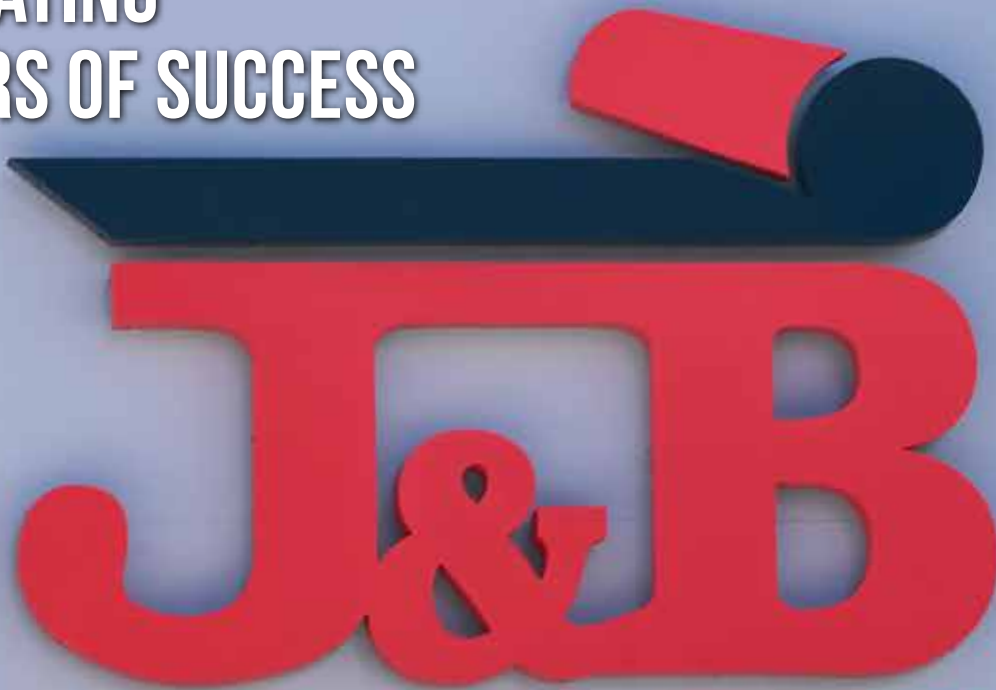


# CONSTRUCTION CONTRACTOR

SYRACUSE BUILDERS EXCHANGE - SINCE 1872

SPRING 2021

CELEBRATING  
40 YEARS OF SUCCESS



INSTALLATIONS, INC.

INDUSTRIAL & COMMERCIAL  
ROOFING CONTRACTORS

ON THE INSIDE

CAMDEN GROUP CONQUERS THE  
DIFFICULT PROJECTS

STAYING FOCUSED IN TURBULENT TIMES



# WORLD WIDE BONDING AGENCY

Contract Bond Specialist

*"turning pipe dreams into pipelines..."*

**Proudly serving contractors of all types and sizes - including small emerging firms and specialty trades. No matter the circumstance, we bond!**

CREATIVE UNDERWRITING • QUICK RESPONSE  
IN-HOUSE AUTHORITY • PEACE OF MIND • REFERRALS

## CONTACT US



2846 William Street,  
Buffalo, NY 14227



[www.wwbagency.com](http://www.wwbagency.com)  
[josephv@wwbagency.com](mailto:josephv@wwbagency.com)



(888) 681-7685



**WE MAKE  
BONDS SIMPLE**

# CONSTRUCTION CONTRACTOR

## TABLE OF CONTENTS SPRING 2021

### On the Cover:

J&B Installtions, Inc. Skaneateles Falls, NY



6



12



26

- 4 SPRING 2021 EXECUTIVE DIRECTOR'S MESSAGE
- 6 J&B INSTALLATIONS, INC. CELEBRATING 40 YEARS OF SUCCESS
- 10 THE EMPLOYMENT RETENTION CREDIT: TAKE ADVANTAGE OF THIS REFUND OPPORTUNITY
- 12 CAMDEN GROUP CONQUERS THE DIFFICULT PROJECTS

- 15 ADVOCATING FOR THE CONSTRUCTION INDUSTRY
- 16 AN UPDATE ON POST-PANDEMIC EMPLOYMENT LAW
- 18 STAYING FOCUSED IN TURBULENT TIMES
- 21 COVID-19, ONE YEAR OUT
- 26 THREE PILLARS OF A GOOD CYBERSECURITY PLAN



From Albany to Buffalo,  
and Plattsburgh to Montauk,  
we represent the construction industry in  
**THE EMPIRE STATE**

### **COUCH WHITE** COUNSELORS AND ATTORNEYS AT LAW

CONSTRUCTION CONTRACTS  
GOVERNMENT PROCUREMENT & CONTRACTING  
CONSTRUCTION CLAIMS, LIENS & INSURANCE  
MEDIATION, ARBITRATION & LITIGATION  
LABOR, WAGE & COLLECTIVE BARGAINING  
FALSE CLAIMS ACT DEFENSE

*Experience. Success.*

ALBANY, SARATOGA SPRINGS, NEW YORK CITY AND HARTFORD, CT  
WWW.COUCHWHITE.COM | (518) 426-4600

# EXECUTIVE DIRECTOR'S MESSAGE

## SPRING 2021

**F**orecasting. All businesses do it using various information and methods, some of which may be unusual and passed down from generation to generation in family owned businesses. In the end, we know what metrics to use and what methods produce the most predictable outcomes.



Forecasting for 2021 in the fall of 2020 was confusing and frustrating as few of us in the construction industry could not reflect on past experiences for guidance on how to forecast during a pandemic. Conservative budgeting exercises produced unfavorable results, but such philosophies allowed one to prepare for worse case scenarios.

My 2021 membership renewal forecast was wrong. During the budgeting process in the fall there was great uncertainty as to what the 2021 membership retention would be. While we had data and historic experience to reflect upon, and benchmarking observations, the true measure would not be revealed until the February 2021 Syracuse Builders Exchange (“SBE”) Board of Directors meeting.

I would be remiss if I did not recognize the highly competitive market our members are dealing with today as bidders lists are longer than ever, bid results extremely close, margins remain razor thin and material costs skyrocketing. Through it all, the construction industry and our loyal member firms maintained confidence in the SBE, exemplified by a stronger than expected membership renewal. SBE’s basic membership retention percentage was on par with our 2020 membership renewal, while Syrabex’s e-plan room renewals exceeded our retention percentage from 2020.

One 2021 forecast discussed in the fall of 2020 was that projects out for bid across upstate New York would be down approximately 20% compared to the year before. Although a few months’ worth of data does not illustrate a trend, nor will it define a year end result, projects out for bid (year to date compared to 2020) are down 15.9%.

Last year people asked me my thoughts on the future for the upstate New York construction industry. While my bias towards the resiliency of our contractors is obvious, my prediction then still holds true today. Unfortunately, it will take a significant infusion of money from one or more levels of government (our politicians call it stimulus) which will lead to investments in the public infrastructure of upstate New York. Roads, bridges, wastewater treatment plants, schools, medical facilities, higher education, and other important initiatives. Thereafter, architects and engineers will need to hire at least at the levels observed in January 2020. Even then, the industry will not see those results until 6-18 months into the future.

Keep the faith as there is light at the end of the tunnel and better days are ahead.

*Yours Truly,*

A handwritten signature in black ink, appearing to read "Earl R. Hall". The signature is fluid and cursive.

**Earl R. Hall,  
Executive Director**





# OUR NEW SYRACUSE FACILITY IS NOW OPEN!

5835 EAST TAFT ROAD  
NORTH SYRACUSE, NY 13212

WE ARE PROUD TO SERVE OUR CUSTOMERS  
THROUGHOUT CENTRAL AND WESTERN NEW YORK!



JOHN DEERE

HITACHI



NORTH SYRACUSE, NY

315-452-4560

FIVESTAREQUIPMENT.COM

DUNMORE, PA  
570-346-1701

WATERFORD, PA  
814-796-2663

WILLIAMSPORT, PA  
570-494-4030

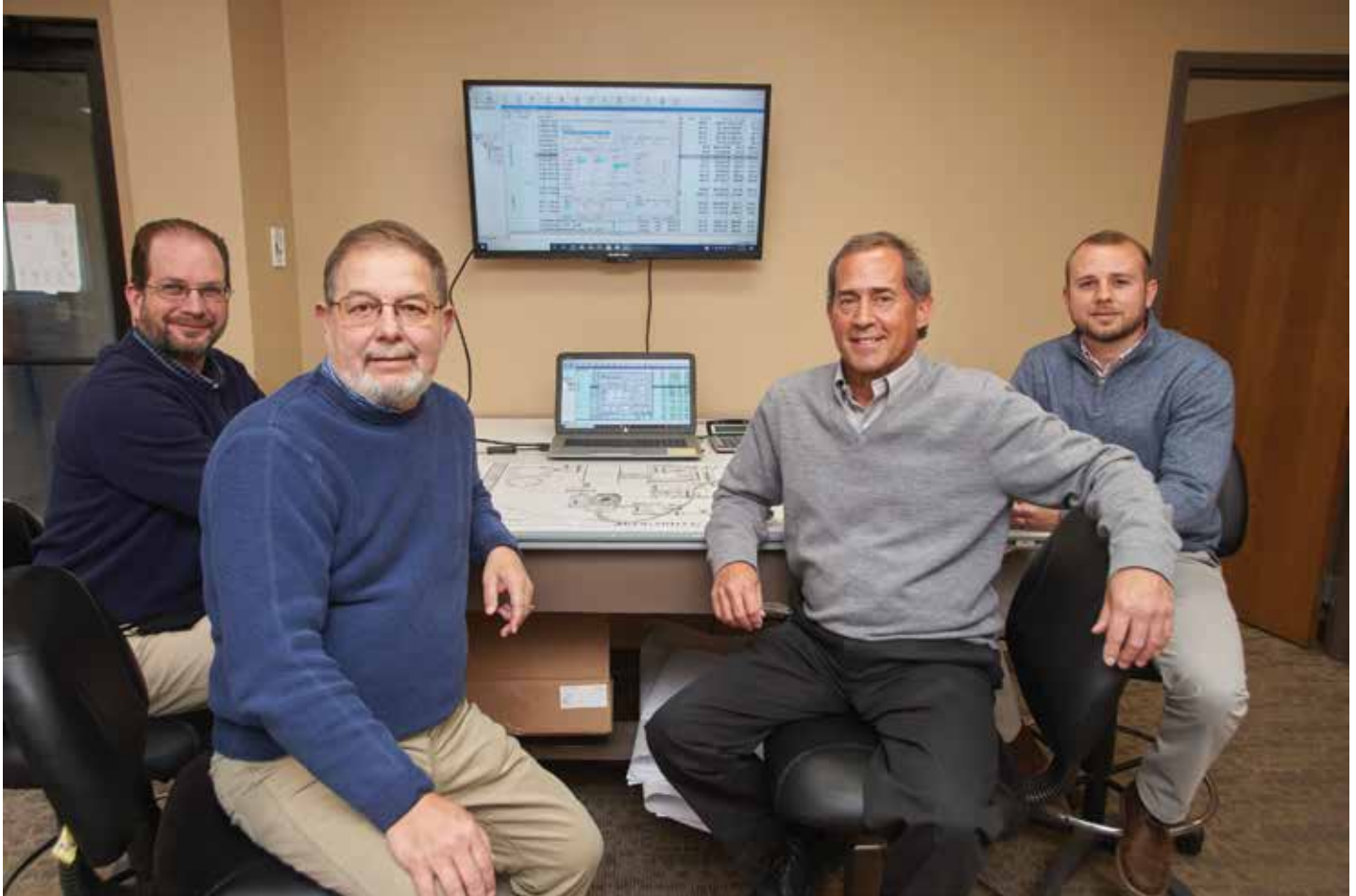
KIRKWOOD, NY  
607-775-2006

ORCHARD PARK, NY  
716-662-2191

ROCHESTER, NY  
585-235-3011

# J&B INSTALLATIONS, INC. COMMERCIAL & INDUSTRIAL ROOFING CONTRACTORS CELEBRATING 40 YEARS OF SUCCESS

SARAH HALL



L-R - Chris Bacon, Bob Parker, Mark Anderson, Brian Anderson

**J&B** Installations has come a long way from its humble beginnings. The roofing company got its start as a two-man operation in 1981. Now, celebrating their 40th anniversary, they employ upwards of 100 people during peak season and are known as one of the most reputable and safest roofing companies in Upstate New York.

Majority owner and President Robert Parker says he owes that growth to his team. “We employ good people” he said. “Our company is productive and safe because of our employees’ commitment—it’s a team effort.”

J&B specializes in commercial and industrial flat roofing. Their 16,000-square-foot corporate office/warehouse in Skaneateles Falls includes an

in-house sheet metal/fabrication shop and a top-of-the-line plan room using cutting edge estimating software. They also have satellite offices in Ithaca and Rochester and are looking to increase their presence in those areas. All roofers, foremen, and superintendents are OSHA-certified. J&B’s full staff of 12 roofing crews, facilitating a 25-vehicle fleet, including its own crane and 8- 42’ to 55’ forklifts, allow the company to provide clients with complete roofing services and 24/7 roofing repairs.

J&B’s 5,000-plus clients include office parks, warehouses, supermarkets, schools, municipalities, and production facilities, among others. “We’ve performed work on over 200 Aldi’s stores,” Parker said. “Aldi’s insists on quality when selecting a contractor to install in their region. They chose us and that’s a huge compliment.”

J&B's reputation has netted the firm a number of clients. "Most of our work is word of mouth," Parker said, "which is the best form of advertising. We strive to exceed clients' expectations and have gained many loyal customers as a result."

The company, which typically does work all across New York State, has ventured into Pennsylvania and Massachusetts as well. They even followed a client to Colorado Springs. "We were doing work for a company in Fulton," Parker said. "They had a roof problem at their plant in Colorado Springs and they were very happy with our work here, so they asked us to re-roof their plant in Colorado. It was a new type of long-distance challenge we had yet to experience, and the crews and superintendents that ran the project ultimately brought it in on time and budget."

The firm has taken on some significant projects, including the 1 million-square-foot Tops Distribution Center in Lancaster, New York, and a \$5 million roofing project for the Webster Center School District. J&B will be starting a \$4.9 million roof project for Ithaca City School District, a \$750,000 project for Community Hospital in Hamilton and a \$650,000 project for JMA in Syracuse, to name a few upcoming projects in 2021.

It's a far cry from Parker's kitchen table, where he first drew up plans for his own company back in 1981. As a 23-year-old newlywed who had worked for Rochester Roofing & Sheet Metal Co. for three years after college, Parker couldn't find anyone local who was hiring. So he decided to start his own company, "to be outside," he said. When the business outgrew his "home office," he moved into an office building down the street, where he slowly added staff, an administrative assistant and an estimator. In 1988, the warehouse caught fire after being

struck by lightning, making it unusable. In 1989 the current office/warehouse was built. In 1993, Mark Anderson, the owner of a local competitor, came on board as vice president and part owner, and he has been with the company since. By 2014 the company had again outgrown its space. A 6,000-square-foot addition was completed that year. Keeping up with the consistently



**Bob Parker, President,**  
in the sheet metal shop



**J&B project at Aldi in Lyons, NY**

changing industry and company growth has kept Parker and his employees extremely busy over the last 40 years.

Longevity has also brought recognition to J&B; the company is the recipient of numerous honors. J&B has been named Firestone Master Contractor 25 times. "The award is only bestowed on the top 125 contractors in North America," Parker said. "It's based on the quality of installation and workmanship."

J&B has also been a Sarnafil Partners Club member for more than two decades, receiving Sarnafil's Elite Contractor Award for a number of years. In addition, J&B has earned Carlisle Syntec's Excellence in Single Ply Award, which Parker said is only awarded for "perfect work."

Parker said his employees undergo rigorous training, both to ensure they're producing top quality work and to guarantee everyone's safety. "We are a safe company," Parker said. "We preach to them by saying, 'we want you to come to work on time, rested ready to work, and we want you to go home to your family safe.'"

Community and family are important to J&B, which is why the company makes sure to give back on a regular basis. The firm has done pro bono work for a number of local charities, including the Make-A-Wish Foundation, the Southern Cayuga Observatory, the Elbridge Fire Station, and the American Legion Post 317 in Skaneateles Falls. And their generosity doesn't stop there.

"We like to give back to the community," Parker said. "We donate to a variety of causes. Locally we've contributed to the Christmas Basket for the elderly and to the Jordan-Elbridge Central School District, which helps families in need of Christmas presents for kids. We've donated to several cancer charities and have helped raise suicide awareness, both of which have personally



One of the estimating tables in the J&B estimating department

affected our J&B family. We also try to take care of our employees if they need something, such as help with funeral expenses or food for a benefit. We try to give where we can.”

Parker said J&B has been fortunate during the pandemic to not have faced as many losses as other businesses. “We were considered essential,” he said. “We had a lot of work going on. As far as the pandemic went, yes, it affected us somewhat in sales and with labor. Navigating the legalities of the ever-changing landscape and day-to-day updates in the beginning took a lot of focus and our office team really came to the plate. We wanted to ensure that our staff was safe and compliant. We got hurt a little bit, but not as harshly as other companies. Your smaller businesses, they really took a hit.”

That’s not to say the business is without challenges. As the new administration takes over, Parker said there is some concern that the tax bill passed as part of the 2017 Tax Cuts & Jobs Acts may be repealed. The tax bill allows for 100 percent expensing of a new roof in the first

year up to \$1 million per property instead of the old 39-year depreciation schedule it replaced.

The 2017 Tax Cuts and Job Act also helps with the cost of bringing existing buildings up to the new energy code. The new building code requires R-30 minimum insulation on all new construction and re-roofs. Parker estimates that 90 percent of existing buildings presently do not meet the code.

Parker also states that “multiple metal buildings/roofs built in the 1970s, ‘80s and ‘90s are leaking and are at the end of their life cycle.” These buildings are easily re-roofed using fill insulation between the flutes and adding additional insulation to bring the system up to the new energy code. The building owner then receives a 20- to 30-year leak-free warranty from the roof system manufacturer.

As for the future of the company, Parker says it looks pretty green. “People are getting more conscious about the environment, which they should,” he said. Parker is so invested in the green movement that he also owns a green roofing company. Chatfield Green Roofing supplies the northeast with Xeroflor mats grown at Chatfield Farms in Elbridge. These mats consist of sedum, which are flowering succulent plants meant to withstand the harsh weather conditions of the Northeast. The mats are non-biodegradable, lightweight, low maintenance, economical and can be removed 10, 15, or 20 years down the road to perform roof service/maintenance and then be reinstalled, making them a truly “sustainable” product. Chatfield and Xeroflor have supplied their products on a number of large-scale green roof projects throughout the East Coast, including the 294,000-square-foot Jacob Javits Convention Center



Project completed at Letchworth CSD





roof in New York City. Other recognizable landmarks using these living mats are Binghamton City Hall, the Empire State Building and Duke University Medical Facility. Eventually, Parker said he plans to retire from J&B and devote himself full time to Chatfield Farms, but that's still at least two to three years away. Right now, he's fully invested in J&B.

"I'm really happy about our reputation as roofing contractors," he said. "I'm proud of my team. They really work hard to get to a common goal and they do a very, very good job."

Parker marveled at how far the company has come since the day he sat down at his kitchen table to sketch out the plan for his company.

"I cannot believe this is our company," he said. "Our employees are here for a long, long time. We have people that have been here for over 30 years and we count multiple generations among our crews. Our CFO, Lynn Proulx, has been with me for 33 years. There are several other employees that can say the same. We

have had very little turnover... I am proud of that fact and when I see my employees living in nice homes, supporting their families that now, in some instances include grandkids, I feel like we've all grown up together. We've helped support a lot of families, and it's nice to see that."

The business is transforming to the younger generation. Chris Bacon, Parker's nephew, will be taking over as majority owner in the near future with Brian Anderson, Anderson's son, taking over his interest. This will happen over the next few years but both have been with the company for 20 and 15 years respectfully. "No one knows what the future holds, but one thing's for sure—J&B will continue to provide the best quality and workmanship for years to come," Parker says. "I have loved coming to work every day even after 40 years."

For more information on J&B Installations, visit them online at [www.jbinstallations.com](http://www.jbinstallations.com) or call 315.685.8993.

# THE EMPLOYEE RETENTION CREDIT: TAKE ADVANTAGE OF THIS REFUND OPPORTUNITY

NICHOLAS L. SHIRES, CPA, DANNIBLE & MCKEE, LLP



**T**he Employee Retention Credit (ERC) is a tax benefit included in the Coronavirus Aid, Relief, and Economic Security (CARES) Act aimed to help employers keep employees on their payroll during the pandemic. However, the effectiveness and availability of this benefit was limited for a few reasons. Most notably, the CARES Act prevented employers from utilizing the ERC if they had taken a Paycheck Protection Program (PPP) loan. With the passing of the Consolidated Appropriations Act (CAA) in December, this mutually exclusive provision was eliminated, making the ERC retroactively available to employers who received a PPP loan. In addition to retroactive changes to the 2020 credit, the CAA also provides an extension and enhancement of the credit through the first two quarters of 2021.

## Percentage of Wages

2020: The credit is equal to 50% of qualified wages. Qualified wages cannot exceed \$10,000 per employee for all quarters. The maximum amount of the credit is \$5,000 per employee.

2021: The credit is equal to 70% of qualified wages. Qualified wages cannot exceed \$10,000 per employee, per quarter, for the first two quarters of 2021. The maximum amount of the credit is \$7,000 per quarter, which equates to a total available credit of \$14,000 per employee.

## Eligibility Requirements

2020: An eligible employer is a trade or business that was in operation during 2020 and experienced either:

- Full or partial suspension of operation of business as a result of government order limiting commerce, travel, and group meetings due to COVID-19 restrictions; OR
- Significant decline in gross receipts, which is a period that begins at the start of the calendar quarter in which the employer's gross receipts are less than 50% of its gross receipts in the same quarter of 2019. The period of significant decline ends following the quarter in which

the employer's gross receipts are more than 80% of the same quarter of 2019 (less than 20% reduction).

2021: Eligibility rules are the same for 2021 with a slight adjustment to the test for determining a significant decline in gross receipts.

- Significant decline in gross receipts, which is a period that begins at the start of the calendar quarter in which the employer's gross receipts are less than 20% of its gross receipts in the same quarter of 2019. Employers can elect to use the gross receipts test of the preceding quarter to qualify for the current quarter. For example, if the employer has a 20% reduction in the first quarter of 2021, they would also be deemed to meet the test for the second quarter.

## Eligible Payroll

2020:

- For large employers (over 100 employees) - only wages and health care costs paid to employees not performing services during the eligible quarters are eligible. Large employers only receive the credit for paying employees not to work.
- For small employers (under 100 employees) - all wages and health care costs paid during the eligible quarters are qualified wages even if the employee continued to perform services.

2021: The rules are the same as 2020 except for the definition of a small employer increased from 100 to 500 employees.

## PPP Loan Interplay

Employers can now take advantage of the ERC even if they took a PPP loan to cover payroll costs. However, the ERC and forgivable PPP loan cannot be used to cover the same payroll costs. This is going to create some complicated calculations, especially for those employers who already applied for and received forgiveness of the PPP. A determination needs to be made on an employee-by-employee basis to determine

how much of the wages, including health care costs, are eligible for ERC and how much were forgiven under the PPP loan program. IRS Notice 2021-20 provides guidance and examples of how to determine payroll costs forgiven under the PPP program in situations where the applications for forgiveness was already filed.

## Claiming the Credit

Due to the retroactive nature of the changes for 2020, refund claims are necessary. Although there are options to increase cash flow for those employers that qualify for the credit in 2021. There are three ways in which the credit can be claimed:

1. **File an Amended Form 941** – The IRS will allow all quarters of 2020 to be included in the fourth quarter payroll tax returns for any credit previously disallowed due to the PPP loan versus filing three amended payroll returns.
2. **Reduce Payroll Tax Deposits** – Employers can reduce the amount of Federal employment tax deposits by the amount of credit determined based on qualified wages paid.

3. **Request an Advance Payment of the Credit** – If an employer is eligible for a credit that exceeds the amount of required deposits, the refundable portion of the credit can be claimed in advance of filing the payroll tax return using Form 7200.

## Next Steps

Your next steps may require the assistance of an accounting professional. First, determine whether there is a qualifying quarter in 2020 or 2021 based on a required shut down. Second, determine if you have any quarters that meet the significant decline in gross receipts tests. Third, calculate your qualified wages. And finally, file your refund claim to get the money!

Nicholas L. Shires, CPA, is the partner-in-charge of tax services at Dannible & McKee, LLP, a public accounting firm with offices in Syracuse, Binghamton and Albany. The firm has specialized in providing tax, audit, accounting and advisory services since its inception in 1978. For more information on this topic, you may contact them at (315) 472-9127 or visit online at [www.dmcpas.com](http://www.dmcpas.com).

GO GREEN WITH

(315) 466-2162

# Chatfield

REGIONAL GROWERS OF

SIMPLY SMARTER. GREEN ROOFS.

BUY DIRECT FROM THE SUPPLIER  
GROWN IN CENTRAL NEW YORK  
HIGHEST QUALITY  
LOWEST COST

[chatfieldgreenroofing.com](http://chatfieldgreenroofing.com)

PHOTO OF JACOB JAVITS CONVENTION CENTER WITH XEROFLOR

© MATS SUPPLIED BY CHATFIELD FARMS

- XF Pre-Vegetated Mat
- XT Growing Medium
- XF Water Retention Fleece
- XF Drain Mat
- XF Root Barrier

# CAMDEN GROUP CONQUERS THE DIFFICULT PROJECTS

TAMI SCOTT

**A**s the sole shareholder of Camden Group, Ken Scherrieble's company has earned itself a prestigious place in the world of environmental services and infrastructure restoration. Established in 2011, clients have come to know it as the solution to their most halting problems.

Camden Group specializes in water and wastewater operations; grouting and waterproofing; and infrastructure restoration, including manhole rehabilitation and concrete rehabilitation and coatings. Its northeast and mid-Atlantic client base is comprised of municipalities, utility companies, and public sectors in the northeast and mid-Atlantic.



**Ken Scherrieble,**  
Owner and CEO

“Over the years we have become known as the firm you call when others have tried and failed,” Scherrieble said. “We have an

exceptional corp of experienced craftsmen with well over 200 years of experience in water infiltration. We have been on many projects where the client or engineer has said there is no way we could do the job, only to hear them exclaim they would have never believed it if they did not see it with their own eyes.”

These jobs have included manhole restoration projects in the Metro NY/NJ area and in the suburbs of Philadelphia where water is pouring in and engineers are convinced nothing can be done to fix them. When Camden Group comes in, they turn it around and make it work. When the aquarium at the Dream Mall of America in East Rutherford, NJ was leaking and nobody could stop it, they called on Camden Group. The team got it to stop.

“Those are the fun things that we get into when other people just can't solve the problem,” he said. “Pretty much anything that's got to do with water moving, we can figure it out — [we can] stop it or move it in another direction.”

## National Recognition

Just last year, Camden Group earned national recognition for its role in a progressive pipeline project with the Public Service Electric & Gas Company (PSE&G) in the Metro NY/NJ area. It involved establishing a cured-in-place lining (CIPL) of a 573 lf, 42-inch, high pressure cast-iron



**Camden Group works on piping for PSE&G**

gas main leaking under the Garden State Parkway at Central Avenue Bridge in East Orange, New Jersey. Several challenging obstacles had to be overcome to complete the project, one of which was water infiltrating the deeply buried gas lines. Scherrieble said they had to find a way to stop the water before a liner could be put in place.

“We created a means by which to drill through and then grout the pipe so that the grout surrounded the pipe from the outside to stop the infiltration of water,” he said, and due to the complex pipe configuration, Scherrieble's crew had to travel inside the pipe on a skateboard-type conveyance, on their backs, down 300 feet at a 45-degree angle, then straight, and then another 300 feet down, before they could begin their “patchwork.”

According to project officials, CIPL was the only option, yet lining a very large 42-inch cast-iron pipe had never before been done. Camden Group played a critical role in the project's successful outcome.

This PSE&G project was named the 2020 Trenchless Technology Project of the Year runner up and was showcased at the National No Dig Show. It was also set to be highlighted in Denver but the pandemic pushed it to a virtual show like many others.

“We were proud to be a part of it,” Scherrieble said.

## Holistic Approach

Unique to other companies, Camden Group began as a water and wastewater operations firm and over the years was involved as a client for the infrastructure restoration services that it now provides.

“That experience allowed us to see the good and the bad and since our focus as operators is assuring clean water, we used that experience and determined that we could perform the services we were contracting better (in our mind),” Scherrieble said. “We take a more holistic approach to the contracting side since we were, and in many cases still are, the client of these construction services. This gives us a different perspective and allows us to work with clients showing them how to meet their I&I, water intrusion, coatings, or soil stabilization goals.”

## Large company expertise, small company values

Camden Group is based in Camden, NY, which is part of Central New York in Oneida County. Here they have a 9,000 square foot warehouse for the infrastructure restoration division and a separate 2,000 square foot office which serves as the company headquarters. In 2019, the company opened a second location in Butler, New Jersey, located in the Metro NY/NJ area. That location specializes in chemical grouting, soil stabilization, waterproofing, and concrete repair. The

addition welcomed a 26-year veteran to the waterproofing division, and grew the employee base from three to 13. Due to this new and enjoyed growth, Scherrieble is on the lookout for more space in the New Jersey area, specifically, about two thousand square feet for both an office for staff and a warehouse to accommodate vehicles and product they utilize.

A family-oriented company, Camden Group has 38 full-time employees. The number climbs to about 50 during the peak summer season. Scherrieble takes pride in providing large company expertise with small company values. Each year, employees and their spouses gather for a large holiday party (minus 2020) where Scherrieble gives everybody a chance to meet and get to know each other.

“The company is stretched over such a distance that sometimes people think they’re just a core group of four to six, they don’t realize that there are 38 people that are part of the organization,” he said, adding he was disappointed he couldn’t bring his team together as often as he had planned last year due to the new COVID-19 protocols. He looks forward to bringing the family back together again.

## Company Philosophy

The Camden Group company philosophy, which Scherrieble attributes to his German upbringing, stands out front and center in the work they do every day, no matter how big or small is the job.



The team at Camden Group USA

“No. 1, if you’re not gonna do it right, don’t do it at all. No. 2, if you are going to do it, do it right and don’t do it a second time,” he said, noting his grandfather was first-generation German. “Sums it up. Our philosophy is very much that philosophy.”

Scherrieble’s father, Otto, owned his own machining company for which Scherrieble did some work. In a humorous yet accurate account of his family’s work ethic, he told of an encounter he had with



**Camden Group and SEPTA project**

an inspector from the National Regulatory Commission (NRC) while touring his father's facility. It takes place in the QA/QC room:

"[The inspector] says to me, 'What's your sample size for your QA/QC program?' And I said, '100 percent.' 'I

don't think you understand me. Out of 100 pieces, how many pieces do you measure to make sure they meet the QA/QC?' 'One hundred percent!' 'Nooo, you don't understand me. I don't mean what measurements you take. I mean how many of the pieces do you take? So, if you made 100 pieces, how many of those pieces do you measure?' And I said, '100 percent!' And he looked at me, and my father was standing in the doorway, and my father says, 'Did you see the name on the sign when you came in? OttoTech. My name is Otto. Every single piece that leaves this facility is measured.' And the NRC inspector turns around and he says to me, 'Okay, 100 percent!'"

**"That's the way I was brought up," Scherrieble said. "You do it right. You do it right the first time."**

Ken Scherrieble has been in the water and wastewater treatment and infrastructure business since 1991. He is a Certified 4A NYS wastewater treatment plant operator and a member of various organizations including NACE (now known as AMPP) WEF, NYWEA, NYSRWA and AWWA.

To learn more about Camden Group, visit <https://camdengroupusa.com/>.



P.O. Box 539, 8085 State Hwy 12, Sherburne, NY 13460

[www.SteelSalesInc.com](http://www.SteelSalesInc.com)

**WBE / DBE Certified**










**800-238-7833 or 607-674-6363 - Fax: 607-674-9706**

**Your Source for Steel, Stainless, Aluminum & More**

<b>Structural Shapes &amp; Bars</b> 	<b>Sheet &amp; Plate Products</b> 	<b>Concrete Reinforcing Products</b> 	<b>Drainage Products</b> 
<b>Piles Decks &amp; Grates</b> 	<b>Additional Building Materials</b> 	<b>Tube &amp; Piping</b> 	<b>Snow Plow &amp; Heavy Equipment Wear Parts</b> 

**Custom Fabrication**

<b>Vacuum Truck Parts</b> 	<b>Bucket Liners /Rebuilds</b> 	<b>Crusher Plates</b> 	<b>Liner Plates</b> 
<b>Grizzly Grates</b> 	<b>Asphalt Silo</b> 	 <p><b>HARDOX®</b> <b>WEARPARTS</b> Your local certified Hardox expert for efficient wear parts solutions</p>	

# ADVOCATING FOR THE CONSTRUCTION INDUSTRY

EARL R. HALL, EXECUTIVE DIRECTOR, SYRACUSE BUILDERS EXCHANGE

Return on investment (ROI). How many times have you asked yourself what is the ROI on various items? Kitchen renovation, professional Association membership, club membership, bathroom renovation, etc. Many people want to know, which may not always be easy to quantify, but typically you can determine an estimated ROI.

Association Executives had better keep ROI at the top of their priority list when evaluating the goods and services delivered to a membership of individuals or employers. While many of the services the Syracuse Builders Exchange (“SBE”) delivers to the construction industry, our member employers and their employees are well known, one not so well-known service is our advocacy efforts. How does one quantify the value of “advocacy” into the ROI determination? It is a good question which I will address.

Advocating on behalf of the construction industry and our member employers remains a vital service SBE provides. Although SBE does not have a lobbyist, as Executive Director I do participate with my construction industry Association peers across New York in identifying items of importance to the industry throughout New York State. The group consists of construction industry Association executives from western New York, Rochester, central/northern New York, the Mohawk Valley, Albany, Hudson Valley, New York City and Long Island.

Collaboration among a small group of Association Executives has proven beneficial as our strength in numbers approach has illustrated a unified message to elected officials and bureaucrats in Albany. I would be remiss to say as a group we have any political power to overcome opponents which generally donate thousands of dollars to the same elected officials; however, we do have the intellect to deliver a thoughtful message that is not only in the best interest of the construction industry, but in most cases, taxpayers.

Examples of successful advocacy efforts in 2020 include implementation of new Substantial Completion legislation signed by Governor Andrew Cuomo. Substantial Completion is now defined by law and will prevent project owners from withholding retainage for extended periods of time after a project has been fully occupied or utilized for its intended purposes.

SBE successfully advocated for changing onerous provisions in State University Construction Fund (SUCF) project specifications relating to COVID-19 contractor liability on job sites. The language essentially stated contractors would be responsible for any Executive

Orders or orders by public health officials which were not present at the time of bidding but may be imposed during the project. Those unknown costs would be the burden of the contractor. SBE opposed such language and I engaged in discussions with SUCF legal counsel. As a result, SUCF amended the language to mitigate the contractor’s liability on all SUCF projects, including the SUNY Oswego project in question.

Not all advocacy efforts result in favorable outcomes. I remain frustrated that those of us advocating for Labor Law 240 reform (Scaffold Law) have failed. The trial lawyers lobby and the lobbying efforts of organized labor continue to be too powerful to overcome. In addition, some legislators in Albany are also attorneys who remain very reluctant to remove this absolute liability statute. New York remains the only state that maintains an absolute liability statute. Reform advocates simply request New York remove the absolute liability standard and replace such with a “comparative negligence standard”. As long as our elected officials continue to maintain control in the New York State Assembly and Senate, Labor Law reform is highly unlikely.

Although New York State Labor Law reform is highly unlikely, I am working with Congressman Chris Jacobs (NY-27) in supporting his effort to remove the absolute liability standard on all federally funded projects in New York and replace such with the comparative negligence standard. As you can imagine, unfortunately, he is not getting the support from his colleagues on the other side of the aisle.

Quantifying the ROI of advocacy efforts is difficult, especially in instances as illustrated above. I suspect the ROI is valued differently and varies from member to member; however, it remains important the construction industry and our member employers understand that such efforts will continue as representing the best interest of contractors and the industry is outlined in the SBE By-Laws.

Advocacy efforts will remain one of the top priorities at SBE. Dues dollars are not taken for granted but are appreciated especially during the tail-end of a pandemic, and challenging economic times. While the pandemic may be retreating and our return to “normal” just around the corner, the economic damage done by the pandemic and our elected officials in Albany will be felt for quite some time.

I welcome and encourage contractors, engineers, architects, and project owners to contact me with items of importance. All items will be reviewed and discussed to determine if such impacts the industry throughout New York, or just at the local level.

# AN UPDATE ON POST-PANDEMIC EMPLOYMENT LAW

DIANA I. PLUE, ESQ. AND ANTHONY C. GALLI, ESQ., SHEATS & BAILEY, PLLC

**A**s eased restrictions allow the economy to open the throttle, employers must anticipate increased oversight and audits by government agencies such as the Department of Labor (“DOL”). When the auditor comes knocking, employers must have proper written policies on various subjects: wages, paid time off, sick leave, and sexual harassment to name a few. Prepared employers will have these records thoroughly kept and will also have a detailed Employee Handbook; if yours is over a year old then it needs to be updated. 2020 changed it all.

An example of the importance of thorough record keeping is illustrated by a case our firm recently handled. We represented an employer in an Unemployment Insurance hearing to reverse an employee’s award of unemployment benefits. The employee quit and received benefits, claiming she had good cause to quit because the owner failed to follow COVID safety protocols; the employee also claimed she was sexually harassed and the employer violated wage laws.

The DOL reversed the employee’s unemployment benefits based on the evidence we presented of the employer’s substantial records regarding safety procedures and their Employee Handbook, which addressed wages and sexual harassment.

In our experience, the most common issues reviewed by Federal and State government agencies are:

- Improper classification of employees as independent contractors;
- Wage violations, including but not limited to:
- Failure to supply written notice of wages upon hiring,
- Misclassification of employees as exempt from overtime pay,
- Failure to pay employees the correct amount of wages under the NYS Sick and Safe Leave Act,
- Failure to pay the prevailing wage fringe benefits, and
- Failure to correctly pay overtime pay on prevailing wage jobs;

- Failure to give mandated meal breaks (allowing employees to work thru their lunch breaks);
- Failure to provide mandatory written notices to employees advising of rights under both Federal and NYS Labor Laws;
- Employment of illegal aliens;
- Leave violations, including failure to give written notice of all statutory leave an employee is entitled to and an employer’s own policy on sick leave, vacation leave, personal leave, holidays, failure to give statutory mandated leave, failure to properly pay an employee on leave as required by applicable statutes.
- Safety Violations;
- Violations of harassment/discrimination laws; and
- Pay Equity Violations;

Auditors will demand employee records applicable to their investigation, such as employee handbooks, definition of employee job descriptions, payroll records, time sheets, written harassment policies, written notices of leave entitlement, I-9 forms, copies of job advertisements, OSHA logs, employment applications, collective bargaining agreements, benefit and retirement plans. Federal and NYS Labor Laws both have requirements for the length of time certain forms must be maintained by an employer and penalties for failure to comply. For example, employers are required to maintain I-9 forms for three years from date of hire or one year after the employee is no longer employed, whichever is longer.

An Employer may be fined for all substantive and technical violations. Penalties for substantive violations, which includes failing to produce I-9 forms, range from \$234 to \$2,332 per violation. The failure to keep these records can establish a presumption that the employer knew they were employing unauthorized workers. Employers who have knowingly employed unauthorized workers will be fined, and could be criminally prosecuted. Monetary penalties for knowingly hiring and continuing to employ unauthorized workers ranges from \$583 to \$23,331 per violation.



NYS requires employers to keep payroll records, showing wages earned, amount of overtime earned, and leave earned for six years. Failure to establish, maintain and preserve, contemporaneous, true and accurate payroll records for six years shall be guilty of a misdemeanor and upon conviction punishable by:

- a \$500 to \$5,000 fine; or
- imprisonment up to one year.
- Subsequent violations within six years of an earlier conviction is a felony punishable by either or both of the following:
  - a \$500 to \$20,000 fine; or
  - imprisonment up to one year plus one day.
- Officers and agents of corporations, partnerships, or limited liability companies that knowingly permit violations are subject to individual criminal liability.

Record retention is crucial to fend off audits. Failure to even have records available may result in a violation and fines. Once an auditor discovers one violation, the

agency will dig deep to find all of them. Have your records in order. Get your documents in order with qualified counsel. Avoid scrambling to piece together information for the DOL.

For more information, contact Sheats & Bailey, PLLC; a law firm dedicated to serving the construction industry. Tel: (315) 676-7314.

*The information provided in this article is not intended to serve as specific legal advice for any particular situation. Competent legal and experienced counsel should be consulted.*





# BUSINESS

FLEET & COMMERCIAL DIVISION









## WHY BUY FROM YOUR TRUCK HEADQUARTERS?

- We'll save you TIME AND MONEY!
- Largest commercial inventory in the region!
- Our Specially-Trained, experienced consultants are dedicated to serving Fleet and Commercial customers.
- We have access to the latest Business & Fleet incentives to save you money.
- Dedicated Service Bays exclusively for commercial trucks.





A Member of the

## Syracuse Builders Exchange

FOUNDED 1872

### CONTACT US FOR A QUOTE ON YOUR NEXT VEHICLE

DRIVERS VILLAGE, 5885 E. CIRCLE DR., CICERO, NY 13039 | SYRACUSE AREA | WWW.DVBIZWHEELS.COM | 315.233.5342



# STAYING FOCUSED IN TURBULENT TIMES

MICHAEL T. VALENTI, INSTITUTIONAL CONSULTANT/SENIOR VICE PRESIDENT,  
GRAYSTONE CONSULTING, MORGAN STANLEY

**W**hen the market is volatile, almost everyone thinks about their financial future and the potential impact such fluctuations may have on their retirement accounts. However, it is during these turbulent times that it's important to remember certain basic, time-tested principles of investing.

## Continue Contributions

It may not seem intuitive, but continuing to contribute to your retirement plan—even during market downturns—can potentially enhance your returns over the long-run. A down market can be an opportunity for you to acquire more shares of your investments at a lower price. Consistent investing through market ups and downs is called “dollar-cost averaging.” If an investment's price is high, you buy fewer shares, or units. When prices are low, you buy more. Investing regularly, using dollar-cost averaging, can help reduce the risk associated with buying during big swings in market prices.

## Diversify

If you've ever heard the saying, “Don't put all your eggs in one basket,” then you already have a basic understanding of diversification. Diversifying your portfolio can reduce risk and volatility. Review your account and make sure your portfolio is not too heavily weighted in company stock, or in any single asset class.

## Stay Invested

You may be anxious about the decrease in the value of your investments. But don't be tempted to move out of the market, sit on the sidelines and wait for prices to rebound. Trying to time the market could potentially jeopardize your financial strategy—and your future goals.

## Maintain a Long-Term Focus

Any investment decisions you make should be based on your financial goals and objectives, time horizon and risk tolerance, rather than concerns about market volatility. Even if the market seems volatile, remember

that ups and downs are normal. It is important to stay focused on your financial future and refrain from making short-term decisions on long-term investments.

History demonstrates that there will always be some degree of uncertainty and volatility in the markets. While market events are out of our control, we do have control over our financial objectives and how our investments are allocated to help us achieve them. If you would like assistance in determining the mix of asset classes that can help you meet your financial objectives, contact your Morgan Stanley Financial Advisor.

## Disclosures:

Article by Morgan Stanley and provided courtesy of Morgan Stanley Financial Advisor.

Michael T. Valenti is a Institutional Consultant/Senior Vice President in Rochester, NY at Morgan Stanley Smith Barney LLC “Morgan Stanley”. He can be reached by email at [Michael.Valenti@msgraystone.com](mailto:Michael.Valenti@msgraystone.com) or by telephone at 585-389-2291. His website is: [https://graystone.morganstanley.com/the-fischer-group-at-graystone-consulting/who\\_we\\_are](https://graystone.morganstanley.com/the-fischer-group-at-graystone-consulting/who_we_are).

This article has been prepared for informational purposes only. The information and data in the article has been obtained from sources outside of Morgan Stanley. Morgan Stanley makes no representations or guarantees as to the accuracy or completeness of the information or data from sources outside of Morgan Stanley. It does not provide individually tailored investment advice and has been prepared without regard to the individual financial circumstances and objectives of persons who receive it. The strategies and/or investments discussed in this article may not be appropriate or all investors. Morgan Stanley recommends that investors independently evaluate particular investments and strategies, and encourages investors to seek the advice of a Financial Advisor. The appropriateness of a particular investment or strategy will depend on an investor's individual circumstances and objectives.

Asset allocation and diversification do not guarantee a profit or protect against loss. Any type of continuous or periodic investment plan does not assure a profit and does not protect against loss in declining markets. Since such a plan involves continuous investment in securities regardless of fluctuating price levels of such securities, the investor should consider his financial ability to continue his purchases through periods of low price levels.

This material does not provide individually tailored investment advice. It has been prepared without regard to the individual financial circumstances and objectives of persons who receive it. The strategies and/or investments discussed in this material may not be appropriate for all investors. Morgan Stanley Wealth Management recommends that investors independently evaluate particular investments and strategies, and encourages investors to seek the advice of a Financial Advisor. The appropriateness of a particular investment or strategy will depend on an investor's individual circumstances and objectives.

Tax laws are complex and subject to change. Morgan Stanley Smith Barney LLC ("Morgan Stanley"), its

affiliates and Morgan Stanley Financial Advisors and Private Wealth Advisors do not provide tax or legal advice and are not "fiduciaries" (under ERISA, the Internal Revenue Code or otherwise) with respect to the services or activities described herein except as otherwise provided in writing by Morgan Stanley and/or as described at [www.morganstanley.com/disclosures/dol](http://www.morganstanley.com/disclosures/dol). Individuals are encouraged to consult their tax and legal advisors (a) before establishing a retirement plan or account, and (b) regarding any potential tax, ERISA and related consequences of any investments made under such plan or account.

Michael T. Valenti may only transact business, follow-up with individualized responses, or render personalized investment advice for compensation, in states where he is registered or excluded or exempted from registration.

# Graystone Consulting

A business of Morgan Stanley

PRINTING . PROMOTIONAL PRODUCTS . BRANDED APPAREL



**WHATEVER YOU NEED, WE'VE GOT YOU COVERED.**

- Custom printed and embroidered apparel from polos to jackets
- Full turnkey solutions design & print for all your marketing needs
- In house services to serve you better!

**WWW.ACTIONPRINTWEAR.COM | (315) 672-7402**

**FOR ALL  
YOUR  
BRANDED  
NEEDS.**

**ACTION**  
PRINTWEAR  
for all your printing and promotional needs



# Construction carries unique risks. We provide unique solutions.

Our more than 200 experts and specialists in over 70 areas of insurance and risk management give you unparalleled bench strength and peace of mind.

OneGroup is proud to be chosen by Syracuse Builders Exchange to provide members with complimentary reviews and comprehensive insurance and risk management services.



OneGroup Center, 706 N. Clinton St., Syracuse, N.Y. 13204  
1-800-268-1830 | OneGroup.com  
Contact: Brett Findlay, Sr. Business and Construction Risk Specialist  
BFindlay@OneGroup.com

# COVID-19, ONE YEAR OUT

THOMAS DODDATO, VICE PRESIDENT, DIRECTOR OF CLAIMS,  
LOVELL SAFETY MANAGEMENT



**A** recent headline in the Wall Street Journal proclaimed, “COVID-19 Workers’ Claims Face a High Bar.” Acknowledging that there is no comprehensive data on COVID-19 claims, the author, utilizing some anecdotal stories along with some scattered data, implies that legitimate claims are being denied. COVID-19 may be a novel virus, but state workers’ compensation systems have decades of experience with contagions in the workplace. By their nature, infectious disease claims are complicated. It is not unusual for insurance carriers to deny a claim pending the determination of the factual circumstances that gave rise to the claim.

In New York, as anticipated, the Workers’ Compensation Board (WCB) has readily accepted COVID-19 claims from health care workers. A recent decision by the WCB provided guidance for other types of employers. The Board reversed the establishment of a COVID-19 claim, but then directed further development of the record. The decision provided a road map for claimants:

“...the claimant may show that an accident occurred in the course of employment by demonstrating prevalence. Prevalence is evidence of significantly elevated hazards of environmental exposure that are endemic to or in a workplace which demonstrates that the level of exposure is extraordinary. A claimant may demonstrate prevalence through evidence of the nature and extent of work activities, which must include significant contact with the public and/or co-workers in an area where COVID-19 is prevalent. Public-facing workers and workers in highly prevalent COVID-19 environments are the workers who can show that the exposure was at such a level of

elevated risk as to constitute an extraordinary event. Moreover, it is not necessary that the medical opinion of causally related COVID-19 be 100% certain .... Rather, it is sufficient for the claimant to provide testimony regarding the work environment along with a medical opinion that indicates that because COVID-19 is prevalent in the community and in the workplace, it is reasonably probable that it is causally related....”

A carrier does have the opportunity to present contrary evidence in opposition to the claim.

To date, we have not seen a large number of COVID-19 related claims from our 3,200 contractor and industrial clients. Fortunately, the anecdotal evidence suggests that **workplace safety protocols were effective in reducing transmission of COVID-19.**

The impact of the pandemic, however, has not been limited to the small number of COVID-19 related claims. The health emergency has deleteriously affected the management and outcomes of many non-COVID-19 claims. Claimants who are partially disabled are required to demonstrate “labor market attachment.” In other words, claimants must produce evidence of a genuine attempt to obtain employment within their physical limitations as determined by their medical providers. This requirement greatly inhibits abuse. Due to the disruption of economic activity caused by the pandemic, the WCB has suspended this requirement. This suspension is reasonable, but it does serve to delay claim resolutions, which result in increased claim costs.

Due to the disruptions in the medical community, needed treatment, diagnostic tests, and surgeries were delayed. The WCB necessarily loosened the requirements for



claimants to periodically provide medical evidence of their disability. Carriers have also experienced delays in scheduling independent medical examinations (IME's) with qualified consultants. These delays negatively impact the outcome of the claims. The WCB has issued an emergency authorization allowing telemedicine visits, which has somewhat alleviated these problems, but a virtual visit is not the same as an in-person physical examination.

Despite these disruptions and problems, the system, under the guidance of the WCB, promptly responded to the emergent crisis and has adapted to the situation. Through the use of virtual hearings and the implementation of several procedural adjustments, the WCB continued to meet the needs of injured workers. Benefits continued with minimal interruption. Most disputes were resolved promptly with due consideration for the rights of all parties.

Thomas Doddato serves as Director of Claims at Lovell Safety Management. Mr. Doddato started with Lovell in 1998 as a Claims Manager, charged with implementing the Early Intervention Program. He was awarded the Associate in Risk Management (ARM) designation from the Insurance Institute of America and is a New York State Licensed Independent Adjustor.



**The most important decision you can make is choosing the people who can help you make them.**

It's not just about tax time at Dannible & McKee. We are your year-round financial advisors. Someone with specialized knowledge in the construction industry that you can rely on to deliver the best proactive advice and custom solutions. A partner that understands that to make the best business decisions, you need rock solid financial insights.

That's the key to **Delivering Confidence.**

**DM DANNIBLE & MCKEE, LLP**  
Certified Public Accountants and Consultants

Syracuse | Albany | Binghamton | 315-472-9127 | DMCPAS.COM

To learn more about how our specialized services can benefit you, contact:

**Ken Gardiner, CPA, CCIFP, CDA**  
kgardiner@dmcpas.com

**Joe Hardick, CPA, CCIFP**  
jhardick@dmcpas.com

**Joe Chemotti, CPA, CCIFP**  
jchemotti@dmcpas.com

**CICPAC**  
CMAA and Construction

**CCIFP**





**RITE-HITE**



6245 FLY ROAD 315-437-3386  
P.O. BOX 246 800-836-0485  
EAST SYRACUSE, NY 13057 315-437-6044 FAX

Website: [www.mullenindustrial.com](http://www.mullenindustrial.com)

**SALES, PARTS & RENTALS**

Loading Dock Equipment  
Commercial & Industrial Doors  
Lift Trucks  
Recycling Equipment  
Storage Equipment  
Material Handling & Warehouse Equipment

**SERVICE / INSTALLATION**

On-Site and In-House  
For All Material Handling Equipment  
Planned Maintenance for Your Equipment  
Forklift Operator Training  
Trained Service Personnel

**SALES & SERVICING**

**DEALER FOR:**

BLUEGIANT  
CLOPAY  
DOOSAN  
FACTORY CAT  
GENIE MAINTENANCE SCISSOR  
LIFTS  
MARATHON  
PFLOW VERTICAL CONVEYORS  
PRINCETON DELIVERY SYSTEMS  
RITE-HITE  
SNOW SCRAPER



**RITE-HITE**



**Genie**  
A TEREX COMPANY



**Linde**



**DOOSAN** Doosan Infracore  
Forklifts



**SNOW SCRAPER**



609 Vine Street  
Liverpool, NY 13088  
**(315) 676 7314**

425 Broad Hollow Rd  
Melville, NY 11747  
**(516) 294 4111**



Dedicated to Serving the Construction Industry

**Sheats & Bailey, PLLC**  
**Attorneys**

Edward J. Sheats & Jason B. Bailey, Principals  
Diana I. Plue, Senior Associate  
Anthony C. Galli, Associate  
Patience E. Schermer, Of Counsel  
Alan G. Kraut, Of Counsel New York City Office

**Attorneys Serving the Construction Industry**



# BENDERSON DEVELOPMENT

## There's strength in our numbers

**39**  
STATES

**40**  
MILLION SF

**750**  
PROPERTIES



For 70 years and counting, Benderson Development has been committed to developing and maintaining premier properties. Let's build something great together.

### CONTRACTORS WANTED

Visit [benderson.com/construction](http://benderson.com/construction)  
or call **716.886.1100** for the latest jobs out to bid.

RETAIL :: OFFICE :: INDUSTRIAL :: HOTEL :: RESIDENTIAL

# Syracuse Builders Exchange

FOUNDED 1872

### THE EXPERTISE TO PROVIDE COMPREHENSIVE ENERGY MANAGEMENT SOLUTIONS.



Upstate Temperature Control has been providing single source answers for all of your HVAC needs for over forty years.

We work to establish long-term relationships with our customers based on reliability, accountability, and trust.

#### OUR CAPABILITIES: TEMPERATURE CONTROL

Digital control programming and commissioning  
Pneumatic control calibration and installation  
Temperature control system troubleshooting and performance analysis  
Expertise in Johnson Controls Supervisory Systems: NCM350, N30, Facility Explorer

#### MECHANICAL PREVENTATIVE MAINTENANCE & SYSTEM REPAIRS

Scheduled air handler, unit vent and fan coil, filter, motor, and bearing service  
AC start-up and seasonal cleaning  
Maintenance of heat pumps, water towers, circulating pumps, and condensate pumps  
Motor starter, compressor, and air drier replacement and troubleshooting

### UPSTATE TEMPERATURE CONTROL, INC.

Established 1975

315.685.6937  
[www.upstatetemp.com](http://www.upstatetemp.com)

# THREE PILLARS OF A GOOD CYBERSECURITY PLAN

THE BEST WAY TO PREPARE FOR A CYBER-ATTACK IS TO KNOW EXACTLY WHAT YOU WOULD DO IF ONE OCCURRED

DENNIS AST, CPUC, CCIC, ONEGROUP



**C**yber-attacks and their corresponding insurance claims are on the rise. We all spent more time in the virtual space last year than we ever had before, making it imperative that we really think about the increased risk that virtual work, school and living presents.

As our lives rapidly shifted into the digital space last March, hackers got to work. Cloud breaches, “Zoom bombing” and misleading links promising coronavirus cures and statistics costs companies billions in claims and ransom payments. Virtual schooling and telecommuting forced cybersecurity professionals to work in high gear.

You should be thinking about your cybersecurity plan more than ever, and if you are, make sure you are including cybersecurity measures, contingency planning, and risk transfer with a solid cyber insurance policy. The worst time to try and establish a cybersecurity plan, or to put an insurance policy in place is after the breach has occurred.

## Cybersecurity Measures

Make sure you have done all you can to prevent cyber incidents. Keep your software up to date, use and be familiar with multi-factor authentication and strong password protocols, and train your team regularly on how to spot phishing or malware attacks. Install reputable NextGen anti-virus software and establish protocols for remote employees. Keep your data backed up and test these backups often.

Be sure to consider all possible goals of a cyber attacker, too. Some want money, others want trade secrets or patents, and still others could want something entirely different. Be sure your risk management plan addresses any possible motive.

## Contingency Planning

If 2020 taught us anything, it is that we need strong contingency plans for every circumstance. Talk with your

team about what you would do if you could no longer access your network or files. Know how you would reach your team, your clients and how you would access your backed up data if necessary.

## Risk transfer with a solid cyber insurance policy

Cyber-attacks can be incredibly costly. After you are through paying for legal services, tech services, fines & penalties, ransom, etc., you could be looking at a bill in the millions. Cyber insurance can cover your business’ cyber liability, the costs of restoring or repairing your systems or data and more. Insurance carriers often impose certain exclusions and sublimits, though, so be sure to work with a trustworthy broker who can explain your policies to you in a complete and understandable way.

In the end, the most important phase of your cyber response plan is knowing what you will do immediately after you discover it. Know who you will call first and know what you will need to ask them. You do not have to face these incidents alone, and in fact, you should not face these incidents alone. Have the phone numbers of people like the police, your lawyer, your insurance broker and policy number and cyber claim reporting handy. Make sure you have got a team that will have your back if the worst were to happen to you.

For more information on Cybersecurity you may reach out to Dennis Ast, Senior Account Executive Cyber Risk Specialist at OneGroup. He can be reached at [DAst@onegroup.com](mailto:DAst@onegroup.com) or 716-572-2410.



2020-2021

TICKET TO THE MOON

**BRUCE CARHART**

SYRACUSE · ROCHESTER  
WATERTOWN

**CUSTOM LOGO PRODUCTS**

*Embroidery - Screen Printing - Imprinting*



**SAFETY SHIRTS · CUSTOM HATS · SAFETY VESTS  
CONSTRUCTION JACKETS & MUCH MUCH MORE!**

*Just provide your company logo and we'll do the rest!*

EMAIL: CUERVOGOLD2000@YAHOO.COM

CALL: 315-382-8200

**EXPERIENCED.  
EQUIPPED. READY.**

**COST-EFFECTIVE, RISK-FREE COVERAGE  
FROM THE WORKERS' COMPENSATION  
EXPERTS WITH OVER 80 YEARS  
OF EXPERIENCE.**



**Lovell**

Safety Management Co., LLC

**Safety Pays Dividends**

Lovell Safety Management Co., LLC  
110 William Street  
New York, NY 10038  
212-709-8600 1-800-5-LOVELL  
[www.lovellsafety.com](http://www.lovellsafety.com)