



CENTRAL STATES INSULATION ASSOCIATION'S

# INSULATOR

February 2018

**BNA Construction Labor Report**  
**Five Ideas for Fixing**  
**Unionized Workers'**  
**Pension Crisis**

**Legally Speaking**  
**READY, SET, NEGOTIATE!**

**CSIA SPRING**  
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\* See data page for complete details

# INSULATOR



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## INSULATOR

Magazine

CSIA  
2077 Embury Park Rd.  
Dayton, OH 45414  
www.csiaonline.org  
937-278-0308



editor  
Rachel Pinkus

The Central States insulation Association is a not-for-profit trade association dedicated to working with its member firms and their labor counterparts, the International Association of Heat and Frost Insulators and Allied Workers, to insure that their customers get the best engineered, installed and maintained mechanical insulation systems.

CSIA is dedicated to keeping its members at the forefront in helping their clients and industry partners realize the full benefits of the positive "Green" impact mechanical insulation systems can have on their power, petrochemical, pulp and paper, refining, gas processing, brewery, health care, institutional, food processing, manufacturing and commercial projects.

**Disclaimer:** The opinions and positions stated in articles published herein are those of the authors and not, by the fact of publication, necessarily those of CSIA. CSIA does not endorse insulating products or systems and shall not be deemed by anything herein to have recommended the use or non-use of any particular insulation system.

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Central  
States  
Insulation  
Association

# Presidents Message

*Mike O'Connell - Smart Energy Insulation.*

Recalling an old quote by Mark Twain who said...."Buy land, they're not making any more of it." Our country's freedom, success and prosperity are all derived from basic resources.....our ingenuity and technology, our material resources that come from our land and the (most important attribute) - the hard work and labor of our great people. Mark Twain's quote reminds us that of our valued resources – our land resource is limited. Our ingenuity and technology are only limited by our own rules, regulation and politics – one could surmise that this resource can be unlimited (it truly is up to us to uncap it). As the new year is well under way, and our economy is moving into high gear, our Insulation Industry is seeing the effects of this economic prosperity. Our insulation factories across the country can add capacity and machines to chug out more insulation product to meet the growing demand (which they are HAPPY to do!). Our most important resource and one of highest concern for meeting this demand is the fine craftsmen and craftswomen available to install this "wonder product" insulation. After surveying locals in the Central States region, the findings are those which need our attention. To fulfill the Insulation needs in our region, will require a strong, flexible, trained workforce - ready and able to support our contractors.

Today's economy and current competition require Union Insulation Contractors to develop a common vision with our partners at International Association of Heat & Frost Insulators to succeed and collectively grow our industry. Together we can move from a position of surviving to a solid foundation of THRIVING by: addressing our weaknesses, promoting

our strengths, eliminating our threats and capitalizing on our opportunities. Some of the opportunities in front of us are:

- Considering the economic consequence of our shrinking ranks (at each Local) thru enhanced recruitment of new apprentices and organizing – increasing the Actives trend at each local
- Supporting higher levels of training at the Local JATC centers spread across our region
- Flexible and mobile workforce thru improved portability across locals to better meet regional Local needs (NUICA) – allowing more than 1 or 2 insulators across jurisdictions
- Improve Health & Safety programs from EVERY company – Safety Management & Training
- Improve Quality of insulation installations from every company and every insulator to ensure our Union Insulation success – selling the "Union Insulation Quality Difference"
- Improving competitiveness against Non-union by negotiating labor contracts with less - restrictions, work rules and regulations not found in Non-union companies
- Ensuring fully funded Pensions at every Local. Unfunded Liability of Local Pensions is the single biggest deterrent to Organizing. Of all 16 Locals in Central States – every Local has Unfunded Pension Liability. Many are defined by the D.O.L as "Critical". Some "Critical & Declining" – in a "Death Spiral" (as called by the DOL) facing insolvency within 5 years.
- Shining a spot light on the Ugly side of "Value Engineering" and its degradation of our industry
- Promote and sell the Value of Union Insulation Labor vs Non-Union Insulation:
  - Union Insulation Quality is far superior
  - Union Insulation Companies are Safer



(many studies to prove)

- Union Insulation Companies deliver on time
- True cost of Non-Union Insulation – poor quality (mold, burns), worker accidents, project delays ("you get what you pay for")

Please join me, your competitors, your material suppliers, your insulation manufacturers, your industry professionals (legal, pension, healthcare, etc.) and your Local/International Union Representatives at the upcoming CSIA Spring Labor Conference April 24-25 in Lexington Kentucky. Provide your input, engage in discussion from work groups from across our entire region: Indiana, Illinois, Ohio, Michigan, Kentucky, Pennsylvania and Tennessee.

We can hope for change and "business as usual" OR we seize this opportunity to grow our Union Insulation Industry. We sincerely look forward to your participation! April 24th & 25th.

Your President,

**Mike O'Connell**  
Smart Energy Insulation

# Refractory Products

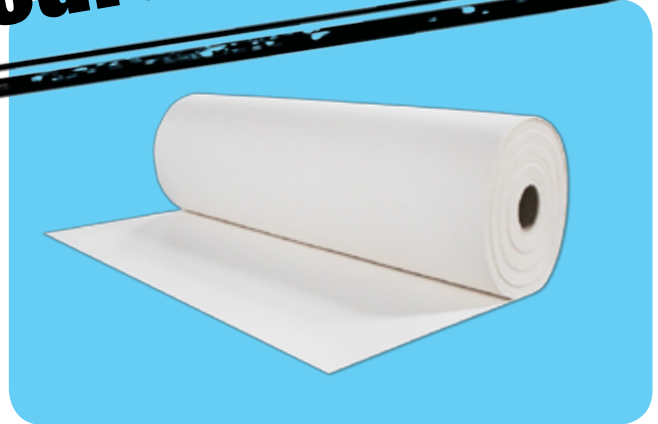
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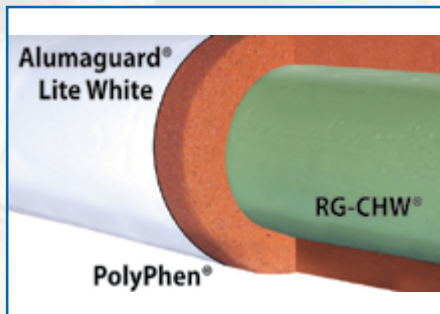
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# Central States Insulation Association

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the regions  
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specialty industry

## Register Today! For the 2018 CSIA Spring Labor Conference



This year the CSIA Spring Labor Conference will be held April 24-25, 2018, at The Marriott Griffin Gate located in Lexington, Kentucky. No matter where you are coming from, it's easy to find and convenient to I-75, I-264, I-64 as well as the Cincinnati, Lexington, and Louisville International Airports.

The Marriott Griffin Gate is a first-class, full-service resort designed to capture the atmosphere and adventure of Bluegrass Country.

Marriott amenities include complimentary wireless high-speed internet within public areas, complimentary on-site parking, JW's Steakhouse and Lounge, The 19th Hole Restaurant, Starbucks, indoor and outdoor swimming pools, a fitness center, and Spa. Nearby activities include biking trails, bowling, horseback riding, jogging trails, volleyball and tennis. Nearby family and children's activities include the Keeneland Race Track, The Kentucky Horse Park, The Explorium of Lexington, and The Lexington Ice Center and Sports Complex.

Golfers will enjoy The Griffin Gate Golf Course which is set on 250-acres that embody the tradition of gracious Southern hospitality. Renowned architect Rees Jones, son of the revered Robert Trent Jones, sculpted this very fast track from the rolling hills of Kentucky bluegrass country. This course has a 4-Star Rating from Golf Digest and was 2008-2009 "Best Places to Play" Recognition from Golf Digest.

### Learn More

about the Lexington, Kentucky area and this fabulous resort and golf course, go to <http://www.marriott.com/hotels/travel/lexky-griffin-gate-marriott-resort-and-spa/>



# SPRING LABOR CONFERENCE & SYMPOSIUM

## April 24-25, 2018

### Marriott Griffin Gate Resort & Spa Lexington, KY

*Please print clearly or Register Online at [www.csiaonline.org](http://www.csiaonline.org)  
Use a separate form for each registrant, and duplicate form as necessary.*

Company Name \_\_\_\_\_

Full Name \_\_\_\_\_ First Name for Badge \_\_\_\_\_

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Company Address \_\_\_\_\_

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Work Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

#### Contractor Conference Registration **A**

Member Non-Member

**Contractor FULL Registration**  \$475  \$575  
*Includes Reception, all educational sessions, golf, breakfast, lunch and beverage cart tickets.*

**Educational Sessions ONLY Registration**  \$350  \$375  
*Includes Reception, all educational sessions and breakfast.*

**Contractor GOLF ONLY Registration**  \$175  \$225  
*Includes Reception, golf, lunch and beverage cart tickets.*

**Contractor RECEPTION ONLY Registration**  \$100  \$150  
*Includes Reception Only!*

#### Associate Conference Registration

Member Non-Member

**Associate FULL Registration**  \$650  \$750  
*Includes Reception, golf, breakfast, lunch and beverage cart tickets for **one** person as well as one 6 foot draped tabletop and signage with recognition in pre and post- conference materials.*

**Associate FULL Registration NO GOLF**  \$475  \$575  
*Includes Reception, breakfast, and lunch for **one** person as well as one 6 foot draped tabletop and signage with recognition in pre and post- conference materials.*

**ADDITIONAL Associate Registration**  \$100  \$150  
*Can **only** be purchased in addition to a Full Registration. Includes Reception Only.*

**Associate GOLF ONLY Registration**  \$175  \$225  
*Includes golf, lunch and beverage cart tickets.*

Subtotal A \$ \_\_\_\_\_

#### Sponsorship Opportunities **B**

*Includes Recognition on CSIA Social Media, in Event Program, Signage, Pre and Post-Conference Materials and a Sponsor Ribbon on Name Badge.*

**Full Page, Full Color Ad in the Conference On-Site Program**  \$125

**An Individual Hole Sponsor**  \$125

**Longest Drive Sponsor**  \$150

**Closest to the Pin Sponsor**  \$150

**Conference Audio/Visual Sponsor**  \$250

**Golf Beverage Cart Sponsor**  \$350

**Reception Food Sponsor**  \$500

**Reception Beverage Sponsor**  \$500

**Breakfast Sponsor**  \$500

**Golf Lunch Sponsor**  \$500

**Golf Outing Prize Sponsor**  \$500

**Logo Button Link on the CSIA Website for 1 Year**  \$500

Subtotal B \$ \_\_\_\_\_

#### Total Payment Due

A + B \$ \_\_\_\_\_

Check to CSIA  Visa  MC  AmExp  Discover  
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Name on Card \_\_\_\_\_ Billing Zip Code \_\_\_\_\_

#### Cancellation Policy

All cancellations must be received in writing. A \$15 processing fee applies to all cancellations. No refunds will be given after April 16, 2018.

All refunds will be processed after the conference.

**RETURN TO: CSIA - 2077 Embury Park Rd. - Dayton, Ohio 45414 or FAX TO: 937-278-0317**

**QUESTIONS? Contact Rachel at: 888-294-0084 or [rpinkus@assnsoffice.com](mailto:rpinkus@assnsoffice.com)**





## 2018 CSIA Spring Labor Conference Schedule of Events

### Monday April 23, 2018

3:00 PM CSIA Board of Directors Meeting

### Tuesday April 24, 2018

7:30 AM Registration and Full Breakfast

8:00 AM Welcome from CSIA President, Mike O'Connell

8:15 AM Area Reports by Local

9:15 AM Growing our Shrinking Ranks – Recent Trends and Current Needs

- Current Active Members
- Manpower Needs
- Enhanced Recruitment of New Apprentices –Hiring at Contractor Level
- Organizing

10:00 AM Creating a Flexible and Mobile Workforce through Improved Portability - NUICA

10:45 AM Improving Health & Safety Programs for EVERY Company

11:30 AM Selling the “Union Insulation Quality Difference”

Improving the quality of insulation installations from every company and every insulator to ensure our Union Insulation success.

12:00 PM LUNCH

12:30 PM Improving Competitiveness Against Non-Union by Negotiating Better

Negotiating labor contracts with fewer restrictions, work rules and regulations not found in Non-union companies

1:30 PM Ensuring Fully Funded Pensions at Every Local

Unfunded Liability of Local Pensions is the single biggest deterrent to Organizing. All of the Locals in the Central States territory has Unfunded Pension Liability. Many are defined by the D.O.L as “Critical” while some are “Critical & Declining” or in a “Death Spiral” where they are facing insolvency within 5 years.

2:45 PM BREAK

3:00 PM Supporting Higher Levels of Training at Your Local JATC

3:30 PM Shining a Spotlight on the UGLY side of Value Engineering & its Degradation of our Industry – The true cost of VE

4:00 – 6:30 PM Reception for Registered Attendees

Vendor Tabletop Displays and 50/50 Raffle for the Scholarship Fund

Evening Dinner on your own

### Wednesday April 25, 2018

8:30 AM Registration and Full Breakfast

9:00 AM “Where do We Go From Here?”

A re-cap of Action Items that came out of the previous day's discussions and the creation of a plan moving forward.

12:00 PM Golfers Lunch Buffet

1:00 PM Golf Challenge SHOTGUN START with Money Hole

January 2018



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LEGAL UPDATE

## REQUIRED MINIMUM DISTRIBUTIONS & RETURNED MAIL

The IRS and DOL recently have made Required Minimum Distributions (RMDs) a target of their audits. As you will recall, a participant must begin receiving benefit payments no later than April 1st following the year he turns age 70 and 1/2. An obvious indication that an RMD was not made is returned mail. Therefore, retirement plans need to ensure that they have procedures in place to address returned mail. The procedures should include:

- Reviewing the file to check for an alternative address;
- Sending certified mail to the last known address and attempting to contact the participant via telephone or e-mail; and
- If necessary, hiring a commercial locator service.



Those steps, at minimum, are required in the eyes of the IRS for a plan to satisfy the RMD requirements. Retirement plan sponsors should ensure that their plans are taking the necessary steps to satisfy the RMD requirements when a mail is returned to the fund office.



## DEPENDENT CHILDREN AND MATERNITY BENEFITS

A common question among health plan sponsors is whether a health plan needs to provide maternity benefits for dependent children. With the ACA extending dependent child coverage to age 26 and with maternity benefits being expensive (between \$30,000 - \$50,000 per pregnancy), it is certainly a legitimate concern. Non-grandfathered plans are required to cover many prenatal services as part of preventive care for all plan participants. However, health plans are not required to cover labor and delivery costs for dependent children. Labor and delivery costs comprise the large majority of maternity care costs. Plan sponsors should consult their plan professionals to determine if covering dependent maternity care is appropriate for their plans.

## PLAN POINTER

### Strengthen E-mail Security Practices

While high-profile hacking cases dominate news headlines, the fact is that two-thirds of all malicious software is introduced via email. Plan employees unintentionally open the door and compromise sensitive plan data. Commercial email filtering programs can mitigate, but not eliminate, this risk. Anyone with access to participant and plan data should be trained to recognize and avoid suspicious emails. Simple clues such as misspellings, poor grammar, and unusual wording should not be ignored. Recipients should be encouraged to telephone and verify the legitimacy of emails before opening any attachments or following links. This is an inconvenience, but it can help avoid significant and expensive problems.

Ledbetter Parisi LLC practices exclusively in the area of Taft-Hartley employee benefits and is one of the country's largest Taft-Hartley law firms. This newsletter is a periodic publication of Ledbetter Parisi LLC and should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only and you are urged to consult your own advisor about your current situation and any specific legal questions you may have. Many states require that law firms add the statement "THIS IS AN ADVERTISEMENT" on publications of this nature.

## Questions?

If you have any questions about the material contained in this newsletter or any employee benefit questions, contact one of our experienced attorneys.

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3008 Orange Grove Avenue North Highlands, CA 95660 916-978-9071	3555 Ponderosa Way, Unit E Las Vegas, NV 89118 702-891-5333	7043 S. 190th Street Kent, WA 98032 425-251-6750
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14200 East 33rd Place Aurora, CO 80011 303-371-0505	4755 West 150th Street, Suite E Cleveland, OH 44135 216-362-7338	1017 North Bradley Road, Suite B Spokane Valley, WA 99212 509-893-3411
5810 East Avenue Countryside, IL 60525 708-352-9663	2245 Westbelt Drive Columbus, OH 43228 614-345-0804	2929 Walker Drive Green Bay, WI 54311 920-406-4100
3530 Developers Road Indianapolis, IN 46227 317-782-1144	3342 N.W. 26th Avenue #14 Portland, OR 97210 503-248-9662	823 South 60th Street, Suite R1 Milwaukee, WI 53214 414-258-9333
108 Westhampton Drive Lexington, KY 40511 859-254-0399	2745 Market Street, Suite 100 Garland, TX 75041 972-278-4900	

*locations listed in red  
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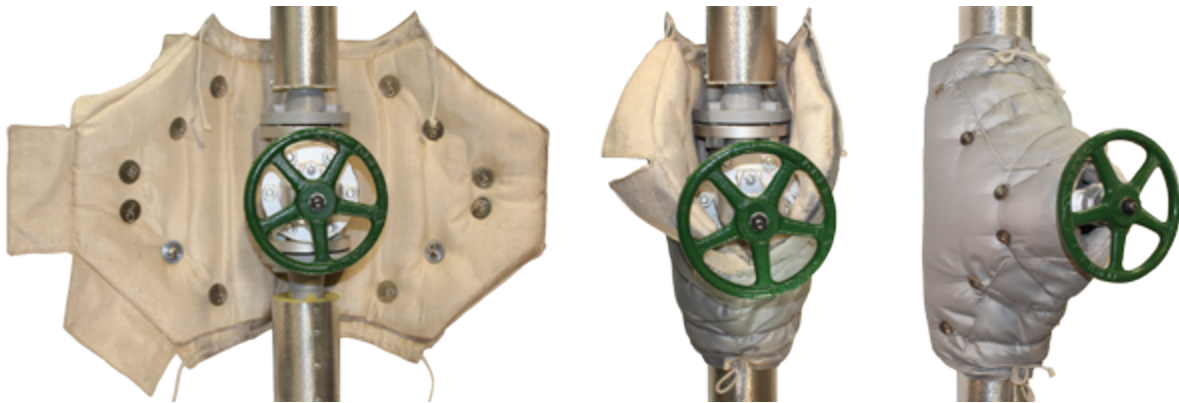


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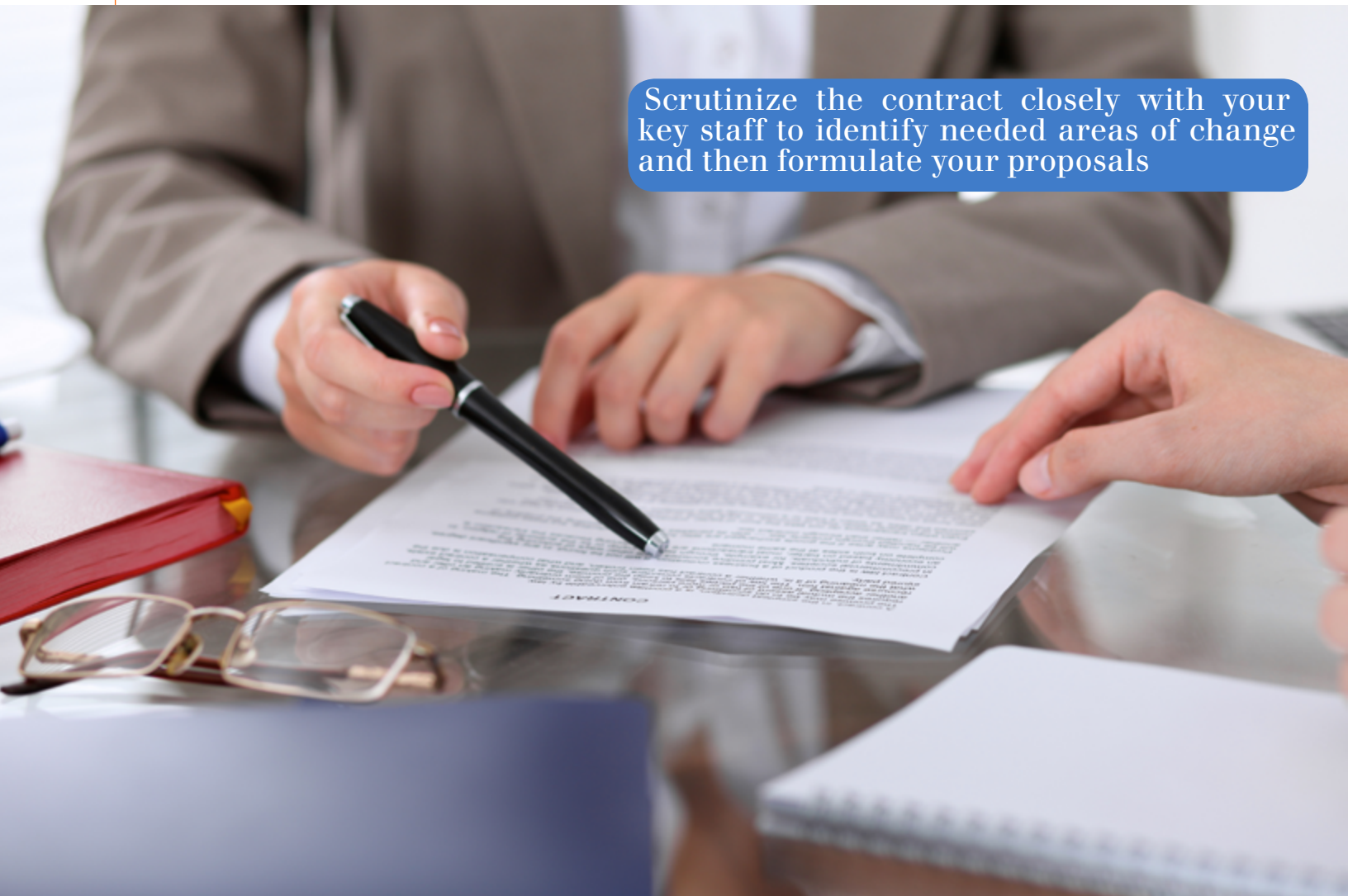
# READY, SET, NEGOTIATE!



By: Bob Dunleavy

*Are you really ready to go to the bargaining table? It takes some hard work to get prepared.*

Scrutinize the contract closely with your key staff to identify needed areas of change and then formulate your proposals





It takes some hard work to get prepared. If you haven't done your homework before you get to the table, you probably will be disappointed with the results. So, here are a few hints on how to get started. Keep this checklist handy!

- Are you going to engage in multi-employer bargaining, coordinated bargaining or are you going to go it alone? Consider your alternatives as soon as possible because getting into and out of multi-employer groups take time.
- Have you previously assigned your bargaining rights to an association? What are the terms of any past assignment and any future assignment you may wish to execute? Are you bound by whatever they negotiate? Have you signed letters of assent in foreign jurisdictions which need to be voided out?
- Do you know the deadline for giving contractual and legal notice to the union and the Federal Mediation and Conciliation Service? Mark the deadlines on your calendar now after checking your contract expiration clause – give both notices at the same time.
- Do you have a NLRA Section 8(f) pre-hire bargaining relationship or a permanent Section 9 relationship? If it is a pre-hire agreement you may wish to consider not bargaining at all. It depends on unfunded vested

pension liabilities mostly.

- How has the current collective bargaining agreement treated you during the last term of the contract? Does it need some changes? Have you lost your competitiveness because of certain provisions, such as daily overtime or excessive benefit packages? – Scrutinize the contract closely with your key staff to identify needed areas of change and then formulate your proposals.
- What is your current business status? Does it demand some major changes in your bargaining philosophy? Can you afford a strike – even for a week? Can you afford to give in to the union's demands one more time without causing serious harm to your company?
- Are there some significant changes anticipated for your business in the next two or three years which require changes to the bargaining agreement - sale, expansion or change in business direction?
- Have there been grievances and arbitrations over contract disputes which need to be avoided in the next contract term by making language changes? Have there been unfair labor practices or court disputes to address?
- What is the financial status of your health and welfare and pension funds – unfunded

liabilities and need for additional contributions?

- Have you spoken to the management trustees about the status of the funds? Do you need changes to your health and welfare plans?
- Do you have an effective set of work rules? Do you negotiate the rules or did you reserve the right to make and use work rules through your managements' rights clause?
- Have you gathered some current trade journals and other types of publication articles related to your industry to support the arguments you make at the bargaining table in support of the changes in wages and terms you are requesting?
- Have you picked the right team to help you bargain your contract? Are they adequately trained to meet the challenges?

Don't delay in starting your preparation for bargaining. Most believe that preparation should start at least six months before contract expiration. Good Luck and Good Hunting!

*If you have questions about collective bargaining use your legal services plan and call Bob Dunleavy (937) 641-1743 – now at Taft/Law.*

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5. Identify Principals of Company and Titles: \_\_\_\_\_  
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7. Labor Organizations representing your employees: \_\_\_\_\_
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# Five Ideas for Fixing Unionized Workers' Pension Crisis

By: David B. Brandolph



*Federal lawmakers are once again trying to come up with a way to protect the pensions of more than one million unionized workers.*



This time it's Senator Sherrod Brown (D-Ohio) and Rep. Richard Neal (D-Mass.) throwing out a proposal for fixing what's known as multiemployer pensions. The pair introduced legislation in both houses Nov. 16 that they say will keep the multiemployer system afloat.

Their bills came the same day the Pension Benefit Guaranty Corporation--the federal agency that serves as a backstop for pension plans--released a report saying the agency is running a \$65.1 billion deficit for its multiemployer pension program. The agency said it's likely to be insolvent by 2025.

The legislation by Brown and Neal, called the Butch Lewis Act, is one of at least five proposals being batted around to try and fix the multiemployer pension system. More than 100 pension funds covering workers in unionized industries face insolvency in the coming years.

A law from 2014, the Multiemployer Pension Reform Act, was intended to fix the troubled pension system, but it hasn't quite done the job. Lawmakers, as well as major employers such as United Parcel Service, have thrown out proposals for fixing the pension system. Almost all of the proposals call for some sort of loan program for the plans.

Here's a look at the five proposals:

### 1. The Butch-Lewis Act

The Butch Lewis Act would create the Pension Rehabilitation Administration, a new federal office within the Treasury Department that would sell bonds to financial institutions to raise money to fund loans to financially troubled plans. The idea comes, in part, from a proposal from the International Brotherhood of Teamsters.

Those loans would be for 30 years and carry low interest rates of about 3 percent. Plans would use the loans to pay benefits and to make long-term low-risk investments. Plans would be required to make only interest payments for the first 29 years. In the

final year, they would repay the entire principal and the remaining interest owed.

The legislation would require Congress to provide funds to the PBGC to be used for financial assistance to plans that can't borrow enough to meet their retiree obligations.

**Bottom Line:** The bills are seen as a first step toward further negotiations, but any proposal that may be viewed as putting government money at risk may be a long-shot in the current Congress.

### 2. UPS Loan Proposal

UPS has a proposal that would provide up to three successive low interest long-term federal government loans to troubled pension plans to cover their cash flow shortage for 5 years each.

Plan participants would see benefit cuts of up to 20 percent across the board. Plans would be obligated to begin interest-only repayments after 5 years. Loan repayments would be ensured through the creation of a risk reserve pool funded by employers, participants, and unions.

UPS has a significant interest in solving the pension crisis. It could be on the hook for up to \$4 billion in plan contributions if the the 400,000-member Central States, Southeast and Southwest Areas Pension Fund becomes insolvent. That fund is projected to be insolvent by late 2024.

**Bottom Line:** The proposal has been viewed by some as conceptually good, but there are concerns that its use of overly generous assumed interest rates for repaying loans pose a risk that plans would face future insolvency. In addition, despite being circulated for months, it has yet to find a backer in Congress.

### 3. New Design From NCCMP

The National Coordinating Committee on Multiemployer Plans, a group made up of employers

CONTINUED PG.24

and unions, has circulated a proposal that would have the U.S. Treasury provide long-term, low-interest loans to plans that couldn't clear the MPRA's hurdles and are at substantial risk of insolvency. The NCCMP lobbied for passage of the MPRA.

In general, the loan program would lend funds to qualifying "critical and declining" status plans at 1 percent interest for 30 years. The loans would be interest only for the first 15 years, and then require a level payment of principal and interest for the remaining 15 years. To be eligible for a loan, plans would need to show they can achieve solvency and repay their loans.

The proposal would also require the loan account to be returned to the government in the event of an insolvency or a mass withdrawal of employers.

**Bottom Line:** The NCCMP was able to push Congress to pass the MPRA three years ago, so it may have the best shot among the other proposals to gather interest in Congress. Its odds still appear to be long.

#### 4. Funding From Credit Union Profits

The proposal from the American Families for Pension Security, based in Kingston, N.Y., would also have the U.S. Treasury issue low interest loans to plans in critical and declining status.

The group wants to create a federally chartered special-purpose credit union for the more than 10 million members of multiemployer plans and their families. The credit union would use its profits from loans and credit card operations to build a reserve pool to help plans repay and secure the loans.

The group, founded by Mark Greene, a New York State Teamsters Pension Plan member, and Mike Dardzinski, a Rochester, N.Y., lawyer whose father

is a retiree-member of the plan, intends to create within 15 years a credit union with \$10 billion in assets and 650,000 members.

**Bottom Line:** The group has been in discussions with lawmakers in an attempt to link its credit union creation idea to other proposals involving plan loans.

#### 5. KOPPA Bill Not Advancing

There's one piece of legislation that's been lingering for quite some time, and it doesn't include the loan proposals being tossed around by others.

Bernie Sanders (I-Vt) in the Senate (S. 1076) and Marcy Kaptur (D-Ohio) (H.R. 2412) in the House have a bill known as the Keep Our Pensions Promises Act. KOPPA would repeal provisions of the MPRA that allow for the reduction of retiree benefits and create a legacy fund for troubled plans and the PBGC.

The legacy fund would be offset by modifying two types of tax shelters--one for investors in art works and real estate and the other for very large estates.

**Bottom Line:** Neither the Senate nor House version has gained much traction and has no support from Republicans.





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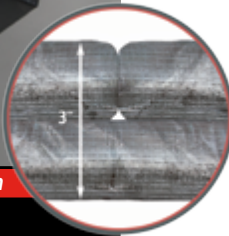
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