

# MACC *News*

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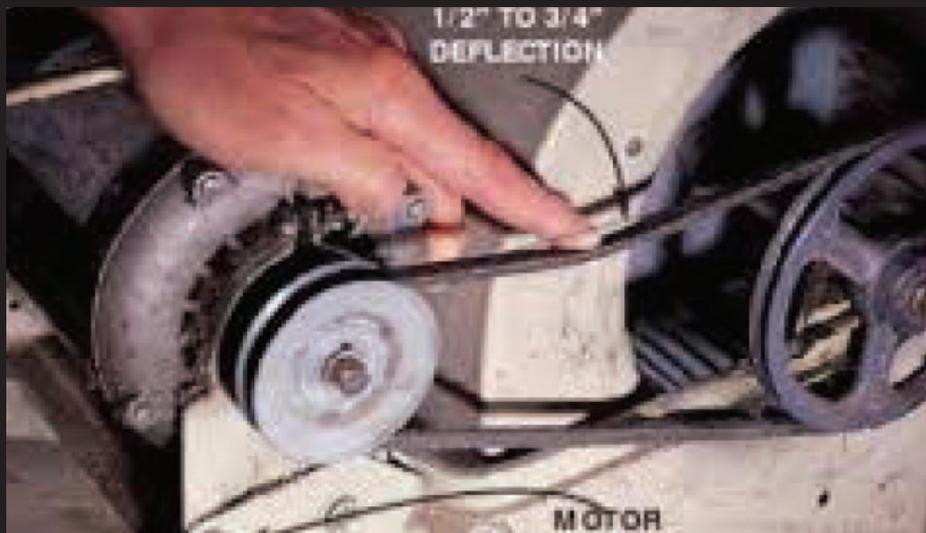
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WINTER 2018 Volume 2

## MACC SPRING SEMINAR 2018

METROPOLITAN AIR CONDITIONING  
CONTRACTORS OF NEW YORK

# Saturday, March 24th AIR CONDITIONING MAINTENANCE



SEE DETAILS ON PAGE 9

METROPOLITAN AIR CONDITIONING  
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Formerly Air Conditioning Contractors Association - NY Chapter  
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# From the President...



**Brian Aull**  
Atlantic Contracting & Specialties

It was great to see everyone at February's meeting. Everyone was involved in discussions on different generations in the workplace. It was interesting to hear everyone's perceptions on baby boomers, generation x, millennials, and the I-Generation in the workplace. Overall it was a great presentation put on by Crestcom.

Our next event will take place Friday March 23rd at Madison Square Garden, where we will watch the New York Knicks take on the Minnesota Timberwolves. This event has sold out!!! If you were fortunate enough to get tickets I will see you there.

— Brian

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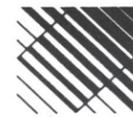
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## Editor's Notes

By Anthony N. Carbone

Ha ha ha. . . look how smart the education system is. . . They closed all the shop classes down to create I.T. classes, web masters, and social media experts, but they forget half of the world needs mechanical techs and diagnostic technicians to fix all of the great gadgets purchased by the I.T. gurus. They forget to train the kid who happened to like mechanical things that might have started with fixing a bicycle, like I did. I liked building bicycles so much that I built five of them. . . one for my paper route, one for the rain, one for touring on long trips, and two to show off (Chopper type). . .

Today, the HVAC industry is in dire need of technicians. . . so we have put a band-Aid on the situation by “upping the anti.” We pay more to steal them from other contractors. . . but guess what, the pool is getting smaller and smaller as many seasoned technicians are heading toward retirement. Others at the 50-something age are saying, “What am I doing in NY? . . . taxes, cost of living, children grown. . . houses are expensive. . .” So, they cash out with their homes and move down South. With a less expensive living operation, their biggest asset is their

house which puts “money in the bank” and the universal skill of HVAC repair goes to a different part of the country.

Well, it was the military training coming out of WWII that put many people to work with training of TV repair or mechanical and electrical repairs. Now, we have a deficit of interested people who want to do mechanical repairs.

To rethink this debacle is to realize there are a percentage of youth that have a pre-disposition towards mechanical dexterity. We have wasted a generation of potential talent. . . We will need to realize that the education and training of techs is a small fraction of the issue. It's the practical experience that takes years to accumulate. Situations that come up on a daily and seasonal basis are what make a trained tech into a seasoned tech.

The industry and its' organizations (MACC) must realize and recognize it is us that must create the opportunity for our youth to have a chance to earn a living that keeps paying right into retirement. . .

So, reach out to your schools and insist that shops are a vital part of the future for our society. Our mechanical needs are calling now and for the future. . .

What are your thoughts and experiences? . . .

— Anthony N. Carbone

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## Ingersoll Rand, Mitsubishi Electric to Establish Joint Venture for Ductless, VRF Systems

The systems sold by the joint venture will be variable-speed mini-split, multi-split and VRF air conditioners and heat pumps for homes, light commercial and commercial applications.

Ingersoll-Rand and Mitsubishi Electric Corp. announced Jan. 17 that they have entered into an agreement to establish a joint venture for the marketing, sales and distribution of ductless and variable refrigerant flow heating and air conditioning systems through IR's Trane and American Standard commercial and residential channels, and existing Mitsubishi Electric distributors and representatives in the United States and select countries in Latin America.

Ingersoll Rand and Mitsubishi Electric US will have equal ownership. Pending favorable global antitrust reviews and customary closing conditions, the new joint venture is expected to be operational in the first half

of 2018. A chief executive officer will be named from Mitsubishi Electric, a chief financial officer will be named from Ingersoll Rand, and the business will operate from headquarters in Suwanee, Ga. The financial terms of the deal were not disclosed.

The systems sold by the joint venture will be variable-speed mini-split, multi-split and VRF air conditioners and heat pumps for homes, light commercial and commercial applications. The joint venture will distribute products with the Trane or American Standard brand and the Mitsubishi Electric corporate logo to Ingersoll Rand channels. The joint venture will also continue to serve Mitsubishi Electric US distributors and representatives with Mitsubishi Electric branded product.

"Together, our robust offering and ability to serve customers in the multi-billion dollar and growing ductless segment will be superior," said David Regnery, executive vice president of Ingersoll Rand. "The unique value of the joint venture is the pairing of premium systems, extensive distribution, deep technical, product and applications expertise, and allows us to leverage Ingersoll Rand's vast service capability."

Keijiro Hora, president and CEO of Mitsubishi Electric US, agreed: "The strength of our brands, combined with our product expertise, industry knowledge and channel coverage will result in a superior offering for customers." •

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**It's the February Meeting of the MACC Board making plans for upcoming activity. If you'd like to join these MACC leaders, call the office at 516-922-5832.**



**MACC** METROPOLITAN AIR CONDITIONING CONTRACTORS OF NEW YORK **SPRING SEMINAR 2018**

**AIR CONDITIONING MAINTENANCE**

**COURSE DESCRIPTION**

HVAC/R technicians must be familiar with common items such as gaskets, belts and filters. The service and repair of equipment requires technicians to make decisions regarding correct materials to use in specific situations. Lubrication is also an important part of maintenance activities. Technicians must understand the application in order to select and apply the appropriate lubricant. This seminar will present information related to maintenance-oriented materials, as well as guidelines for the inspection and periodic maintenance with a basic overview of cooling in regards to refrigerants. This seminar will be HANDS-ON.

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**SATURDAY**

**8:00 AM - 4:00 PM**

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  - Identify various types of drive belts
  - Explain how to install & adjust drive belts
- **Identify and describe common gaskets, packing materials, seals and bearing.**
  - Identify and describe common gasket and packing materials
  - Identify and describe common types of seals
  - Identify and describe common types of bearings
- **Describe the inspection and/or maintenance requirements for selected equipment.**
  - Identify common health hazards associated with HVAC maintenance activities
  - Describe the common inspection & maintenance procedures for DX cooling & heat pump systems
  - Describe the common inspection & maintenance procedures for various systems accessories
  - Describe how to properly complete common HVAC service reports

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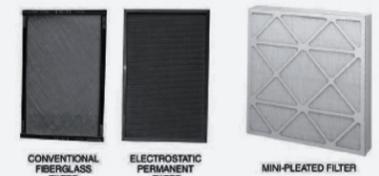


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## People & The Workplace

By Alan B. Pearl,  
Portnoy, Messinger, Pearl & Associates, Inc., Syosset, NY  
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### Don't Accidentally Retaliate

Most employers are aware that the law prohibits retaliating against an employee for engaging in protected activity, such as complaining about discrimination/sexual harassment, seeking an accommodation for a disability, or requesting FMLA leave. Yet these same employers sometimes engage in unlawful retaliation – without recognizing that is what they are doing.

Consider this scenario. An employer has an employee who has been a problem for some time. The employee in question – we'll call her Meg – is a constant complainer. She complains about everything from faulty office equipment (she doesn't like the Xerox machine) to office hours (she feels a 9:30 start time is more realistic than 9:00), but her favorite subject to complain about is her colleagues. Meg does not get along with Susan and complained to management that Susan is mean to her. Meg thinks Mike is out to get her, and asked management to do something about it. Meg requested a cubicle reassignment because her cubemate, Janice, coughs too much.

When Meg is up for a promotion that ultimately goes to Mike, she complains that Mike only got the promotion because he is a man. Meg's manager, who knows that Mike was by far the best candidate for the job, is fed up. Exasperated by Meg and her endless complaints, the manager decides it is time to let Meg go.

The problem here is that, unlike her prior complaints, Meg's final complaint constituted protected activity under the law. Meg was complaining about

gender-based wage discrimination, which is unlawful under Title VII. To the manager, the gender complaint seemed like just another baseless, petty complaint in a long line of the same. But because Meg invoked discrimination this time, her final complaint was in a different category than her prior complaints – that of protected activity.

Moreover, it does not matter that the manager knew there was no actual discrimination, given Mike's clear qualifications for the promotion. As long as Meg had a good faith belief that she was the victim of discrimination, terminating her for making that complaint was unlawful.

So how can an employer avoid falling into this trap? First, when it is clear that an employee is not working out, when problem behaviors have persisted despite attempts to work with the employee, an employer should consider taking disciplinary action sooner rather than later. When an employer procrastinates on the decision to terminate, it is only a matter of time before the employee may do something that constitutes protected activity. Aside from complaining about discrimination, she might ask for FMLA leave, seek accommodation for a disability or religious belief, or talk to her co-workers about unionizing. As soon as she engages in such activities, the employer is in the position where any termination within a reasonable time thereafter could be alleged to be retaliatory.

Second, employers should always consult with counsel before taking disciplinary action against a problem employee. Furthermore, a layoff should not be used as a means of terminating an employee who "complains too much." An attorney can identify any potential risks and help the employer devise a plan to discipline the employee in the most risk-averse manner possible.

If you have questions about how to avoid retaliation claims, please contact me at ABPearl@pmpHR.com. •

## Arista Outfitting Technicians with Wearable Video Equipment

New York HVAC provider Arista Air Conditioning Corporation announced a new partnership with XO



i Technologies that will outfit technicians with wearable video equipment.

The collaboration of Arista

and XO Technologies empowers customers to see the tasks completed on a service call rather than trying to decipher job details from a bill. Customers are provided with video documentation of each service call.

Through its partnership with XO, a field communications technology provider, Arista is outfitting its technicians with wearable video

communications equipment that resemble safety glasses. The technicians video record the highlights of each service call. After the completion of the job, clients receive a link to their service video via email.

Another benefit of this technology is that it allows technicians to communicate with Arista's other experts when faced with a unique problem or unfamiliar equipment. The on-site tech can share a real-time video with Arista's senior employees, who can instantly provide advice. This immediate access to a pool of seasoned experts facilitates accurate, on-the-spot problem-solving for faster HVAC repairs.

"We are excited about providing customers with this cutting-edge technology that brings unparalleled transparency to the customer/service provider relationship," said Michael Rosone, Arista's Vice President of Service Sales. "Equipment is constantly changing. We think giving our employees the ability to instantly tap into the collective wisdom of technicians, who jointly have thousands of years of experience, is an invaluable resource." •



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## Emerson Introduces Technology to Control Multiple Smart Thermostats on Single Dashboard

Emerson a leader in the thermostat and HVAC controls industry, today announced Sensi™ Multiple Thermostat Manager, the company's latest innovation to leverage Internet of Things technology to help ensure human comfort and energy efficiency.

The Sensi™ Multiple Thermostat Manager is a software application that can manage and control multiple heating and cooling systems through one convenient online portal. The software solution works with Sensi Wi-Fi Thermostats to create a powerful and affordable HVAC management solution for businesses that typically have multiple HVAC systems across one or several buildings or even locations.

The Sensi Multiple Thermostat Manager provides a best-in-class user experience, empowering facility managers to create thermostat groups and make batch setting changes to balance occupant comfort with energy savings and operational efficiency.

An alternative to costly large-scale building management systems, Emerson's latest offering in its top-rated Sensi platform became a reality as the result

of listening to customer needs in the research and development process. While bigger office buildings typically require massive commercial HVAC systems, smaller businesses, schools and places of worship often rely on solutions like the Sensi thermostat to keep buildings comfortable year-round.

"We're committed to engaging with our customers to understand their needs and their wish lists for their industries," said Robert T. Sharp, executive president of Emerson Commercial and Residential Solutions. "Customers were sharing that the Sensi thermostat made it easy to remotely control thermostats in buildings they manage, but that being able to change multiple thermostats in one process would help them do their jobs more efficiently."

Through the Sensi Multiple Thermostat Manager, facility managers are able to experience significant savings—both in energy conservation and manpower. Facilities no longer have to rely on janitorial or evening staff to adjust every thermostat to keep the system from running overtime on evening or weekends. Now, the facility manager can simply make adjustments in a seamless interface that impacts multiple thermostats at once.

Schools and churches participating in a Sensi Multiple Thermostat Manager Pilot have already seen the benefits of being able to control many thermostats through the group function, particularly during unexpected circumstances like a sudden shift in temperature or change in facility schedule.

"The ability to create a group and adjust temperatures with a single click has been a big time-saver," said Randy Starkey, lead pastor at Victory Church in Pevely, Mo. "The batch function has made it possible to eliminate multiple trips to thermostats, giving us the resources we need to be more efficient and strategic in our utility maintenance. We have



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**BRIAN AULL**  
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For more information, visit [sensicomfort.com](http://sensicomfort.com) or connect with Sensi thermostat on Facebook (Facebook.com/SensiComfort) and Twitter (Twitter.com/Sensi). Professional contractors interested in providing the Sensi Multiple Thermostat Manager solution should visit [emerson.com/sensimanager](http://emerson.com/sensimanager).

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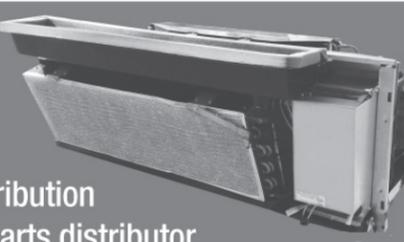
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**Statement From  
Richard C. Zisholtz**

**Review And Discuss The  
Details Of Your Contract  
Before Executing The  
Document.**

Like everything in the law, there are exceptions to the general rules. The general rule, for the purposes of this statement, is that parties to a contract are bound by each term and condition within its contract. The concept being, of course, that the parties had free reign to negotiate the terms and had an opportunity to review the contract prior to executing the document.

Time and time again, clients ask me if an arbitration clause in their contract will be enforceable, and if we can pursue the claim in Court instead. My answer is always the same. The arbitration clause will be enforceable if the opposing party chooses to compel arbitration. The time to have negotiated the clause was when entering into

the contract and not after a dispute arises.

However, certain rules are meant to be broken. When the legislative purpose of a statute is deemed to be defeated through a contract clause, Courts will refuse to enforce the clause.

In a dispute between a contractor and subcontractor over certain payments being withheld, a subcontractor may seek expedited arbitration pursuant to the Prompt Payment Act. In this situation, the New York Courts have refused to enforce a contract clause that designates litigation, rather than arbitration, as the method of dispute resolution. Compelling the subcontractor to litigate would defeat the legislative intent of the Prompt Payment Act.

The time to review and discuss the details of your contract is before executing the document. Too often clients seek to amend their contract after a dispute arises. Many issues can be avoided by consulting an attorney to review your contract ahead of time.

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. •

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