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Greater New York Contractors' NEWS



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November 2008

President's Message

I begin this edition of the ACCA NY Chapter newsletter with some sad news on the all-important human aspect of our organization.



Ron Nathan

It is with deep regret that I must inform our members of the passing of one of our own. Harry Espino of Water Systems, Inc. (and previously of Cascade Water Services and CSI) passed away late last month. Memorial services for Harry were held during the last week of September. However, for those who would like to offer sup-

Turn to President's Message on page 3

The ACCA 2008

Holiday Party



Thursday, December 4th 2008



See More Details on Page 13

ACCOUNTS RECEIVABLE MANAGEMENT SOLUTIONS!
See November meeting information on page 7

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PRESIDENT'S MESSAGE *Continued from page 1*

port to the Espino family, please consider a donation to the Anthony Espino College Fund, c/o BP Air Conditioning Corp., 83-40 72nd Dr., Glendale, NY, 11385.

I would like to thank our speakers and those who attended our October 1, 2008 meeting at the LaGuardia Marriott. ACCA board member Dan Brothers provided some very helpful insight regarding hybrid vehicle options, details about current pricing and overall feasibility of adding hybrids to your current vehicle fleet. Jim Bowes, associate member from American Universal Supply, Inc. also spent some time sharing information about National Comfort Products and the manufacturer's line of through-the-wall heating and cooling units in particular.

Don't miss an opportunity to improve your company's customer service skills with our upcoming Phone Genie workshop. Your customer-facing employees can improve their telephone support skills in various areas including handling general sales inquiries, through the more challenging and sensitive service requests that can significantly impact your relationships with new and existing

customers. This workshop is designed to help improve the effectiveness and efficiency of your telephone interactions with customers. Register online at www.accany.org. Class Date/Time: Wednesday, October 29, 2008 from 8am – 12 noon Location: Keyspan/National Grid Facility, Logistics Room, 175 East Old Country Rd., Hicksville, NY Cost: \$125 for members, \$175 for non-members; includes breakfast and classroom workbook

It seems as though our economy is fluctuating with even more volatility than the temperatures! How do you keep your customers investing in your services while still ensuring that your receivables keep coming in on time? Lesley Bullis from Coface North America joins us at our November 6th meeting to discuss Accounts Receivable Management Solutions. The discussion will focus on several ways to mitigate accounts receivable losses and ways to keep you company growing despite the current economical uncertainty. Discussion topics will include Credit Information, Domestic and International Collection Services, Credit Insurance, and Accounts Receivable Financing. — **Ron Nathan**

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Editor's Notes

By Anthony N. Carbone

THE ECONOMY IS SWINGING LIKE A PENDULUM and the stock market indexes are like a roller coaster. We are seeing historical gyrations of stock prices that have never been previously witnessed. The government is stepping in to save the economy by lending money to financial institutions to free up the credit market. In my economics classes, I remember my professor saying "recessions are efficient," but this has become super-sized! These tumultuous times have taken out some big names and more are to come.

What will this mean for our HVAC industry? Are suppliers, manufacturers and vendors going to consolidate or evaporate? Will the credit crunch cripple contractors' ability to floor plan? Will this knock out some of the giants of our industry? We may have to sit back and see what surprises are in store. The only calming factor lately has been the reduction of oil prices which has taken some of the overhead burden off of contractors' plates, resulting in lower gasoline costs for our vehicles.

The mental fright for many consumers is personal

wealth reduction by virtue of the stock market and mutual funds, the daily presidential updates, and a frenzy of campaign information watching every move and each comment these contenders make.

Who is best for the HVAC industry? Which candidate will not overburden our industry? Will environmental concerns by one of these candidates create complications regarding retrofit installations of new heating and air conditioning equipment?

The noise guidelines, the greenhouse gasses, the efficiency, the recovery and recycling process, the phase outs, the reduction of usage, the rebates to consumers, alternate energy, the rising cost of energy... we are faced with many changes that will continue to remold our industry.

These are changing times. By our next issue, the answer to who will be our next President of the United States will be revealed by our democratic process. History is in the making. Be sure to join us for our November meeting. Too much is happening to miss the networking of information. — *Anthony N. Carbone*

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Domestic and International Collection Services – The first step is understanding when to get the professionals involved; the next is to work with certified collectors who will investigate your customers' ability to pay before the professional collection calls start.

Credit Insurance – Gain access to credit information and collections services while also protecting your receivables against unexpected and potentially devastating bad debt loss.

Accounts Receivable Financing – This tool provides all of the benefits above, along with the ability to borrow money based on receivables. Don't let the credit crisis affect your cash flow. Get the funding you need to purchase goods and keep your business growing.

THURSDAY, November 6, 2008
at the Westbury Manor

Cocktails — 5:30 pm; Dinner — 6:30 pm
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People & The Workplace

By Alan B. Pearl,

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DISCRIMINATION UPDATE: The New York State Division of Human Rights

On June 18, 2008, the New York State Senate confirmed Governor David Paterson's nomination for Commissioner of the New York State Division of Human Rights, Galen Kirkland. During the past year, under former Commissioner Kumiki Gibson, the agency greatly improved its compliance with statutory deadlines. Complaint processing time has been significantly reduced, and the number of cases filed with the Division has increased. The ease of filing claims (which can now be done online), and the fact that there is no filing fee, both contribute factors to the increase the number of charges filed. The Division's quicker claim processing time has resulted in increased probable cause findings. Defending a charge of discrimination is an expensive undertaking. Employers are advised to take precautionary measures; provide sensitivity and harassment training for managers and supervisors, be

vigilant about maintaining appropriate documentation, and investigate allegations or complaints of discrimination in a timely manner.

The Americans with Disabilities Amendment Act (ADAA)

In earlier September, Congress passed a bill that amends the Americans with Disabilities Act (ADA) to provide further protection to individuals with "disabilities." President Bush signed the bill into law on September 25, 2008. The law will take effect on January 1, 2009.

The most significant aspect of the new law is the broader coverage it will provide to individuals with disabilities. Under the current law, physical and mental impairments are not protected under the ADA if they are controlled by medications or assistive devices, or if they do not prevent or significantly restrict an individual from performing a major life activity (e.g. walking or sleeping). This has changed. The new law restricts courts from taking into account mitigating measures, including medications, prosthetics, and other means of diminishing the impairment, when determining whether the employee suffers from a disability. Individuals with illnesses such as epilepsy, diabetes, depression, and many other disorders that are managed by medication may now be protected by the ADA.

The EEOC is charged with drafting new regulations,

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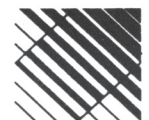
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including regulations governing the standard for determining if an individual's physical or mental impairment is substantially limiting.

The law also makes it easier for employees to prove discrimination under the ADA for being "regarded as" or "perceived as" having a disability. Under the new standard, an employee suing under the "regarded as" or "perceived as" theory of disability discrimination will not be required to show that the impairment actually limits or is perceived to limit a major life activity. The amendments prevent employees with transitory or minor impairments that last less than six months from succeeding on a "perceived as" claim of discrimination.

While the law will expand the number of individuals who are considered disabled and make it more difficult for employers to defend claims, for employers in New York, which also has discrimination laws that define "disability" more broadly than the ADA, the amendments will have very little impact.

LABOR LAW UPDATE:

Commissioned Sales Representatives

Last June, New York's highest court decided that "executives" are employees entitled to the protections of the state's wage payment laws, and that the "commissions" earned by sales executives are considered "wages" under the labor law. In the case before the Court, the plaintiff, an advertising sales executive, claimed her employer wrongfully deducted certain expenses from her commissions in violation of the wage payment laws (the law defines wages to include earned commissions). Fortunately for the employer, the Court found that even though the plaintiff, a sales executive, was covered by the law, pursuant to her written compensation agreement, the Court found she had not earned the commissions at the time the deductions were made. Because the parties' written agreement was drafted properly to allow for deductions before the commission is deemed "earned," the employer was successful in defending the plaintiff's claims.

New York's labor law requires that commissioned sales representatives have written compensation agreements. In the absence of an agreement, the law provides that the court

defer to the employee for purposes of determining whether the commissions were earned and thus, wages due to the employee. In light of this decision, employers should ensure that they have written commission agreements in place, and that the written agreement clearly states when commissions are "earned" for purposes of the wage payment laws.

Have a written commission agreement you would like us to review? Need to draft a written commission agreement for your sales employees? Contact us, we can help. As always, call me if you have a question or email me at Abpearl@pmpHR.com. •

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Greater New York Chapter Executive Director John DeLillo (left) presents check to Gerry Dolan of Make-A-Wish at the chapter's annual Golf Outing in August. The ACCA chapter donated \$2,000 to the charity.

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“Green” Driving Tips To Help Reduce Fuel Use, Improve Efficiency

By Daniel B. Brothers,
Enterprise Fleet Management

As fleet owners and their drivers struggle with the continuous surges in gasoline costs and search for ways to reduce the environmental impact of their vehicles, Enterprise Fleet Management is offering Keys to “Green” Driving – useful tips that can be used to reduce fuel consumption and save money.

When it comes to improving fuel economy and reducing our impact on the environment, sometimes the simplest things can make a difference. When multiplied by the number of vehicles in a company’s fleet, even saving just a few gallons of gasoline every week can add up to a substantial savings at the end of the year. Smarter driving and maintenance are two steps everyone can take.”

- **Lighten your load.** The more weight a vehicle carries, the lower its fuel economy will be. This is especially true for light duty trucks, which can feature the same space dimensions but vary significantly in gross vehicle weight rating (GVWR), towing or payload capacity, and other options. In addition to getting poor mileage, if a vehicle is regularly overloaded, the frequency and cost of repairs for axle bearings, tires, brakes and other driveline and suspension components will end up costing a lot more than the money saved by purchasing the less expensive lighter truck.

- **Reduce speed and keep the RPMs down.** Smooth, steady acceleration from a stoplight or stop sign uses fuel more efficiently than quick “jack rabbit” starts. Drivers also can increase fuel efficiency by shifting to higher gears at the lowest practical speed for standard transmission and accelerating gently with an automatic transmission. If vehicles are equipped with overdrive and/or cruise control, these should be used when ap-

propriate. Making sudden starts and stops, revving the engine and excessive idling also can significantly lower gas mileage, and, according to a United States government website, www.fueleconomy.gov, “each 5 mph you drive over 60 mph is like paying an additional \$0.15 per gallon for gas.”

- **Keep tires properly inflated.** Under-inflated tires create more rolling resistance on the road, which decreases gas mileage and shortens tire life due to improper wear. Since tire pressure changes with temperature, you should check and adjust pressure when the tire is cold and when the vehicle has been sitting for a couple of hours. Because information printed on the tire’s sidewall may not be the optimum pressure for your vehicle or driving situation, the most accurate place to find out about proper tire pressure is on a label inside the driver’s door or in your vehicle’s owner manual.

- **Check wheel alignment periodically.** Misalignment can be caused by hitting potholes, curbs and bumps, worn steering or suspension components and deterioration from aging of suspension parts. Not only does misalignment increase rolling resistance and reduce fuel efficiency, it also causes additional wear and tear on tires. Wheel alignment should be checked every 12,000 miles, or once a year, whichever comes first.

- **Select the right oil for your engine.** Using the correct oil viscosity is important because higher-viscosity oils create greater resistance to the moving parts of the engine and require more gas. Changing oil every 3,000 to 5,000 miles not only is a good maintenance policy, but it also improves fuel efficiency. Extended oil change intervals cause engine sludge, which also decreases efficiency and fuel mileage.

For more information about Enterprise’s industry-leading environmental stewardship initiatives, visit www.keystogreen.com.

Daniel B. Brothers is a Senior Account Executive for Enterprise Fleet Management and is a member of the Board of Directors of the Greater New York Chapter of ACCA. He can be reached at 718-458-7920 ex: 301.



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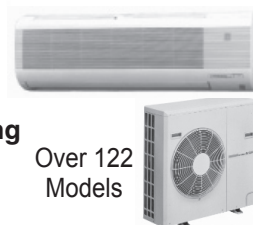
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ACCA Releases "Understanding Manual Q"

The Air Conditioning Contractors of America (ACCA), has released yet another in its popular series of computer-based training packages known as "HVAC Essentials."

The latest package is entitled "Understanding Manual Q: Low Pressure, Low Velocity Duct Design in the Real World." Manual Q is ACCA's industry standard system for designing duct systems that are used in the majority of low-rise commercial applications.

Combined with the recently-released "Understanding Manual N," these two packages provide a complete training system in light commercial sizing and duct system design.

"Understanding Manual Q" is a set of 5 CDs; each CD contains appropriate handouts and the training session itself, which lasts about an hour. Taught by presenter Jack Rise, the CDs are self-directed, allowing technicians, contractors, and students to proceed at their own pace, without requiring long periods of time away from work. They are presented in plain English, with lots of real-world examples that make the necessary principles easy to learn and apply.

The five CDs in "Understanding Manual Q" are:

Part 1 - Airflow Basics

Part 2 - Fan Performance

Part 3 - Fan & Duct System Interface

Part 4 - Creating Comfort Using Manual T

Part 5 - Duct Sizing Methods

The "HVAC Essentials" CD sets comprise a full-featured training library that is available whenever you are. In addition to the commercial design principles explained in "Understanding Manual Q" and "Understanding Manual N," there are also CD training packages explaining residential system design principles: "Understanding Manual J" for residential load calculation and "Understanding Manual D" for residential airflow and duct design.

These packages, as well as "Understanding Section 608," a straightforward training package that can be used to help technicians get their federally-mandated 608 certification, can be purchased at www.acca.org/store (look under the "HVAC Essentials" logo or in "Training CDs & DVDs") or by calling 888-290-2220. •

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Replacing R-22 Systems with R-410A

The Air Conditioning Contractors of America (ACCA), has released a new technical bulletin for its members entitled, "Replacing R-22 Systems with R-410A Systems."

Written by ACCA's Donald Prather, this bulletin outlines the steps needed when replacing one refrigerant system with another. R-410A cannot be used as a "drop-in" replacement for R-22; the higher operating pressures will damage R-22 compressors and components. Additionally, many R-410A units have a larger footprint than their R-22 counterparts. When complete HVAC system change-outs are planned, space allocation must be reevaluated.

According to the bulletin, "Contractors who are not installing and maintaining R-410A systems will soon find themselves unable to compete in the HVACR industry." Effective January 1, 2010, R-22 may not be used in new systems, and HVACR equipment manufacturers have increased production of systems that use R-410A.

The bulletin is available at no charge, for ACCA members only, at www.acca.org/bulletins. •

Letters to the Editor

Please fax your comments or experiences that you would like included in our monthly newsletter. Send it in, hand write if you like. We will print it and see what others think. Fax...516-829-5472.

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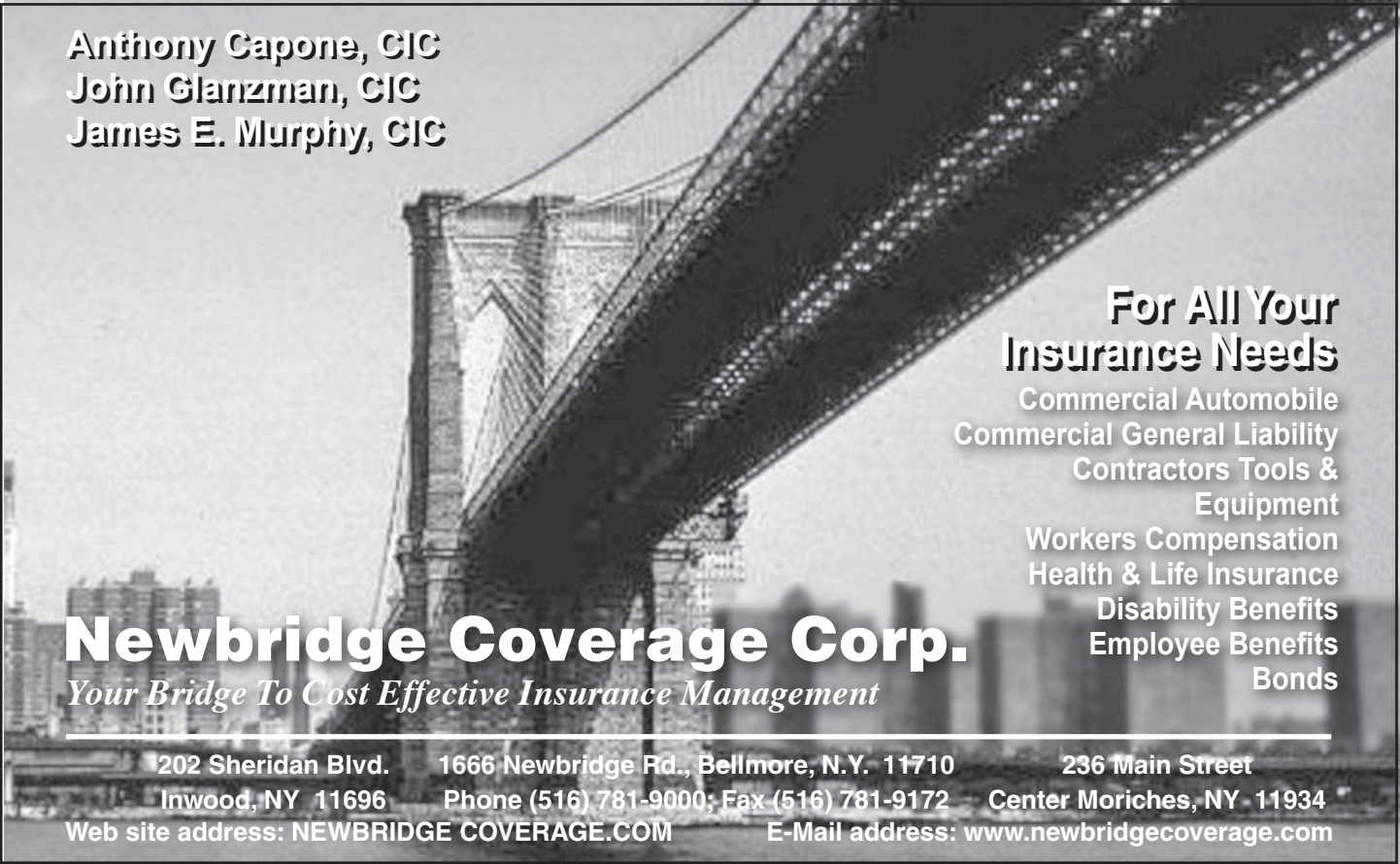
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