

A PUBLICATION OF THE SYRACUSE BUILDERS EXCHANGE

CONSTRUCTION CONTRACTOR

FALL 2014

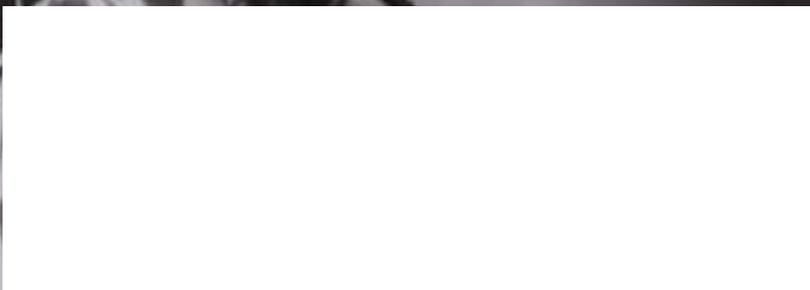


JONI HENDERSON

After 45 Years...Set to Retire

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WHAT YOU SHOULD KNOW**

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- Payroll
- Cobra Administration
- Section 125
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FALL 2014

LETTER FROM THE EXECUTIVE DIRECTOR

Over the past two years, the Builders Exchange has been working with a construction industry e-plan room software programming company in an effort to migrate our electronic plan room services to the next generation on-line plan room system. The evolution from our original e-plan room software program in August 2002 to our new e-plan room system has incorporated many significant upgrades and changes, which our staff has identified through various resources, including communications we received over the years from our end users.



Regional construction industry employers and your employees will enjoy a more robust, efficient, user-friendly e-plan room system designed for desktop and personal computer usage as well as smart phone and tablet usage with touch screen technology. The additional and improved features will greatly enhance the overall end user experience.

I remain very excited about the beta testing which is currently taking place at the staff and development team level. Later this fall a committee of contractors will continue the beta testing, followed by an education and training period for all construction industry employers and your employees.

Employee education and training opportunities will include weekly large group sessions at the Builders Exchange, on-line tutorials, on-site training for those employers with five or more end users and of course various webinars designed to train hundreds or thousands of employees at once. There will be significant training opportunities available prior to launching the new system.

There will no doubt be a learning curve with potential growing pains; however, the staff and development team are very excited and pleased with the new system, which has been developed specifically for Builders Exchanges in New York. Once complete, the program will be utilized by the software developer to implement in 80 other construction industry associations throughout Canada and the United States.

I welcome any and all feedback from our members at any time, but most importantly over the next 2-6 months as we launch the next generation e-plan room. I remain confident our next generation e-plan room will greatly improve the timely delivery of important construction information, how such information and bidding documents are managed and overall revolutionize how members utilize the many e-plan room services.

It remains a privilege to lead the region's only non-profit, full service construction industry association. As the state's largest and oldest Builders Exchange, our staff and Board of Directors remain committed to research and development as we work collaboratively with industry professionals to develop useful, innovative services.

Yours truly,



Earl R. Hall
Executive Director

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JONI HENDERSON,

COVER FEATURE

CONSTRUCTION EMPLOYERS ASSOCIATION OF CENTRAL NEW YORK

BY SARAH HALL



For the last four and a half decades, Joan “Joni” Henderson has been a mainstay at the Construction Employers Association of Central New York.

But soon, that’s going to change.

After 45 years as the CEA’s labor relations associate, Henderson is set to retire Jan. 31, 2015.

“I had a pretty good ride,” Henderson said.

In her position, Henderson is responsible for a variety of activities. She coordinates training for participating union employers and building trades union members throughout Upstate New York, handling the expenses for that training, as well. That’s one of the main missions of the CEA, which is responsible for providing industry education and safety

training to contractors and construction companies in Syracuse. It also fosters labor-management cooperation between industry employers and organized labor, offering help with collective bargaining and other issues with labor relations. Henderson herself is responsible for coordinating union contract negotiations and publishing union wage changes and contract information.

It was a job that evolved over the years from the time Henderson started with the exchange at the age of 19 after graduating from Powelson Business Institute.

“I had a wide variety of responsibilities when first hired, and then became the bookkeeper for a period of time before leaving to have my first child,” Henderson said. “I returned to work shortly after my first child was born to job share working for the labor relations director of the CEA. I maintained the part-time status until my children were in school and returned full time to the labor relations position.” She’s held that position since 1985 as a shared employee



Joni Henderson with Earl R. Hall, Executive Director, Construction Employers Association of CNY and Syracuse Builders Exchange.

“Joni’s personality, maturity, work ethic, loyalty and ability to work well with everyone were the characteristics which led to a long, successful career,” said Earl Hall, executive director of both the Syracuse Builders Exchange and the CEA. Hall is Henderson’s supervisor. “It also made for a great office environment for the association’s employees, our member employers and union officials who frequently visited the association. Joni’s constant warm and welcoming personality made her office a popular place to meet as one knew they would always receive a friendly smile and kind words.”

In addition to being kind and approachable, Hall said Henderson was good at what she did.

“Professionally Joni has exceeded all expectations, as she elevated the association’s presence in the regional construction industry with her ability to work well with contractors and union officials in a collaborative effort on a wide variety of industry initiatives,” he said. “Her role over the decades frequently provided a calming presence when dealing with sensitive industry issues. Joni’s passion for her career, the association and the construction industry in general was genuine and recognized by those who had the pleasure of working with her.”

That passion netted Henderson many friends in the business.

“She’s just a great person. She’s able to deal with pretty much anybody – business agents or management. She’s very well respected,” said Jim Taylor of J.D. Taylor Construction Co., Inc., a commercial contractor and construction manager based in Syracuse. The company celebrates its 100th year in business this year. “We go back about 40 years through the Junior Builders Exchange and the Builders Exchange. She’s not only a friend, but personally and professionally a wonderful woman”.

Indeed, Henderson enjoys universal respect in her field.

“What’s striking about Joni is the fact that, having been in labor relations most of her working life, she’s equally respected on both sides of the aisle,” said Lisa Brownson of Safety Source Consultants. “She’s probably one of only maybe two people who enjoy that kind of universal respect and admiration.”

Brownson worked with Henderson for 18 years on the administration of a safety training grant awarded by the New York State Department of Labor Health Hazard Abatement Board to the Basic Building Trades/Construction Employers Association Labor-Management Committee.

“This is a grant for unions and union employers in New York state,” Brownson said. “It covers a wide range of anything safety-related. Joni has the perfect combination of people skills and administrative ability, and we get this grant year after year from the state thanks to how well executed they know it is. Thanks to Joni and her excellent administration of this grant, people have received free training for almost 20 years. That’s a huge thing.”

Henderson said over the past 18 years the average award is \$160,000 each year to train more than 2,000 union employees and management personnel of union employers. As the representative to the Basic Building Trades-Construction Employers Association of CNY Labor Management Committee, Henderson is responsible for administering the grant.

“This is a joint committee of labor representatives and management representatives in a joint effort to

promote safety on the job sites,” she said. The safety training grant is awarded through the committee, and Henderson administers it to ensure proper training for Central New York’s union workers.

John Clark, president and apprentice coordinator for the Iron Workers Local 60, also worked with Henderson on the grant.

“It helps us promote safety training and conduct classes for our members and other workers in our trade,” Clark said. “Joni has been so wonderful and such a pleasure to work with. She’s helpful in every way.”

Clark echoed Brownson’s praise of Henderson’s ability to work with everyone.

“She knows everybody, and being the wonderful person she is, everybody responds to her,” he said. “I’ve never heard anything negative said about her.”

Associates have also pointed to Henderson’s versatility.

“She’s multifaceted, not only in terms of her involvement with the Construction Employers Association but also within the Syracuse Builders Exchange,” Taylor said. “She is very creative as seen with her work on the buyers’ guide and numerous brochures.”

“Since I was around before the start of desktop computers, I have always been interested in the evolution of design and desktop publishing and became somewhat self-taught, with the help of computer consultants, to know my way around some graphic design software,” Henderson said.

She’s also seen the way technology has affected her industry.

“I have been able to observe the advanced technological changes in plan room operations and the bidding process of commercial construction,” Henderson said. “Though not directly working with this segment of SBE, observing the development of the electronic planroom has probably been one of the



Where have the 45 years gone?

most impressive changes in the industry.”

Throughout her years in this career, Henderson said the highlight was borne of her experience coordinating negotiations between the local carpenters’ unions and management associations covering a 21 county area.

“During those multiple years of negotiations, I had the responsibility of note taking, coordinating and compiling an entire master agreement which was a tremendous learning experience working closely with both labor and management negotiation committees” Henderson said. “Since then the area of the carpenters’ master agreement has further expanded to cover all of Upstate New York.

Henderson also said she never felt out of place in an industry generally run by men.

“Although women have made great strides and play an important role today as business owners, management personnel, building trades workers and the like, the construction industry still remains a male-dominated business,” she said. “However, I do feel in my 45 years I did gain the respect of many men in the industry both labor and management.”

Henderson said she’ll miss the job when she steps down, as well as the friends she’s made over the years.

“Since this job is the only job I have had for 45 years, it is a major part of my life and I will miss the structure to my life,” she said. “I’ve always felt a sense of job security and have had wonderful people to work with and for. I met and maintained some lifelong relationships, one being my husband.”

Now that she’s stepping down, Henderson looks forward to spending more time with her husband, Bob Henderson, Principal with Henderson-Johnson Co., Inc., as well as the rest of her family.

“I have two daughters, Tracy and Lisa, married with children. After marrying my husband several years ago I gained a son Todd and a daughter Debbie. As a blended family of four children, their spouses and eight grandchildren, they are the center of our lives.”

Henderson already has plans on how she’ll spend her free time.

“We’re going to do a little more travelling,” Henderson said. “I hope to do some volunteer work, including assisting in my daughter’s kindergarten classroom as a volunteer. Having time to spend with my grandchildren and being able to help more with their activities will mean a great deal to me.”

Hall expressed his best wishes to Henderson in her retirement, noting that she leaves some big shoes to fill.

“As the end of her career approaches, I remain so very happy I’ve had the privilege to know Joni personally and professionally,” he said. “This is an exciting time for Joni and her family, so it remains comforting knowing she has left a positive, permanent effect on the regional construction industry, contractors, union officials, union members and participants in apprenticeship programs.”

Other associates agreed Henderson will be sorely missed. “She’s level-headed and personable and she just seems to level the waters,” Taylor said. “Without her, I think those business procedures just wouldn’t flow quite as smoothly. She mixes professionalism with a sense of humor, which is always nice.”

Brownson agreed.

“She’s just one of my favorite people,” Brownson said. “She has intelligence, humor, knowledge and kindness in the right proportions. She’s remarkable.”





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2015 HEALTH PLAN OPEN ENROLLMENT CHECKLIST

BY LORI A. BROWNE, PAHM, VICE PRESIDENT, THE EXCHANGE AGENCY

To prepare for open enrollment, health plan sponsors should become familiar with the legal changes affecting the design of their plans for the 2015 plan year; changes are primarily due to the Affordable Care Act (ACA).

Employers should review their plan documents to confirm they include these required changes. Changes to a health plan's benefits for the 2015 plan year should be communicated to plan participants.

PLAN DESIGN CHANGES

Cost-sharing Limits

- Effective for plan years beginning on or after Jan. 1, 2015, a health plan's out-of-pocket maximum for Essential Health Benefits may not exceed \$6,600 for self-only coverage and \$13,200 for family coverage.
- For Health Savings Account (HSA)-compatible high deductible health plan (HDHP), for 2015, the out-of-pocket maximum limit for HDHPs is \$6,450 for self-only coverage and \$12,900 for family coverage.

Health FSA Contributions

Once the 2015 health FSA limit is announced by the IRS, confirm that your health FSA will not allow employees to make pre-tax contributions in excess of that amount for 2015. Also, communicate the 2015 health FSA limit to employees as part of the open enrollment process.

Employer Penalty Rules

Under the Affordable Care Act's (ACA) employer penalty rules, applicable large employers (ALEs) that do not offer health coverage to their full-time employees (and dependent children) that is affordable and provides minimum value will be subject to penalties if any full-time employee receives a government subsidy for health coverage through an Exchange. The ACA sections that contain the employer penalty requirements are called shared responsibility rules. [These rules were set to take effect on Jan. 1, 2014, but the IRS delayed the employer penalty provisions and related reporting requirements for one year, until Jan. 1, 2015.](#)

On Feb. 10, 2014, the IRS released final regulations implementing the ACA's employer shared responsibility rules. Among other provisions, the final regulations establish an additional one-year delay for medium-sized ALEs, include transition relief for non-calendar plans and clarify the methods for determining employees' full-time status. To prepare for the employer shared responsibility requirements, an employer should consider taking the following key steps:

- Determine ALE status for 2015, including eligibility for the one-year delay for medium-sized ALEs;
- For sponsors of non-calendar year plans, determine whether you qualify for the transition relief that allows you

to delay complying with the pay or play rules until the start of your 2015 plan year;

- Establish a system for identifying full-time employees (those working 30 or more hours per week);
- Document plan eligibility rules; and Test your health plan for affordability and minimum value.

ACA DISCLOSURE REQUIREMENTS

Summary of Benefits and Coverage (SBC)

Plans and issuers must provide the SBC to participants and beneficiaries who enroll or re-enroll during an open enrollment period. The SBC also must be provided to participants and beneficiaries who enroll other than through an open enrollment period (including individuals who are newly eligible for coverage and special enrollees).

In connection with your plan's 2015 open enrollment period, the SBC should be included with the plan's application materials. If plan coverage automatically renews for current participants, the SBC must generally be provided no later than 30 days before the beginning of the new plan year.

Grandfathered Plan Notice

If you have a grandfathered plan, make sure to include information about the plan's grandfathered status in plan materials, such as summary plan descriptions (SPDs) and open enrollment materials.

NOTICES

To minimize cost and streamline administration, group health plan sponsors should consider including the following enrollment and annual notices with the plan's open enrollment materials.

□ Initial COBRA Notice

The initial COBRA notice must be provided to participants and certain dependents within 90 days after plan coverage begins. The initial COBRA notice may be incorporated into the plan's SPD.

□ Notice of HIPAA Special Enrollment Rights

At or prior to the time of enrollment

□ Annual CHIPRA Notice

Annual Notice

□ WHCRA Notice

At the time of enrollment and on an annual basis

□ Medicare Part D Notices

The notice generally must be provided at various times, including when an individual enrolls in the plan and each year before Oct. 15.

□ Michelle's Law Notice

Under Michelle's Law, a plan cannot terminate a child's coverage for loss of full-time student status if

the change in status is due to a medically necessary leave of absence.

□ HIPAA Opt-out for Self-funded, Non-federal Governmental Plans

The notice must be provided annually and at the time of enrollment. This checklist has been edited and reprinted with permission by Zywave Inc. All rights reserved.

For more information on 2015 Health Plan Open Enrollment requirements you may contact Lori Browne at 315.437.9346 extension 17 or by email; LBrowne@TheExchangeAgency.com

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**Thank you Joni Henderson for
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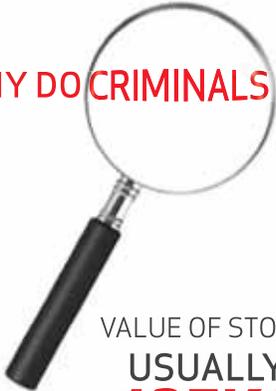
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RISK MANAGEMENT SEMINAR KEEPING MORE OF YOUR MONEY

BY LISA BROWNSON, CSP, SAFETY SOURCE CONSULTANTS, LTD

The Syracuse Builders Exchange is offering a world-class risk management seminar presented by Joe Poliafico, CSP, senior consultant at FMI Corporation. The seminar will be held December 9, 2014 and is free to members*.

Effective risk management is more important than ever – and likely to stay that way. Tougher markets and tighter margins have left contractors with less room for error, increasing risk exposure while decreasing margins. In addition, more risk is being shifted from owners to contractors.

“Risk management is more than buying insurance; it includes employee, subcontractor, customer and contractual issues,” says Poliafico.

The FMI Risk Management class is designed to assist contractors in “de-risking” their businesses, increasing control over projects and improving profitability.

Poliafico shares the story of a heavy civil contractor that secured two jobs valued at \$1 million and \$2 million. Both had low margins. The projects encountered setbacks due to weather and location, causing the firm to lose \$500,000 on each job.

“This did not have to be the outcome,” according to Poliafico. “There are several ways to mitigate risk, which include engaging the owners in conversation about potential risks in advance and educating field staff about required documentation.”



SOME OF THE TOPICS POLIAFICO WILL COVER DURING THE SEMINAR INCLUDE:

STRATEGY:

A risk management strategy goes beyond project risk assessments. A firm’s overall strategy should take into consideration local-level risk factors such as staffing and job procurement, as well as global risk factors like the recent mortgage crisis.

COMMUNICATION AND COORDINATION:

Buying insurance coverage is only the first step in being properly protected from an insurable situation. Field personnel need to understand the details of the coverage, as well as the documentation requirements for a firm to be able to access the coverage in the event it is needed.

BUSINESS DEVELOPMENT:

In a marketplace where construction is often considered a commodity, the promotion of strong risk management programs can be a selling point with project owners, differentiating one company from the others while supporting higher price points.

OPERATIONS:

For any company strategy, program, or policy to be effective, employees at all levels of operation must have buy-in. This means engaging all employees in risk management conversations and using concrete examples to demonstrate how their role is a part of risk management.

SAFETY PROGRAM:

Most contractors have a safety program in place. However, prevention activities such as training and safety meetings are only part of the equation. A strong

internal claims process of tracking and managing claims, as well as a robust return-to-work program can do a lot to protect a company's balance sheet.

INSURANCE AND SURETY:

Insufficient coverage and bonding can be costly. Imagine a scenario where a sub-contractor under \$1 million bond cannot complete the work and the replacement sub-contractor is charging \$1.5 million. It is important to set coverage levels to adequately cover worst-case scenarios while not paying for more coverage than is necessary.

This is a not-to-be-missed opportunity to improve business practices and profitability.

SEMINAR INFORMATION:

When: December 9, 2014 at 8:00 am to 5:00 pm, lunch provided.

Where: Justin's Grill, 6400 Yorktown Circle, East Syracuse, NY.

How: Call Melissa Gould at the Syracuse Builders Exchange at 315-437-9936 extension 25 to register.

***Registrants will be required to forward a \$100 check that will be refunded to attendees. Failure to attend will result in forfeiture of the \$100.**

Lisa Brownson, CSP, is President of Safety Source Consultants, LTD. For more information on this program and additional training programs you may contact her at 315-373-5709 or by email at Lisa.Brownson@gmail.com.



S&B

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NOTICE - To All who Know Joni Henderson.

Contact our office if you wish to participate in a Class Action Suit to obtain an INJUNCTION from Joni Henderson retiring. Ever.

Alan Kraut, Of Counsel @1325 Franklin Avenue, Garden City, New York 11530 (516) 294-4111

MECHANIC LIENS- WHAT YOU SHOULD KNOW

BY EDWARD J. SHEATS, ESQ. AND JASON B. BAILEY, ESQ.

Hardly a week passes that our firm is not contacted to file mechanics liens on projects in upstate New York and in New York City. A mechanics lien can be an effective device to protect your interest in getting paid. It is not the only legal tool but it is a good tool short of a lawsuit, to secure an interest in the project that you worked on. This article will provide a few things you need to know about mechanics liens.

You can file a lien if you performed work on or supplied materials to improve a project. The private improvement mechanics lien attaches to the real property. When you lien a public improvement you are not liening the real property that you improved, your lien attaches to the money held by the public owner for the project.

On a commercial project a private lien must be filed within eight months after the last date that you worked (or provided materials) on the project. If the project is a residential project, then you have four months. On a public project your lien must be filed within 30 days of completion and acceptance of the project. If you go beyond the statutory period, it is too late to file a lien.

Your lien lasts one year from the date of filing. The lien terminates upon expiration. You can get a one-year extension by filing a renewal, thereafter you need Court permission to extend the lien.

A mechanics lien can be a particularly effective tool if the contractor that you worked for is insolvent or bankrupt. By filing the lien against the property or against the project funds you will typically obtain an interest in that project that you may utilize to your benefit even in the event of a bankruptcy or insolvency. In a practical way that can be one of the most important reasons to file a mechanics lien. A mechanics lien is not a guarantee of payment, however it is certainly a good way to let an owner or contractor who doesn't pay you know that you intend to protect and pursue your rights.

The Lien Law provides other tools to get you paid. One tool is the Lien Law Trust Fund Statute in Article 3-A of the Lien Law. The Lien Law says that project proceeds paid from an owner to a contractor or a contractor to a subcontractor are trust funds. Those funds must be used first to pay subcontractors, suppliers and others who have contributed to the project. If a contractor or subcontractor (or in some instances an owner) spends project funds for purposes other than payment of project debts then that owner or contractor may have diverted trust assets. This can have very serious consequences. The consequences can lead beyond liability of the corporation you may have worked for. The consequences can include personal liability to owners and officers of the owner or contractor. A lender that provided lending or a line of credit to a contractor may also be liable for diversion when the lender

takes project proceeds to pay back its debt from the contractor. We recently settled a case for a group of six of our subcontractor clients who worked for a contractor that became insolvent. We used the Lien Law Trust Fund Statute to obtain settlement from the owner and in particular from the lender. That settlement exceeded the amount of our client's claims. The Trust Fund Statute can be a very good tool to put pressure on a non-paying owner or contractor.

For 25 years our firm has been providing training for the Syracuse Builders Exchange and other builder exchanges throughout New York State. The training includes a more detailed class on mechanics liens and payment bond claims. Contact your local builder's exchange to obtain a schedule for classes which will be throughout this winter.

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 if you are facing a nonpayment situation.

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WINTER STORMS AND EMPLOYEE SAFETY

BY SUSAN GEIER FAHMY, CSP, VICE PRESIDENT,
DIRECTOR OF SAFETY & HEALTH SERVICES AT LOVELL SAFETY MANAGEMENT



Within the next few months we will be faced with the threat of severe winter storms hitting the New York area. We at Lovell Safety Management Co., LLC saw an increase in the number of employee injuries due to last years' severe winter weather.

Now is the perfect time to spend a few minutes with your employees discussing their safety during these storms. Learning about how to prepare for a winter storm and avoid hazards when they occur will help keep you safe during the winter season.

Frostbite and Hypothermia

Frostbite is a severe reaction to cold exposure that causes freezing in the deep layers of skin and tissue. Frostbite can cause permanent damage. It is recognizable by a loss of feeling and a waxy-white or pale appearance in fingers, toes, nose, or ear lobes.

Hypothermia occurs when the body temperature drops to less than 95°F. Symptoms of hypothermia include uncontrollable shivering, slow speech, memory lapses, frequent stumbling, drowsiness, and exhaustion.

To avoid frostbite and hypothermia, dress properly, take frequent breaks and drink plenty of fluids (avoiding ones with caffeine or alcohol).

Dressing Properly for the Cold

Wear at least three layers of loose fitting clothing. Layering provides better insulation. Use a knit mask to cover your face and mouth. A hat that

covers your ears will help keep your whole body warmer. Also, insulated and water proof boots and gloves.

Walking Safely on Snow and Ice

Whenever possible, clear walking surfaces. In addition, the following precautions will help reduce the likelihood of any injuries:

- **Wear a pair of well-insulated boots with good rubber treads.**
- **Take short steps and walk at a slower pace so you can react quickly to a change in traction.**
- **Be on the lookout for vehicles that may have lost traction and are slipping toward you. Be aware that approaching vehicles may not be able to stop at crosswalks or traffic signals.**
- **At night, wear bright clothing or reflective gear, as dark clothing will make it difficult for motorists to see you.**

Shoveling Snow

Shoveling snow can be a strenuous activity and can create the potential for exhaustion, dehydration, back injuries, or heart attacks. Wearing the proper footwear, adequate layers of clothing and sunglasses (during the day) are a must.

Workers should warm-up, scoop small amounts of snow at a time, push the snow instead of lifting where possible, and use of the proper form of lifting is a necessity. Use power blowers whenever possible.

Stranded in a Vehicle During a Winter Storm

Stay in the vehicle. You may become disoriented and lost in blowing and drifting snow. Display a trouble sign by hanging a brightly colored cloth on the radio antenna and raising the hood.

Turn on the vehicle's engine for about 10 minutes each hour and run the heat to keep warm. Beware of carbon monoxide poisoning. Keep the exhaust pipe clear of snow, and open a downwind window slightly for ventilation.

Watch for signs of frostbite and hypothermia. Do minor exercises to keep up circulation. Use newspapers, maps, and even the removable car mats for added insulation until help arrives.

Work Zone Traffic Safety

Workers being struck by vehicles or mobile equipment lead to many work zone fatalities or injuries annually. Drivers may skid or lose control of their vehicles more easily when driving on snow and/or ice covered roads. It is therefore, important to properly set up work zones with the traffic controls identified by signs, cones, barrels, and barriers, to protect workers. Workers exposed to vehicular traffic should wear the appropriate high visibility vest at all times so that they can be visible to motorists.

Removal of Downed Trees

Clearing downed trees is a critical job during a winter storm. When winter storms occur, downed trees

can block public roads and damage power lines. Emergency crews are often sent out to clear downed trees during a winter storm.

Workers using chainsaws and chippers should wear proper protective equipment. And, only power equipment built to be used outdoors and in wet conditions should be used. It is important that all equipment is well maintained and functioning correctly in order for use. In addition, all equipment should have proper guarding, working controls, and other safety features as installed by the manufacturer.

Snow Blowers

Snow blowers commonly cause lacerations or amputations when operators attempt to clear jams. Never attempt to clear a jam by hand. First, turn the machine off and wait five seconds, and then use a long stick to

clear wet snow or debris from the machine. Keep your hands and feet away from moving parts. Additionally, refuel a snow blower prior to starting the machine; do not add fuel to a running or hot engine.

Clearing Snow from Roofs and Working at Heights

There have been 16 fatalities in the past 10 years due to employees clearing snow from roofs. Following a winter storm, workers should employ standard protections when working at heights and should also be aware of the potential for unexpected hazards due to the weather. Employers should provide and ensure the use of fall protection and provide and maintain ladders. In addition, workers should use caution around surfaces that have been weighed down by snow, as they may collapse.

Conclusion

Company owners, supervisors and employees all play a key role in preventing employee injuries. Owners are responsible for providing a safe and healthy workplace, the needed tools, protective equipment and training. Supervisors must be empowered to discipline employees for at risk behavior and employees must do their job safely.

We all need to take responsibility for safety and the prevention of work site injuries. Safety, especially during winter storms, must be an integral part of the way we work. That is the only way to create a truly safe and healthy workplace.

Susan Geier Fahmy, CSP, is Vice President, Director of Safety & Health Services at Lovell Safety Management Co., LLC. For more information on Winter Safety and Related Topics you may contact Lovell Safety Management at 1-800-5-LOVELL or visit online at www.LovellSafety.com

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WHAT EVERY EMPLOYER NEEDS TO KNOW ABOUT OBAMACARE BEFORE 2015 – PART II



BY JOSEPH A. HARDICK, CPA, CCIFP, DANNIBLE & MCKEE, LLP

The Affordable Care Act (ACA or ObamaCare) requires certain employers to provide **qualified** and **affordable** health coverage for their employees or face paying penalties/taxes. Not all companies are subject to this requirement and the start date varies based on the number of Full-Time Equivalent (FTE) employees, which we discussed in the last issue, as follows:

Size Classification	Number of FTE	Start Date Requirement
Small	0 - 49	None Currently
Medium	50 - 99	January 1, 2016
Large	100 +	January 1, 2015

Note that large employers only have to offer affordable coverage to 70 percent of their full-time workers in 2015. That percentage will rise to 95 percent in 2016.

The key phrases above are “qualified” and “affordable.” Under the ACA, qualified coverage means the plan provides a set minimum value of benefits, which is defined as covering at least 60 percent of the total allowed cost of benefits that are expected to be incurred under the plan. The Department of Health and Human Services (HHS) and the Internal Revenue Service (IRS) have produced a minimum value calculator. By entering certain information about the plan, such as deductibles and co-pays, into the calculator employers can get a determination as to whether the plan provides minimum value. Your insurance provider can also determine if the plan is “qualified.”

Affordable is defined as being achieved if an employee’s share of the insurance premium, for employer-provided coverage, would cost the employee less than 9.5 percent of that employee’s **household income**. Because employers generally will not know their employees’ household incomes, employers can take advantage of one of the three affordability safe-harbors set forth in the final

regulations, issued by HHS, that are based on information the employer will have available, such as the employee’s Form W-2 wages or the employee’s rate of pay. If an employer meets the requirements of any of these safe-harbors, the offer of coverage will be deemed affordable for purposes of the Employer Shared Responsibility provisions.

Please note, when using one of the safe-harbor tests, you compare the employee’s wage to the cost of coverage (premiums) for a plan that covers only the employee (not the family), even if the employee is purchasing family coverage.

Another exception to the above requirements of “affordable” and “qualified” is for grandfathered plans. Grandfathered plans are those that were in existence on March 23, 2010 and have not been changed in ways that substantially cut benefits or increase costs for employees. Insurers must notify employers if the plan is grandfathered. These plans must still expand benefits as dictated by the ACA, but are not subject to the affordability or qualifying tests detailed above. Every business which is currently offering employees health insurance, should contact their insurance provider before the end of the year and determine if their plan qualifies as a grandfathered plan.

If an employer, who is required to provide coverage, fails to provide insurance, or that insurance is unaffordable, then they will be subject to penalties. We will explain the two penalties that can be imposed, and how to limit the amount, in the next issue.

Joseph A. Hardick, CPA, CCIFP, is a partner in **Dannible & McKee, LLP.**, a Syracuse, New York based public accounting firm with more than 80 professionals. The Firm has been providing services to the construction industry since its inception in 1978. Mr. Hardick is a tax partner and a member of the Firm’s construction group. You may contact him at (315) 472-9127, or jhardick@dmcpas.com, or visit the Firm online at www.dmcpas.com.

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