plant improvement projects and testing refrigerants in different applications.

At the
LaGuardia Marriott
Cocktails at 5:30 pm; Dinner at 6:30 pm
Followed by the presentation.
Register Online at www.accany.org

What
Do You Know
About
R410A

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.

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PRESIDENT'S MESSAGE *Continued from page 1*

know what proximity your trucks are in can give you greater service capability.

We have grown ACCA Metro NY chapter into an industry group that provides pertinent information and a vast networking organization. We have also provided several social functions such as the Night of the Mets, Casino Night, The Golf Outing, and the Holiday Party.

When changes in our industry are about to occur many of the captains of our HVAC businesses are ready with the answers and opinions you need to know.

Joe Stranieri, of Industrial Controls Distributor, successfully worked with ACCA and Honeywell to create our first "webinar". It's an online educational teaching seminar. For our first webinar event, 25 individuals participated. This is ACCA board implementation at its finest. We have reached another plateau and another accomplishment. I would like to thank Joe Stranieri for his help and his work on this project. It was a success!

Please join us in October for more interesting interaction and programming topics you will need to know.

Also this year's holiday party will be at the Westbury Manor on December 2nd. ***The cocktail hour will feature an unlimited seafood boat, which will include shrimp, clams, oysters, octopus, and crab claws!!!! Don't miss it!*** If you survived this economic storm, you deserve to celebrate!!!
— **Anthony N. Carbone**

JOHN F. DELILLO

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Siemens To Host Webinar Wednesday, October 13th

Siemens will present a webinar for ACCA members on October 13, 2010 at 8:00 am. This will be the second in a series of webinars offered by the Greater New York Chapter of ACCA. The first, given by Honeywell in September, was highly successful with 25 members participating.

This presentation will feature *selecting damper actuators – what to look for in today's energy conscious and cost conscious environment.*

Participants will learn how actuator selection can effect energy consumption, installation costs, and the environment.

Details on accessing the webinar were unavailable at press time for this newsletter, however, information will be provided via email from the ACCA office as they become available.

Open House Will Showcase HVAC Programs at Suffolk Community College On October 20th

There will be an open house at the Brentwood Campus of Suffolk Community College on Wednesday, October 20, 2010 from 5:30 pm to 7:30 pm. Come join your fellow industry friends at the new HVAC Building on the Brentwood Campus. The "Open House" will be your opportunity to see the new facility along with meeting the teaching staff and administrators!

Many of the HVAC systems being used for testing purposes were donated by our local suppliers and manufacturers.

The College program offers both Associate Degrees and Certificates. There are currently over 50 students in the program and more than 50 new students started this month. The trained graduates will be a great addition to your company as technicians, junior engineers, and sales people.

Check it out on October 20th.

Call Michael O'Rourke at Best Climate Control (631-218-8022 ext 103) so he can let the college know who to expect. •



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September Meeting Dialogue...

Photo – Anthony N. Carbone

Leslie Gross of SageQuest discusses vehicle tracking and management at the September 16th membership meeting. Mr. Gross led an informative, informal dialogue about the key criteria you need to narrow the field of GPS providers to the most valuable options available for specific needs.



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By Alan B. Pearl,

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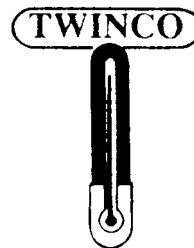
Beware Of New Employment and Labor Laws In New York

New York State has recently enacted several laws relevant only to New York employers. Each employer should pay attention to the following laws and adjust their internal policies, including handbooks, accordingly.

- **NY Bereavement Benefits to Same Sex Couples:** Employers must now extend funeral and bereavement leave to unmarried same-sex couples. The bill prohibits discrimination by NY employers who provide such leave to other workers and becomes effective in late October of 2010. Bereavement is now available to same-sex couples who are in "a committed relationship," which is defined as "a long-term relationship characterized by emotional and financial commitment and interdependence." If an employer grants funeral or bereavement leave to

an employee for the death of a spouse, child, parent or other relative, it shall not deny the same leave for the death of an employee's same-sex committed partner.

- **NY Construction Industry Fair Play Act:** Construction workers are now presumed to be employees, as opposed to an independent contractors, unless three criteria are met: 1) they are free from control and direction in performing the job, 2) their services must be performed outside the usual course of business for which the service is performed, and 3) they are customarily engaged in an independently established trade, occupation, profession, or business that is similar to the service at issue. Construction



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industry employers are mandated to provide workers with notification of their classification status, and run the risk of both civil and criminal penalties for failure to do so. This law becomes effective in late October of 2010

- NY New 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 law does not become effective until July 15, 2011; however, it is beneficial to consider the impact of this legislation now, as implementing changes in HR policies could be time consuming.
- NY Unemployment Insurance for Non-Participating Employees Affected by Strike: This law affects only those employers whose employees are represented by unions. Previously, there was a seven-week waiting period for benefits which was applicable to employees out of work due to strikes emanating from other employers or from a bargaining unit of which they are not a member, as long as such employees did not participate in the strike. This is no longer the case. The law also reiterates that if a permanent replacement is hired by an employer, the waiting period is no longer applicable even if the individual is an active participant in the industrial controversy. This law became effective July 15, 2010.

Interns Are Not Free Labor

With fall semesters starting at colleges across the country, it is tempting for employers to recruit students for unpaid internships. But if you're thinking of cutting costs by replacing your paid employees with unpaid college students, don't. Doing so could create liability pursuant to the Federal Fair Labor Standards Act ("FLSA") as well as state labor laws.

Often, interns receive little or no pay for the work they perform. Many employers provide unpaid internships which grant students the benefit of on the job experience as well as class credits in some situations. However, unless the job meets certain conditions, interns are considered employees and employers must pay them at least the minimum wage under federal and state laws.

The FLSA defines an employee as "any individual employed by an employer." The Supreme Court has created a list of six criteria that characterize interns or trainees who need not be paid:

- The training, even though it includes actual operation of the employer's facilities, is similar to that which would be given in a vocational school;
- The training is for the benefit of the trainees;
- Trainees do not displace regular employees, but work under close observation;
- The employer that provides the training derives no immediate advantage from the activities of the trainees and, on occasion, the employer's operations may actually be impeded;
- The trainees are not necessarily entitled to a job at the completion of the training period; and
- The employer and the trainee understand that trainees are not entitled to wages for the time spent in training.

If the intern does not meet this list of characteristics, then they must be compensated at a rate of at least the minimum wage. Now is the time to review internships to see if these positions are classified and paid in compliance with federal and state wage and hour 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. •

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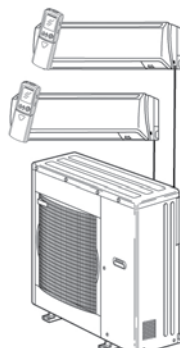
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ASE Technicians Speak Out On Maintenance

By Kelly Hiner/Enterprise Fleet Management

Your vehicle's owners manual is helpful for keeping you up to date on the maintenance intervals and checks necessary to keep your vehicle running smooth. But some answers to the most commonly asked questions are not found in the manual. We have compiled a list of frequently asked questions about vehicles and vehicle maintenance, with answers provided by the ASE certified technicians at Enterprise Fleet Management.

How can I make my tires last longer?

Properly maintaining your tires including pressure, alignment and rotation is the key to making them last longer. Try to check tire pressure at least once a month and before any long road trips. If possible, have your tires rotated in conjunction with every other oil change. Tire rotation is important and can extend the life of the tires by as much as 20 percent. Another factor that can affect

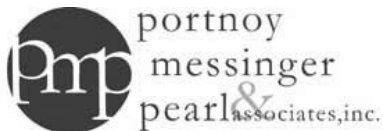
the life of your tire is driving conditions such as on or off road, frequent turns, rapid acceleration and hard braking. Also, overloading the vehicle can cause extra wear on your tires as well.

Can I extend my oil change intervals by switching to synthetic oil?

Even with synthetic oils, you need to change your oil at or before the manufacturer's recommended interval. It is important to follow these intervals for preventive maintenance set by the manufacturer to ensure that the vehicle's warranty stays valid and the vehicle keeps running well.

What causes the foul odor when I turn on my air conditioner?

This is especially likely in humid climates. The most common cause for the air conditioner to emit a foul odor is that the evaporator case has collected moisture due to condensation. The mold and mildew left behind by the moisture causes the odor. In most cases, you can spray Lysol or a similar product into the system's air intake (usually located at the base of the windshield) with the blower on high to kill the odor causing mold. Some products available at local automotive parts vendors are specifically designed to fix this problems, but it may be necessary to have a professional automotive technician disinfect the evaporator case if the problem persists.



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Do I need to take my vehicle in for a tune-up at 30,000 miles?

At 30,000 miles we do not recommend replacing your vehicle's spark plugs. Most of today's vehicles have engines equipped with platinum tipped spark plugs that do not require replacement for up to 100,000 miles. The only instance you would consider replacing these spark plugs prior to 100,000 miles is if you are experiencing drivability problems, poor fuel mileage or similar problems that can be attributed to the spark plugs. Consult your owners' manual for the recommended tune-up interval.

Why do the brakes on some vehicles wear out more rapidly than others?

There are several factors that can contribute to brake wear. A major factor is the quality of material used to make the brake pads. This depends on the make and model of the vehicle. Like the tires, the wear on the brakes is also affected by the driving conditions in which they are used. Whether or not they are used in the city, on the highway, or in a hilly or flat area makes a big difference on how quickly the brake pads will wear out. Heavily loaded vehicles and vehicles pulling trailers are also harder on brakes. The more stops the driver makes and, even more importantly, the more quick or sudden stops a driver makes, the more wear there will be on the brakes.

How often do filters need to be changed?

The filters that keep your engine clean and running smoothly should be examined regularly and changed when necessary. Engine oil filters should be replaced every 5,000 to 6,000 miles, along with an oil change. Air filters should typically be changed at 50,000-mile intervals or as needed. In situations where vehicles are operating in extremely dusty conditions, the filters should be checked daily or weekly and replaced when needed. The fuel filter should be replaced every 30,000 miles for gasoline engines and every 12,000 to 15,000 miles for diesel engines. Finally, the automatic transmission filter and fluid should be replaced at 60,000 mile intervals. If your vehicle is pulling a trailer, carrying heavy loads or doing a lot of stop-and-go driving, it may be necessary to service the transmission more frequently because transmissions in these situations can develop excess heat. Because vehicle specific service intervals may vary, check the vehicles owners manual .

Finally, remember always to pay close attention to the manufacturer's warranty information in the owner's manual. Failing to adhere to specific guidelines established by the manufacturer may prevent your repairs from being covered by warranty.

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. •

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Statement From Stuart S. Zisholtz, Esq.

Home Improvement Licenses

I have written numerous articles about the necessity of a contractor to maintain a home improvement license when performing home improvement work. This license can be obtained through the local Consumer Affairs. Also, many local villages and towns have requirements that you obtain a home improvement license.

There are exceptions to the rule as to when you need a home improvement license. One of those exceptions is when you are performing home improvement work in the construction of a new home.

Recently, the Appellate Division, Second Department rendered a decision involving the construction of a new home in East Hampton. In that case, the contractor was not licensed with the village of East Hampton. However, the local village code excluded the necessity of obtaining a license for home improvement work where the work involved the construction of a new home.

As a result, the contractor was permitted to pursue its claim for the recovery of any balance due and owing.

In that particular case, the contractor was lucky. He

was able to pursue his claim based upon an argument that the home improvement license was not necessary. Had the contractor maintained a license, he would not have been in the predicament of trying to defend its claim and fall within the small exception to the rule.

For those contractors reading this article who perform home improvement work. I strongly suggest that you obtain a home improvement license. For those trades who have particular licenses, such as electricians and plumbers, there is not a need to obtain a separate home improvement license.

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.

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. •

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