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FEBRUARY 2016



MACC Cheers At Garden As Knicks Take Out The Jazz In OT

—see Photos on pages 15 & 16

MACC
Membership Meeting
Thursday, February 11

“Passing The Torch”
5 Mistakes Every
Company Makes When
Transitioning
Their Business

Westbury Manor

1100 Jericho Turnpike,
Westbury, NY 11590

5:30 pm Cocktails; 6:30 pm Dinner

Register Online:
www.maccny.org

From the President...



MARC SOFFLER
Dynaire Corp.

2016 is here and it's time to set some goals for your business – and what better way than with New Year's Resolutions? The New Year is a good time to reflect on your business's progress over the past year and plan how you want your business to develop.

Marketing should be one of your priorities for the New Year. Too often the task of promoting a small business slips to the bottom of the to-do list in the press of urgent tasks. If you want to attract new customers, you have to make marketing a priority. Make sure your website is up to date, and ensure that it's mobile friendly. Today, upwards of 50% of your local traffic is coming from a mobile device.

Business planning should also become a weekly event. Planning is vital if you want a healthy, growing business. Business planning lets you take stock of what worked and what didn't work, and helps you set new directions or adjust old goals.

MACC will introduce many new events in 2016. We start with a discussion on business planning and family succession at our February monthly meeting. Our March meeting will review how building codes affects our businesses and review the process required to obtain bonding. We will also introduce many new topics in our "Workshop Series" that focus on business development and technical training for your employees.

2016 is the year for you to become more involved in this organization. Attend our events, sponsor our events, and help shape the future of this organization. I'm looking forward to seeing you soon, and remember to visit our web site at www.maccny.org for upcoming events.

Marc

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US Fleet Tracking Provides Tips On How HVAC Businesses Utilize GPS Trackers For Efficiency

US Fleet Tracking shows how HVAC companies are using GPS trackers as a solution for better business practices.

The middle of winter isn't a fun time for customers to have the heat go out, but that's when the job as an HVAC business owner becomes even more important. Business owners know that their technicians need to be out there repairing and they need to know their workers are getting to customers in a timely manner. Making customers wait in less than wonderful conditions will deter them from wanting to be return customers. Of course, the winter season is the perfect time for many HVAC companies to make use of the benefits that GPS trackers can provide for them.

Every business owner hopes that their employees are doing their jobs to the best of their ability, but hope isn't proof. The fact is they may not always "hop to it" and customers could be left waiting and unaware of when they will receive service. Technicians play a

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very vital role in the success of an HVAC business so it makes sense that knowing their whereabouts would be beneficial. With GPS trackers, management monitor their fleets efficiently and also accomplish significant results. US Fleet Tracking has received reports from HVAC companies stating that, since the installation of GPS trackers, they have the ability to do some of the following:

- Provide customers with accurate times of arrival
- Plan the safest, quickest route to drivers' destinations
- Re-route drivers through traffic congestion or weather
- Automate start/stop times for employees
- Automate customer maintenance schedules
- Track drivers' locations and monitor driver behavior

The reality is that HVAC drivers must always be ready to make service calls and perform maintenance on HVAC systems. All of the benefits provided by GPS trackers make it possible for HVAC teams to provide better customer service while being more productive.

To view US Fleet Tracking's *selection of GPS trackers*, please go to: <http://www.usfleettracking.com/gps-tracking-products>. •

New 2016 Efficiency Standards Kick in for HVAC

By John Ottaviano/Air Ideal

Don't buy that 13 SEER replacement unit you were thinking about. The 2015 New York State (and International) Energy Conservation Construction Code has 2016 efficiency standard increases built in. Minimum efficiency standard increases kicked in on 1/1/2016. You can't replace that rooftop package unit with a bad heat exchanger with a 13 SEER anymore. As of 1/1/2016 it has to be 14 SEER.

You can view all of the minimum efficiency increases for commercial heating and air conditioning equipment at the International Code Council. ([http://codes.iccsafe.org/app/book/content/2015-I-Codes/2015%20IECC%20HTML/Chapter%204%20\[CE\].html](http://codes.iccsafe.org/app/book/content/2015-I-Codes/2015%20IECC%20HTML/Chapter%204%20[CE].html)) You can also find the new residential heating and air conditioning standards here. Most states have now adopted the International Energy Conservation Code. •



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Editor's Notes

by Anthony N. Carbone

Gas prices are sinking to all-time lows since the year 2003 and the price per gallon in New Jersey has hit \$1.45 per gallon. Unbelievable!!! This puts approximately \$60.00 - \$75.00, per week, of discretionary income into each household, which results in more spending for things like movies, additional dinners out, clothing, etc. This fuels the economy for sure! Americans like low gas prices.

The newscasters and financial pundits make me laugh, as they are worried low prices might hurt the economy and many oil processing companies will not be able to sustain their operation with the cost per barrel being so low. Job cuts at oil refineries will occur and mergers will begin. Some predict bankruptcies. . .

What about the record earnings, insane price swings, and the bulging stock prices of these oil companies during the past 13 years?

The United States was to finance the entire Gulf War with Iraqi oil and I don't think any of those promises were kept. The oil commodity business and the prices per barrel volatility with the speculators have weighed heavily on the American economy for many years. It's about time we got this commodity back in check. The analysis also blamed inflated oil prices on India and China, becoming market economies with a huge thirst for crude oil and the use of cars and ownership in these countries.

Well, as far as the HVAC companies and its' suppliers are concerned, the days of fuel surcharges are now going to disappear. Let's see how many will remove the charge from their billing. . . I bet none.

Some companies just build it into the price of their daily business. That makes sense to avoid the negotiation of the fuel change. Some contractors and many consumers refuse to pay it!!!

The airlines are loving the low fuel prices, as it transcends into lower cost flights and that results in many more people traveling.

From my standpoint. . . Low fuel prices are a good thing. Enjoy it while it lasts, as the Middle East is a Tinder box and a new excuse will arise to skyrocket the cost of oil. . .

In the meantime, the faster we get into electric cars, the further we can get away from foreign oil! (Or so we believe.)

— *Anthony N. Carbone*

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**Statement From
Stuart S. Zisholtz, Esq.**

Delay Claims

Many contracts executed by a General Contractor or subcontractor contain a provision that substantial completion will be achieved by a particular date. Some contracts contain clauses that impose penalties in the event the General Contractor or subcontractor do not meet that particular date. My suggestion is that where a penalty clause exists, a reward clause should also exist if you achieve substantial completion earlier than expected.

The question is can delay damages be awarded where there is a substantial completion date or where no date is provided in the contract?

Delay damages may be awarded to a General Contractor or subcontractor where the delay is not a result of their own

actions. A subcontractor must establish, through no fault of their own actions, that the project took longer than expected and they incurred damages. A subcontractor does not have a claim against the General Contractor for delays caused on a project unless those delays are caused under the General Contractor's direction or control. In addition, the subcontractor does not have a direct claim against the owner for delayed claims unless he has a contract with the owner.

Damages for delays are recoverable where such actions were not anticipated and resulted in additional costs being incurred by the General Contractor and subcontractor. Normally, an extension of time to complete the project will be provided to the General Contractor or subcontractor where a delay has occurred on the project.

It is imperative that you maintain proper books and records to substantiate the various delay damages, including, but not limited to, personnel, insurance, overhead, etc. Providing the proper books and records will go a long way to substantiating your delay claim.

Never let your lien time run out.

For a free copy of a pamphlet pertaining to Mechanic's Liens and Payment Bond Claims, please contact me or the Association. •



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Service

PRICED RIGHT, MANAGED WELL, AND STILL NOT MAKING MONEY?

By Tom Grandy

A well run service department should produce a 15-20% net profit. In fact, your service department “should” be the most profitable department within your company, but it’s usually not! Why? There are two reasons most companies find service unprofitable. First, they are not priced properly. Let’s face it, it costs a lot to run a service department, and there are very few billable hours to cover those costs, so the end result of a high hourly rate is predictable. However, the problem we have is more fundamental than that. The fundamental problem is that most companies simply charge what everyone else charges, and then hope that they make money. Translated, many company owners have never really gone through the detailed process of setting profitable hourly rates. But let’s assume that you are one of the few, and you have developed profitable hourly rates. Now that you are priced right, what’s the next hurdle?

If pricing is correct, the next hurdle is management. Although there are 24 KPIs (Key Performance Indicators) to track within the service department, most company owners and service managers are totally unaware of that they are, much less how to accurately track them. Again, let’s assume you are priced for profit and your service department is really well managed.

Priced right and managed properly, but still losing money in service? Well, there is a reason for that. There are five profit killers within your service department, and any one has the ability to suck all the profit out, even if you are priced and managed properly. Below you will find the cliff notes version of the five profit killers.

Under Billing.

The typical service technician under bills the customer by at least \$10,000 per year. This is not intentional on the technician’s part, but it happens. If you are still charging by time and material, it’s easy to see how under billing happens. The tech works two and a quarter hours, but he only writes down two hours. He should have marked up the parts 80%, but only marked them up 50%. Bingo, under billing takes place! What if you’re on flat rate pricing? You can’t possibly under bill the customer, since the price is

About the Author

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This article appeared previously in IE3 magazine.

pre-calculated in black and white within the book, right? Wrong! The average tech performs 3.5 tasks per call, but that same average tech only records two tasks. Bingo again, under billing takes place.

Non-Billable Time.

Non-billable time is the single most expensive cost of doing business in your service department. Typical non-billable time for a service tech is about 50%. That may sound high, but it’s not. By the time you combine vacation, sick leave, holiday time, then throw in ship time in the mornings and afternoons, travel time between jobs, callbacks, warranty work, customer no-shows, a few company meetings and training sessions, you only get to bill out an average of about four hours a day.

Turning Non-Billable Time Into Billable Time.

This is the flip side of non-billable time. When a non-billable hour is turned into a billable hour, it not only stops sucking the profit out of your service department, it also reverses the process. You save in three ways:

- 1) You save the non-billable dollars that were previously a “cost of overhead.”
- 2) The non-billable hour you saved is now billed out, therefore increasing your gross sales
- 3) Each additional billed hour is one more hour that existing overhead can be spread over, therefore reducing the cost of doing business for all billed hours, again increasing profit.

Maintenance Agreements.

I have been encouraging contractors to sell maintenance agreements for 27+ years. One of the huge benefits of a Maintenance Agreement program is that you can use them to

fill in the slow times. Guess how the message has been received? Right, we do maintenance agreements when things are slow! When a tech is sent out to perform a maintenance agreement, he or she is thinking, "Gee, things must be slow." Now if you send this technician on three maintenance agreements after lunch, how long do you suppose it will take him or her to complete them? Right, all afternoon! If the structure of your agreement calls for performing the agreement in 45 minutes, and it takes them an hour and a quarter to perform it, what just happened to your profit?"

Lost Sales Leads.

Suffice it to say that teaching your service technicians how to create what we call, "Qualified Sales Leads," will not only

reduce service costs, but will literally turn on retrofit sales full blast. In general, the average tech will underprice the replacement by 20% to 40%. Techs won't do load calculations, talk about setback thermostats, nor zone heating, much less the other add on sales. We do, however, want them to set the sales lead for the owner, or salesperson, to meet with the customer. Setting the lead will earn the tech a \$20-\$25 spiff. If the salesperson closes the sale, the tech earns another \$20-\$25 spiff. If you train your techs to set the leads while in the customer's home, retrofit sales will literally skyrocket!

Again, service should be the most profitable department within your company. Addressing even one of the above areas will help a lot! *



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Emerson Network Power Study Says Unplanned Data Center Outages Cost Companies Nearly \$9,000 Per Minute

Latest benchmark study from Emerson and Ponemon Institute finds price of downtime continues to climb; average outage cost rose 38 percent in five years

Emerson Network Power, a business of Emerson (NYSE: EMR) and the world's leading provider of critical infrastructure for information and communications technology systems, in conjunction with the Ponemon Institute, today released the 2016 Cost of Data Center Outages report that estimates the full costs associated with unplanned outages at data centers. Emerson and the Ponemon Institute polled 63 data center organizations in the U.S. that had experienced an outage in the past 12 months.

The two organizations co-released the original Cost of Data Center Outages study, the first independently conducted research on the cost and causes of data center downtime, in 2010. It was updated in 2013 and again this year. Key findings from the new report include:

The average total cost per minute of an unplanned outage increased from \$5,617 in 2010 to \$7,908 in 2013 to \$8,851 in this report.

The average cost of a data center outage rose from \$505,502 in 2010 to \$690,204 in 2013 to \$740,357 in the latest study. This represents a 38 percent increase in the cost of downtime since the first study in 2010.

Maximum downtime costs are rising faster than average, increasing 81 percent since 2010 to a current high of \$2,409,991.

UPS system failure, including UPS and batteries, is the No. 1 cause of unplanned data center outages, accounting for one-quarter of all such events. Cybercrime represents the fastest growing cause of data center outages, rising from 2 percent of outages

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in 2010 to 18 percent in 2013 to 22 percent for those sampled in the latest cost of downtime study.

“The complexity of today’s data centers continues to create challenges for organizations as they architect and manage their IT infrastructure to reduce costly interruptions,” said Steve Hassell, president of data center solutions for Emerson Network Power. “Our goal with the Ponemon Institute research is to provide industry benchmarks and insight that help organizations make smart business decisions to mitigate costly failures.”

The Ponemon Institute is recognized in the information technology industry for its independent research on privacy, data protection and information security policy.

This is the first in a series of five research reports from the two organizations that will create industry benchmarks and provide insight into the key challenges and decision points organizations face as they construct an IT infrastructure to support internal users, partners, suppliers and customers in the digital age.

“Emerson laid out a bold challenge to create benchmarks that would better capture the myriad of challenges data center developers and managers face as they support their organizations’ digital transformations,” said Dr. Larry Ponemon, chairman of the Ponemon Institute.

To download this report and future studies as they become available and view additional supporting content, visit www.EmersonNetworkPower/Benchmarks.

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By Alan B. Pearl,

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What's New With the NLRB

NLRB Rules and Decisions That Are Changing The Workplace

A recent National Labor Relations Board Memorandum, 15-08, has changed the manner in which unions obtain their required "showing of interest". The General Counsel issued a memorandum which states, "effective immediately, parties may submit electronic signatures in support of a showing of interest." This has modified the process in which a union election petition demonstrates a "showing of interest" of at least 30 percent of the employees in favor of the union. Historically, interest was shown by employees signing an "authorization card", which was typically a pocket-sized card stating that the employee wished to be represented by a union for purposes of collective bargaining. Under the new rule, there is no longer a need for actual signatures.

Many different forms of "electronic signatures" will now be accepted by the NLRB, including, but not limited to, email exchanges, internet sign-up forms, and the like. The "electronic signatures" must include the signer's name, email address or social media account, telephone number, the actual authorizing language to which the employee assents, the date of the submission and the name of the employer.

This new rule is closely tied to the NLRB's new "ambush" election rules that were enacted in April of 2015. Those rules accelerated the speed of the election process, and for the first time permitted electronic filing and service of petitions. In July 2015 the U.S. District Court for the District of Columbia rejected a legal challenge to the "ambush" rules brought by the Chamber of Commerce of the United States of America, amongst others.

The Plaintiffs challenged the following provisions, all to no avail:

- The requirement that the employer file a written "statement of position" before the pre-election hearing is scheduled to begin, detailing its position on a range of issues, or risk waiving its ability to litigate those issues at the hearing
- The provision permitting regional directors to de-

cline to take evidence on or litigate individuals' eligibility to vote or be included in an appropriate unit

- The provision stating that once the pre-election hearing has been held, the regional director shall schedule the election for the earliest date practicable.
- The requirement that within two business days after the direction of election, the employer must provide a voter list to the regional director and the union containing contact information of all employees, including personal e-mail addresses and cellular phone numbers
- The elimination of parties' ability to stipulate to mandatory post-election board review through a stipulated election agreement

How To React

These decisions allowing unions to organize electronically creates an alternative to traditional authorization card signing drives that is exponentially faster, very low cost, and more under the radar than ever. A union can now effectively solicit all of an employer's employees before the employer has any opportunity to respond. Elections can be directed and held within 18-20 days! Further, they can be held in micro units of the employer at separate locations.

Employers should strategize and have a plan for the possibility of an organizing attempt. Further, Employers should be training their managers and supervisors on a regular and ongoing basis. This training should provide specifics on what they can and cannot say or do during a campaign; reminders that they are not permitted to threaten, interrogate, promise or spy; and how to handle employee inquiries about unionization. Supervisor training is difficult under these new rules unless planned before the Union is at your doorstep.

Have You Reviewed Your Company Handbook Lately?

PMP is offering a special for January and February, a reduced rate for review of policy manuals and Handbooks. If you haven't reviewed your manual in 24 months, you're overdue!

The bottom line is that employers should utilize a proactive approach in ensuring positive employee relations, training of supervisors and managers. If you need any assistance with regard to this or any other labor or employment matter, please contact me at abp@pmpHR.com or (516) 921-3400. This is how you avoid litigation. We say "educate don't litigate." •

MACC Board Plans for 2016



In January, your board of directors met to plan activities and events for the new year. In February, the membership meeting will highlight a discussion on business planning and family succession followed in March by a session on building codes and how to obtain bonding. Many more topics are in the pipeline. Be a part of them.



**Let's put our heads together
and see how
innovative we can get.**

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Johnson Controls Expands Magnetic-Bearing Chiller Offering

YORK YMC2 chillers exemplify commitment to product innovation, providing solutions for a diverse customer base

Johnson Controls enhances its portfolio of commercial and residential HVAC/R products with the expansion to 1,000 tons of cooling (3,500 kW) for its successful magnetic-bearing centrifugal chiller line, the YORK YMC2.

Johnson Controls enhances its portfolio of commercial and residential HVAC/R products with the expansion to 1,000 tons of cooling (3,500 kW) for its successful magnetic-bearing centrifugal chiller line, the YORK YMC2. The larger cooling capacity units address the need for reduced sound, high efficiency and low maintenance while advancing the future of chillers through magnetic bearing and oil free technology.

The chiller uses magnetic levitation technology in

its driveline to spin without friction, offering a quieter, more efficient operation. The YMC2 also has a standard variable speed drive to further increase the efficiency of the chiller.

Sound levels as low as 70 dBA for quiet operation, the same sound level as a vacuum cleaner.

YORK chillers are known for utilizing industry-leading low entering condenser water temperature to reduce energy usage. The YMC2 chiller is capable of achieving values below 0.1 kW/ton at part load, resulting in a significantly lower utility bill.

The oil-free design delivers reliable operation and low maintenance, providing a lower total cost of ownership over the life of the chiller.

“The YMC2 chiller is an example of Johnson Controls’ ability to develop innovative solutions to solve our customers’ challenges,” said Laura Wand, vice president of global chillers, Johnson Controls Building Efficiency Business. “In addition to the YMC2 chiller, our new offerings include a lower-cost air-cooled chiller and smart, connected chiller technology that supports optimized uptime. We have the industry’s best and most extensive product portfolio, and we intend to build on it to enhance our offerings to a diverse customer base around the world.”

The complete YMC2 line now offers units from 165 – 1,000 tons (580 kW to 3,500 kW). To learn more, please visit www.johnsoncontrols.com/ymc2 •



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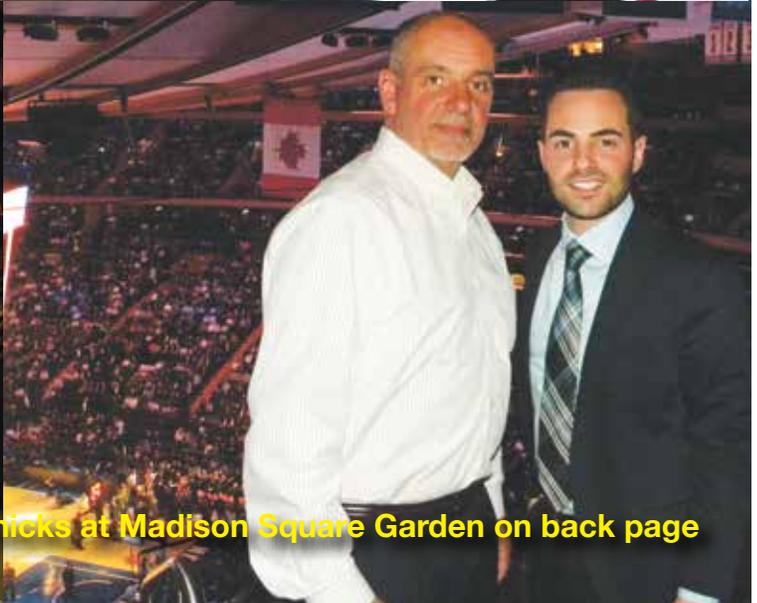
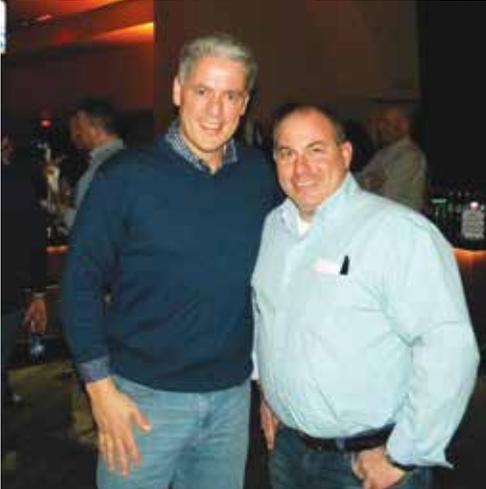
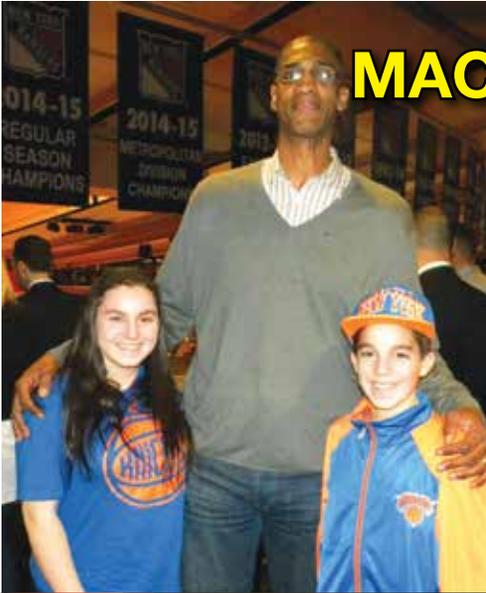
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MACC AT THE KNICKS GAME



More MACC and Knicks at Madison Square Garden on back page

MACC AT THE KNICKS GAME

