



Metropolitan Washington Association of Plumbing-Heating-Cooling Contractors

Newsleak

Calendar of Events

- November 12 - Meeting**

Please Note: **This is the 2nd Thursday of the month

- ⇒ 5:00 - Board Meeting
- ⇒ 6:00 - T-4 Training :
Water Heaters
- ⇒ 7:30 - Dinner and General Meeting

- December 3 - Meeting

Message from the President — Charlie Perkins

We are getting ready for a long presidential race. We're a year out from the election but already much of the news is focused on who will be the Republican and Democratic nominees. Once they are chosen after the primaries next Spring, the coverage may even intensify until Election Day on November 8, 2016. I'm not going to get into specifics about individual candidates but I do hope that our members will stay informed on the issues and vote for the candidate of their choice.

For better or for worse, our elected officials have a huge impact on our daily lives and our industry. There are so many legislative and regulatory issues that can affect our business and trying to stay on top of

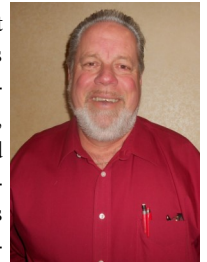
these issues can be a challenge.

At our meetings we regularly talk about local and national politics and how it impacts our work and livelihood. PHCC National has also become much more active and engaged in working to advocate for our interests and offers technical expertise and guidance to various government departments such as the Department of Energy (DOE) and the Environmental Protection Agency (EPA). Recently, they have provided guidance on the Furnace Efficiency Standard to the DOE and discouraging the expansion of the Clean Water Act to the EPA. For more information on PHCC's opposition to the rule, go to page 8 of the newsletter.

We hope that our members will stay politically active, informed and vote on election day as well as continue to advocate for important issues for the plumbing/heating and cooling industries.

As we are getting ready for heating season, we hope that you will join us at our November meeting to learn about condensing and wall-hung boilers.

If you have any questions or would like to make suggestions for the association, please feel free to contact me at 301-937-6700.



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NH Yates & Utica Sponsors November MWPCHC Meeting

We hope that you will join us for our next meeting on Thursday, November 12, 2015 sponsored by N.H. Yates and Utica. They will provide a training from NATE Certified Trainer Jason Mangos. The training will focus on 95% modulating condensing boilers and the features and benefits of the CuB Boiler - 85% copper wall-hung boiler that is chimney vented. The training will begin at 6:00 pm. As heating season is fast approaching, you don't want to miss this timely training. Following the training, join us at 7:30 pm for our

general meeting and dinner.

Since 1949 N.H. Yates & Co., Inc. has been providing the highest quality products and services to the HVAC and plumbing industry.

N.H. Yates is both a manufacturer's representative and a distributor of premier HVAC, plumbing and hydronic related products covering the Eastern States of New Jersey, Pennsylvania, Delaware, Maryland, Washington D.C., Virginia, North Carolina and South Carolina. They provide technical expertise on all the

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The Yates emphasis is on water; primarily heating it, moving it and storing it. Yates & Co. is proud to represent many of the largest and most well respected lines in the HVAC and plumbing industry.

Shared Responsibility for a Positive Workplace Prepared for the PHCC Educational Foundation by TPO, Inc.

Your customers' satisfaction and company's success start with a positive environment for your employees. If employees are concerned or distracted because of other employees' antics – such as chronic late arrivals or disrespecting coworkers – the workplace will be less productive and customer service can suffer.

Therefore, it's important for managers to face ongoing concerns honestly, directly, and respectfully and to tie actions into what is best for accomplishing your company's mission.

Below are general steps to facilitate a more positive workplace:

1. Evaluate the situation. Is the problem serious; does it contradict one of your company's core values; and does it affect employee performance and customer service.

2. Communicate. Communication is key. You might be talking to one employee or multiple employees about the issue. Whatever the case, prep what you want to say so it comes through clearly. Use a matter-of-fact tone and explain how the problem is negatively affecting the team and the company's goals.

3. Make it personal. If possible, address the issue from the perspective of improving the work environment for them and their coworkers. Many employees are more willing to make an effort to help their coworkers versus asking them to change for the company's good.

4. Follow up with the employee and review your company policy, if necessary. Ensure that the employee is responding to your conversation. Depending on whether the problem is ongoing and widespread and whether it's covered in the employee handbook, onboarding, and training, you may want to create a new policy or evaluate and change an existing policy and alert your employees.

Note that each of these steps ties back into helping employees refocus on work – the ultimate goal as a manager.

The following examples illustrate employee behaviors that affect and can potentially irritate co-workers and therefore need to be addressed.

Example 1 - An Employee Routinely Calls Out at the Last Minute

Evaluate: Document instances of time off, look for trends, and record how it affects other employees.

Communicate:

- If someone has called out at the last-minute multiple times, the issue needs to be addressed.

- Make clear to your employee that you understand that unscheduled leave is sometimes necessary, but at the same time, share with the employee how calling out affects other employees and the financial impact of the lost work time.

- Clarify that you expect notice to be given before leave is taken in accordance with the company's policies. Also explain that if an employee unexpectedly needs to take leave, they must let their supervisor know as soon as possible.

Follow Up:

- If the problem continues, there might be something else going on such as a chronic illness. Following up will give you a chance to gather that information and form a plan with the employee, if necessary.

- If the employee's unscheduled leave continues, disciplinary measures may be necessary.

Since this behavior affects other employees and customer service, tie it to performance management and bring it up when giving employees feedback.

Review your policy:

- Do not allow people to take sick/vacation time they haven't accrued. If they take days they haven't earned, they should not be paid for them.

- Make sure employees are aware of the company schedule so they understand the impact of unscheduled leave.

If you aren't sure how to address sick or vacation leave issues, consult an outside HR resource or legal counsel, since depending on the size of the company and jurisdiction, there could be Family Medical Leave Act issues.

Example 2 - An Uncooperative Employee

You have an employee who "isn't good with paperwork" and does not provide coworkers with the information they need to perform their jobs.

Evaluate: Consider whether providing the paperwork is part of the employee's job and whether it's clear in the employee's job description. Document examples of times the employee failed to provide information/

paperwork as required by their job description.

Communicate:

- Pull the employee aside and clarify your expectations that paperwork and communicating is part of their job description and will be part of performance evaluations. Make it clear that helping the other employees likewise helps everyone in the company get their job done.

- If the problem is widespread, make clear to all employees – whether individually or in a group meeting – that documentation, paperwork and communication are key to running a successful company. The expectation is that everyone will do what's necessary for all employees to be effective. Include specific positive examples (not specific individuals' failures).

Follow up: Address this like any other performance management issue. Have another conversation with the employee if necessary, issue a warning if the behavior continues and proceed with consequences based on the situation and other aspects of the employee's performance.

Review your policy: If not already a clear part of your company's culture, incorporate the culture of cooperation and teamwork more thoroughly in the employee handbook, onboarding, and training.

Example 3 - An Employee is Routinely Late for Work

Chronic tardiness can be a serious issue for your company. Not only can it affect other employees who have to pick up the slack, but if there are no consequences for the late employee, others may feel that they can too arrive late. In our industry, this can quickly cascade into disruptions on the jobsite or in customer service schedules.

Evaluate: Document instances of lateness to see if late arrival is an ongoing issue.

Communicate: Meet with your employee; make clear how the tardiness affects other employees and customer relationships. Clarify the consequences for continued lateness.

Follow up: If the employee's tardiness continues, move on to disciplinary actions. If the late arrivals continue, dismissal may be required.

This article continues on page 3

Shared Responsibility for a Positive Workplace *continue from page 2*

Review your policy: If an emphasis on timeliness needs to be a bigger part of your company's culture, implement it from the beginning of onboarding and training.

Example 4 - An Employee Constantly Complains to You and Other Employees

Evaluate:

- Employees should believe that they can come to you with issues and it's important that you resolve it or share the problem with your own supervisor.

- However, if an employee is noticeably and constantly complaining, address the behavior. Investigate whether the complaining is creating a negative environment for other employees.

Communicate:

- Make clear that employees should go to their supervisors if they have issues. If the employee is complaining to other employees and not to you, explain that the other employees can't address the problem and that likewise you can't unless you know what's going on.

- Explain how complaining affects the rest of the team and getting work done.

- Clarify that one of your expectations is that if employees have issues, they will bring them to you and that doing so is a job requirement. Explain the consequences if the behavior continues.

Follow up: If the problem is ongoing, talk to the employee again. Proceed with consequences depending on the employee's overall performance and how much the behavior is affecting the rest of the team.

Example 5 - An Employee Routinely Leaves a Mess for Others

Whether in a communal kitchen or in a shared equipment/tool/materials area, an employee who leaves a mess for others to deal with is causing strain on coworkers in the company.

Evaluate: Determine whether the employee's messiness affects other employees or customer service.

Communicate: If the answer is yes, address the issue.

- Talk to the employee one-on-one, preferably in the problem area if there is sufficient privacy, so that you are assisted by visual evidence.

- Make some suggestions about how the area

can be better maintained, with clear explanations about how their actions are affecting others and the consequences of continuing the behavior.

Follow up: Cleanliness and organization can be a part of a job description because they can facilitate how the job is done. Therefore, just like with any other policy, follow up with the employee and give feedback.

Lead by Example

An important way you can address these issues and help create a positive workplace for your employees is to model the behaviors you want to see from them. For example, take your turn at maintaining equipment, cleaning the kitchen, have a prompt arrival time, lend a hand to your employees when you can, and avoid last-minute call outs yourself.

By making positive behaviors part of your company's culture – by directly and honestly addressing issues and setting a good example – you can optimize employee performance and dedication to your company's mission, and therefore help deliver the best service possible to your customers.



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Who's What? – Part 1

Prepared for the PHCC Educational Foundation by TPO, Inc.

Many business leaders and owners face frustrations in attempting to comply with the classification requirements of the Fair Labor Standards Act (FLSA). The FLSA is a federal regulation that establishes the federal minimum wage (currently \$7.25/hour), overtime pay eligibility and rates, recordkeeping requirements, and youth employment standards, as well as a definition of what constitutes actual work.

Also, states and cities can establish their own regulations that may include more stringent requirements or higher minimum wage rates. It's important for companies to be aware of both federal and applicable state and municipal regulations, since they must adhere to the higher or more generous rate. The following link shows mandated minimum wage rates by state: <http://www.dol.gov/whd/minwage/america.htm>.

This article focuses on sets of classifications to help you determine your employees' treatment under the FLSA: employee versus independent contractor. Clarification of these classifications can give you some tools to review and classify each position in your company and to be in compliance with the FLSA.

Employees vs. Independent Contractors

Your company may hire independent contractors to save money – since you don't have to pay employer taxes or provide benefits to independent contractors – and simplify administration, since independent contractors are responsible for their own taxes and withholding.

The Department of Labor (DOL) has increased focus on this classification, and if your business is out of compliance, you can face stiff penalties. You can be held liable for all employment taxes and withholdings, the employer's portion of FICA taxes, and interest and other fines. It's therefore important for you to be aware of factors that enter into these classifications.

Criteria for Employees vs. Independent Contractors

An agreement stating that a worker is an independent contractor is insufficient to establish that status. An evaluation of the reality of the working relationship between the employer and worker – a much more complex proposition – helps determine the worker's status.

The DOL recently released guidance for classi-

fying workers as employees or contractors, and it looks at a number of factors. It's not enough that workers simply perform work offsite or have specialized skills to classify them as independent contractors; a number of factors should enter into that classification. This article details five areas, all of which should be taken into account and weighted equally when making that evaluation.

1. Wages and Benefits

Employees are characterized by the following:

- they are guaranteed a regular wage;
- they are paid that regular wage based on a schedule or established work period;
- they receive employee benefits;
- taxes are withheld from their paychecks;
- they receive workers' compensation; and
- your company pays unemployment on their behalf.

Independent contractors, however:

- earn either a profit or loss from their work for you;
- are paid by the job;
- provide their own benefits;
- estimate their own quarterly tax benefits;
- have no protection from work-related injuries; and
- do not receive unemployment.

2. Management

If your company pays, hires, and supervises additional staff to assist the workers, they are employees. Your company also trains and instructs employees as necessary.

Independent contractors pay, hire, and supervise their own staff. They determine how to get the work done.

3. Equipment and Investment

Employees receive any necessary tools and materials from your company. Your company

also pays for any business and travel expenses. Finally, employees have an at-will relationship with your company, so they may quit whenever they choose.

Independent contractors provide their own tools and materials to get their work done. They also pay their own business and travel expenses. They have a contract with your company, so quitting may result in breach of contract.

4. Type of Work

Employees provide services that are integral to your business. Independent contractors provide expert or specialty service. For example, a software developer who designs a program to manage work schedules wouldn't provide an integral service to a business that specializes in heating and cooling repair. A repairman is more likely to be an employee in that example. (Of course, the rest of the factors would need to be taken into account to definitively classify the repairman).

5. Control Over Work

Employees work only for your company. They adhere to established company working hours. Your company decides where work will be done.

Independent contractors can work for more than one firm at a time. They set their own working hours and work location.

When you're doing the classification...

Keep in mind that a worker may exhibit qualities of both an employee and an independent contractor. Since that's the case, along with the fact that the DOL looks at all these factors, it's important to weigh them all when evaluating your workers.

The DOL takes seriously the classification of workers as employees or independent contractors. You can look at each worker, review their responsibilities, and reclassify them if necessary based on those factors.

Since this issue is thorny and noncompliance can carry significant consequences, it may be necessary to engage other resources as well. In the end, it's always a good idea to consult with a human resources professional or employment lawyer.



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Court Puts Expansion of Waters of the U.S. Definition on Hold

In October of this year, a federal appeals court temporarily blocked an Environmental Protection Agency (EPA) regulation that would expand the Clean Water Act and its definition of "Waters of the U.S." The order is good news for 18 states that challenged the EPA regulation. The rule, finalized jointly in May 2015 by the EPA and the U.S. Army Corps of Engineers, seeks to bring smaller bodies of water at the outer edges of watersheds under the Clean Water Act, regulating more waterways and wetlands under federal protection. Last year, PHCC National joined with the U.S.

Chamber of Commerce in submitting comments to EPA requesting the rule be withdrawn. In April of this year, PHCC National held its annual Legislative Conference and incorporated its opposition to the rule in the program.

It is important to note that the court said the challengers had demonstrated "a substantial possibility of success" in winning the case. While the regulation is now on hold, the ruling did not resolve the legal merits of the regulation.

Following the ruling, EPA spokes-

woman Melissa Harrison released this statement: "The agencies respect the court's decision to allow for more deliberate consideration of the issues in the case, and we look forward to litigating the merits of the Clean Water Rule."

The rule was issued in May 2015 and is estimated to put about 3 percent more waterways throughout the United States under federal jurisdiction. EPA's contention is that the new rule is necessary to clarify which waters should fall under the protection of the Clean Water Act.

How to Destroy Communication by Bill Harrison

"You must make notes all the time to help you remember to do things; particularly follow-up."

There is one aspect of everyday communication that is very, very devastating. When there is a lack of follow-up, the process breaks down quickly.

There are requests coming at us every day in many different ways: verbal, notes, e-mails, texts, phone calls/messages, etc., etc. Many could be arriving simultaneously, right?

Is it any wonder we fail to follow-up sometimes? It is really a challenge to be juggling six or more balls at one time and they are all greased. That is what most of us experience daily! And it is not only work related communication. We are bombarded from every angle throughout the day; almost 24 hours per day.

We are super accessible to anyone who wants to contact us for any reason; whether we are interested or not. Can you relate to "Junk Mail" for example.

Some of those requests are very important however. Might be from a

client, the "boss", another teammate, an outside firm involved with our company, and many others. What do they all want from their request? Feedback in one form or another.

It gets even more serious when we "promise" to get back to someone and then forget to do so. How do you feel when this happens to you? Not a very positive feeling correct? Could others feel the same way when you fail to get back to them?

There is a simple solution that is rarely used. You must make notes all the time to help you remember to do things; particularly follow-up. I know, you took the call and said you would call back that afternoon. But then six things came at you and you forgot to do it. Does this seem like a possible scenario in your world?

How long would it take to make a note when you took the call and made the promise? Maybe ten sec-

onds. Yet forgetting could be very costly to your reputation and that of your company.

It is important to let folks know you got their request; even if you do not have the answer for them yet. When they call the second or third time you are in deep trouble, right? Just follow-up with them and let them know you are working on it. For some items you can make a note in your Outlook calendar to remind you. If you are not sure how to use Outlook properly, get some help with it. There is usually someone in the office who is a whiz at it.

Just know, when you forget to follow-up, bad things happen!

Bill Harrison is a long-time Business Coach with the Phoenix Leadership Institute, Inc. He provides workshops that can be designed to meet your needs. To contact Bill, you can email him at:

wiharrison@comcast.net



PHCC Disaster Relief Fund Program

In the wake of recent storms and resulting floods, particularly in South and North Carolina, PHCC has activated its Disaster Relief Fund to provide immediate assistance to members in need. Your donation will assist members who are adversely affected by major disasters now and in the future. To donate, send your check to: PHCC-National Association Disaster Fund, c/o Wells Fargo Bank, P.O. Box 601804, Charlotte, NC 28260.



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You've heard contractors say it more than once: "I'm desperate for skilled workers!" But even the most diversified and active recruitment and hiring plans can fall short. We only bring in one apprentice, for example, for every four plumbers who are leaving the trades. These numbers don't add up. So, what can you do to bring the trades into your community and start addressing this problem?

Get Out There! Jump in!

The easiest and best way to begin is by attending a career day at your local school. Start with your own kid's school or maybe a relative's or employee's child's school. Up the ante and contact your local school district about being a presenter at local career events. What good does this do? Well, it illustrates to young people that there are alternatives to college. It also helps to change the perception of the "dirty tradesman." You're able, through your presence, to demonstrate the proven success of a life in the trades.

Make it Fun!

When presenting, always make sure you're honest. It doesn't help to recruit young people if you are pitching an unrealistic dream. Also, use visual aids such as PowerPoint presentations or show-and-tell. In the trades, we are very lucky to be able to bring what we do directly into the classroom. Show the students your tools of the trade and allow them to ask direct questions about your daily activities. Throw in a presentation, and they're sold. For example, when attending local career events, ensure that each classroom has a sink with an exposed piping system underneath. Then, split the class into two groups. Have one group go to the sink with you and explain drainage and supply. Have the second group, moderated by their instructor, handle the tools and show-and-tell items you've brought along. It is very engaging and way more fun than listening to another "boring presentation."

Build relationships!

Create a relationship with guidance counselors and inform them that you are very open to them sharing your contact information. Through word-of-mouth, you will find that you are very popular within their district. Counselors are dying for diversification when presenting career paths to young people. Help them along, and show them how beneficial a life in the trades has been for you and how great it can be for their students. Always send a follow-up note or e-mail thanking them for having you at their event, and invite them to save your information for future events.

Obviously, there are many ways to penetrate society with information about a life in the trades. It is our responsibility to present the trades to our communities and illustrate to them how important the trades are in their daily lives. After all, the trades are "economy-proof" and provide excellent benefits to those committed to their profession. Don't be afraid to share what you love!

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We're on the web! Visit us at www.mwphcc.org or at www.facebook.com/MWPHCC

PHCC Mission

Dedicated to the promotion, advancement, education and training of the industry, for the protection of our environment and the health, safety and comfort of society.

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