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Greater New York Contractors' NEWS



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JUNE 2014

President's Message



Al Trudil

This spring has been so unpredictable-the weather has been so up and down one day we are turning the heat on the next the a/c. I think the weather is a little confused, isn't it supposed to be April showers bring May flowers not May showers. Now that we are into our season we will not be having any more dinner meetings until September. Hope everyone has a profitable season.

Thank you to all who attended our last meeting, unfortunately I was unable to attend. A special thank you

Turn to President's Message on page 3

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PRESIDENT'S MESSAGE

Continued from page 1

to our speaker for that night Hilary Topper.

Our next event will be held on June 5th at Burton & Doyle. This will be a networking cocktail party with cocktails and hors d'oeuvres being served and will run from 6:30 pm -9:30 pm. Hope to see you all that evening.

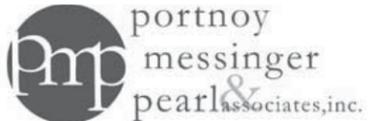
Don't forget the Mets game on June 13th. Be sure to get your tickets before they sell out.

The golf outing will be on August 11 at The Hamlet Golf Commack. Hope you all can attend, everyone has a great time. — *Al Trudil*

ACCA Directors at Work at May Board Meeting. You Can Join Them!



ACCA board members at work on May 1st. Join them and add your ideas. Call John DeLillo at 516-922-5832



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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

The vehicles in your fleet are resources to get out in the field to make money for your company.

But recently, a few contractors, during their off season with some idle time, have told their technicians and installers to take part of their day with the service manager to restock their trucks... and empty them out!

Well, low and behold... these trucks have been stuffed with forgotten inventory and equipment that equaled thousands of dollars and cumulatively these vehicles have held a lot of valuable stock that did not need to be reordered at all. Some of the stock ended up in wrong trucks. Installers with technician stock! Left over from other jobs. With no plan or truck strategy in place, many of these trucks are treasure chests.

Some contractors were thankful that their employees weren't silent partners whereby they were selling material on the side... or offering parts outside of the billing process to gain tips!!!

These are real factors when looking at inventory costs. Where are your profits?? In the back of your employees trucks and NO ONE KNOWS IT???

Do your bottom line justice and free up your profits! Look into your fleet of trucks and you might be surprised. See you at the Night at the Mets! — **Anthony N. Carbone**

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Marketing Tips and Strategies at May Membership Meeting

A broad range of diverse marketing tips and strategies were laid out for attendees at our May 1 meeting. Hillary Topper, CEO of Melville-based HJMT Public Relations, offered up a palate of important information that covered website maximizing, social media, email marketing, direct

mail, networking and much more. It was a valuable evening designed to help promote success for chapter members.

Our next meeting, will be held on Thursday, June 5th — a cocktail evening at Burton & Doyle's Steakhouse in Great Neck. Be sure to register online at www.accany.org.



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Obama Administration Proposes Rules to Modify COBRA Notices

In the coming weeks new rules are likely to take effect which will require employers to include information on purchasing health insurance through Affordable Care Act (ACA) exchanges as part of the Consolidated Omnibus Budget Reconciliation Act (COBRA) notices. COBRA allows employees and their families to continue receiving coverage as part of their employer sponsored health-insurance plan for a period of time after the employment relationship ends, or following other specified qualifying events. Following one of these events employers are required to provide eligible employees with a notice informing them of their rights under COBRA. The new rule being proposed by the Obama administration will require, as part of that notice, that the employer informs employees of the availability of health insurance plans through the new ACA health insurance exchanges.

COBRA coverage allows employees to prevent a lapse in coverage when in between jobs. However, COBRA coverage can be very costly. Participants are typically required to pay the full plan premium and an administration fee. Therefore these plans are far more expensive than employer-sponsored coverage. In comparison, plans issued through the ACA health exchanges can be a bargain. Plans purchased through the exchanges are typically less expensive due to cost sharing; additionally, many people who qualify for COBRA coverage also qualify for tax credits under the ACA. Thus, the relative savings from switching from a COBRA plan to a plan found in the exchanges can be substantial.

The Department of Labor has already released a sample COBRA notice including the new information required under the proposed rule. The model notice includes statements that qualified beneficiaries may want to consider other options such as coverage available through the health care exchanges, and that beneficiaries may be eligible for premium tax credits. If you would like any additional information regarding this proposed rule or any other healthcare related matter please give me a call.

New York State Bill Limiting Use of Arbitration Clauses by Government Contractors Gains Traction

On May 5, 2014 the New York Assembly passed a bill that limits the use of arbitration clauses for employment claims for companies that contract with the State of New York. The bill is now moving to the Senate for consideration. Under the bill, New York State agencies are prohibited from entering into agreements with companies that require employees to arbitrate claims arising under Title VII of the Civil Rights Act of 1964 or any other claim relating to discrimination, harassment, or sexual assault.

Arbitration is a cost effective way of resolving disputes, and has been used extensively in the labor and employment context. Arbitration is far less expensive and time consuming than going to Court. As a result their use in employment agreements has grown rapidly. Arbitration was traditionally used to resolve labor disputes between unions and management. But now arbitration is being used to resolve other employment disputes, including claims for discrimination and harassment.

Critics of arbitration have noted that it does not provide many of the procedural safeguards afforded to plaintiffs, including a lengthy discovery process or a jury. As a result governments are beginning to place limits on their enforceability. For example, in 2009 the Federal Government passed a law which forbids federal defense contractors and subcontractors from requiring employees to arbitrate discrimination claims.

Despite the recent introduction of legislation such as this, the use and popularity of arbitration agreements continues to grow. If you have any questions regarding this bill or the use of arbitration clauses, please contact me.

The Growing Hazard of Unpaid Internships

For years businesses, small and large, have hired summer interns. Some of those programs have been paid, while many are unpaid. Often companies justify unpaid internship programs by treating them like apprenticeships.

The interns are unpaid, yet gain invaluable knowledge and experience, and a possible future offer. However, this model is increasingly under threat. In recent years, there have been numerous law suits filed by unpaid interns who claim that they should have been compensated for their work.

Under the Fair Labor Standards Act (FLSA), an employee cannot agree to be paid less than minimum wage. Thus the question of whether an unpaid internship is permissible is resolved by determining whether the intern is an employee or a "trainee". If the intern is deemed a trainee, they need not be compensated.

Under US Department of Labor guidelines an unpaid internship must be educational and purely for the benefit of the intern. In addition the intern cannot serve to displace regular employees. While the intern can perform some duties of regular employees, this work must be for educational reasons, under the direction of employees, and not be for the direct benefit of the company.

However, as a word of caution, any company that has an unpaid internship program is taking a calculated risk. Lawsuits from unpaid interns are increasing dramatically. Thus, if your company has an unpaid internship program you must make sure that it conforms with the requirements of federal and state law.

If you need any assistance with regard to this or any other labor or employment matters please contact me at Abpearl@pmpHR.com or (516) 921-3400. •

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

**Default Judgements: Suing
The Secretary of State**

Upon suing a corporation, whether it be because of an automobile accident, negligence, contract, etc., a party has the right to serve the Secretary of State. The Secretary of State receives the Summons and sends it off by Certified Mail to the address that the Secretary of State has on file. If that address is wrong, outdated and old, the Certified Mail goes back to the Secretary of State and the corporation may never hear about it. As a result, default judgments are entered every day because the corporation never appeared, never knew about the action, and did nothing about it.

The courts are usually very liberal in opening up such defaults, but recent decisions have been handed down holding the corporation to the default. This could have major ramifications. The corporation may be responsible to pay the judgment even though it may have defenses, insurance, etc.

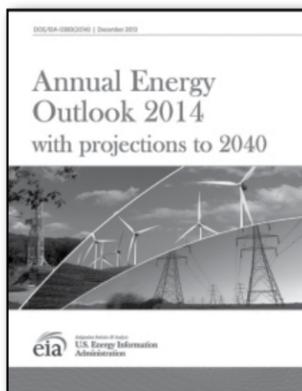
It is essential that you update the Secretary of State if you move your office or various circumstances in your business change. The end result could be extremely detrimental to the corporation.

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. •

**EIA Releases Complete Annual
Energy Outlook 2014 Report**

The U.S. Energy Information Administration has released the full content of the Annual Energy Outlook 2014 (AEO2014). The complete report includes a Legislation and Regulations section that discusses evolving policies incorporated in the projections, a Market Trends section that highlights projections for energy demand, supply, and prices, a comparison of the AEO2014 Reference case with projections from other organizations, and descriptions of the 29 alternative cases completed as part of AEO2014. The Reference, or base, case by itself was released on December 16. The complete report is available at <http://www.eia.gov/todayinenergy/detail.cfm?id=16171&src=email> •



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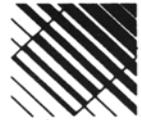
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