



CENTRAL STATES INSULATION ASSOCIATION'S

# INSULATOR

November 2018



**Legally Speaking**  
THE REGULATORY  
SLOWDOWN

**CSIA FALL  
CONFERENCE**  
PHOTO HIGHLIGHTS  
FROM SAVANNAH GA

**Items to Share  
with Your  
Employees**  
Five Tax  
Breaks for  
New Parents

**Labor and  
Employment**  
The Pros  
of Hiring  
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# INSULATOR



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## INSULATOR Magazine



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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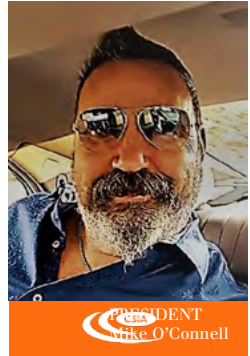




Central  
States  
Insulation  
Association

# Presidents Message

*Mike O'Connell - Smart Energy Insulation.*



PRESIDENT  
Mike O'Connell

**The Mid-term elections are over. So many opinions and so many views on who feels they are right and the others wrong.**

As “divided” many say our country may be, I still believe the majority of American’s (fundamentally) have common core beliefs and ideals. We all believe in American ideals of “Life, Liberty and the Pursuit of Happiness.” We all want security and happiness. But what in life is “certain” anymore? Benjamin Franklin was famous for his life perspectives. One of his observations was **“Only two things in life are certain..... Death.....and Taxes.”** As depressing as that may sound, one would not want to live life with only that perspective. We have heard older folks use this saying often as means of perhaps saying to younger generations....**“you don’t understand how good you have it.”**

Perhaps the answers to American’s division today is to go back to a time when our country was most suffering and torn apart and how they pulled together. In Tom Brokaw’s 1998 book, he declared the generation that persevered through America’s Great Depression and fought in World War II America’s “Greatest Generation.” What were the generation characteristics of these individuals that made them stand out and become so strong? What can we take from that time that so united people? The common theme for those among the Greatest Generation seems to be self-sacrifice.

We have made tremendous strides since the days of the Greatest Generation, especially regarding civil rights and technology, but we are losing many core values that made this particular American generation worthy of their name. Americans all had so much in common that they gave up their own interests to help others and to advance a cause.

Coming out of the Great Depression and fighting World War II (the war to end all wars), Americans were suffering. Americans were hurt. ALL Americans were suffering and hurt - together. I remember a little of that feeling in America after 9/11. They were all in it together. They realized that the only way out was to unite. Make sacrifices. This Self-Sacrifice to advance a cause

that the Greatest Generation embodied was the founding of the labor movement. Barack Obama perhaps captured best what the Greatest Generation may have provided for us all today when he said:

***“It was the labor movement that helped secure so much of what we take for granted today. The 40-hour work week, the minimum wage, family leave, health insurance, Social Security, Medicare, retirement plans. The cornerstones of the middle-class security all bear the union label.”***

As I have stated in past articles, my dad and my grandpa were all part of the Insulation Labor Union. Its why our company is such a strong Union Insulation Contractor today. All of us benefited from the Union’s early efforts that give us Union Contractors and Union Members all that we enjoy today:

- good wage...that a family can happily live on
- worker safety...union insulators work under the safest work conditions
- health insurance...above average level of healthcare for peace of mind
- guaranteed retirement...high level pension benefits (with substantial early retirement).

I have also stated in past Presidents letters the need to work together: Union members, Union Contractors, International & Local Officers. All of us understanding that our Union Insulation Industry growth and strength will be derived from each of our own Self Sacrifice to advance our cause.

In order to advance our Union Insulation cause, we MUST embody self-sacrifice and work together to address our industry founding needs:



- GROW! Hiring MORE Quality Insulators - Central State Region Locals, the International and Contractors must concede that we are severely undermanned in all regions. Locals shrug their shoulders saying “they are asking around but there is nobody available”...if contractors cannot man the work, we simply lose the work or walk away....it’s surely the fastest way to support work going non-union. Let’s have a regional approach to manning the work and improving portability across the Central States. There are good people out there who could become part of our cause. Let’s work together to go get them and man the work with (more) Union Insulators! There is no better time/economy to grow our total numbers 50% or more.
  - Take Home Wage Growth – in order to attract the highest quality people to our Union work force we must improve the take home wages offered. While Insulators’ Total Packages have risen in step under trades we follow (Fitters, Plumbers and Sheet Metal), the Take Home Wage portion has remained relatively flat and are too similar (or in some cases less) than Non-union take home wage for similar work. In the last 10 years, the Take Home Wage portion of all central states packages has shrunk proportional to the total package while pension contributions and dues have doubled or tripled. (one Central State’s pension \$19/hr!)
  - Pension Guarantee – guaranteed pensions earned by central states insulators is one of the highest level offered among working Americans. A guaranteed pension is a good attraction for quality workers. The pensions have many benefits and even allow for very early retirement (in some cases reduced benefit as early as age 52). With these high-level guaranteed pensions come a price tag. A number of pensions are called “Underfunded” as the total fund value is not enough to guarantee a full pension for all members. Pension Trustees around the Central States (Union and Management) must commit to fully funding these pensions so they are 100% guaranteed (not like Locals 8, 25 or National Pension underfunded – same as they have remained the past 10 years). Younger Union members should not have to worry that the pensions they are paying so much into will be reduced or gone when they retire. Grow ranks back to levels seen 20-30 years ago, where ratio of 2 active members to 1 retiree, was a strong measurement of pension health & sustainability (not the levels we see in many pensions today of 1 active to 2 retirees). If Union Trustees in underfunded pensions continue to refuse to consider benefit changes that will reduce pension costs, Owners/ Management, Union Members and Pension Trustees must pledge to freeze current benefits with no changes that will increase future costs UNTIL those pensions are 100% funded. Let’s make the members’ retirement 100% Guaranteed (again) like the it was 20 and 30 years ago. (same as approaching 100% like Locals 3, 47 & 84....and Chicago)
  - Non-Union Organizing – support Local efforts to attract and convert workers and companies installing insulation non-union. Seen as most impactful and immediate growth for the Union Insulation cause, signing these insulators and companies is a significant support for continuing union level wages and benefits for all. Companies are ready to join the International and Local efforts to approach the non-union. Let’s meet and make a plan to organize.
  - Double Breasted Companies – companies with dual insulation operations of one part non-union and another part union. We must discuss a joint effort on a national level to identify these companies operating in this manner, meet with them and support their converting to 100% union. If they reject converting, successful steps can be taken (as taken recently with a large Double Breasted company operating their Non-union arm in a large Midwest traditionally Union market) to convert the operation to Union with thousands of Union hours following. Local Unions here in the Midwest currently provide Union Member Insulators to double breasted (well known large) Non-union Insulation companies using a CBA signed in a faraway Local to work as “Union.” This is wrong and is not Union. We can end Double Breasting now.
- Let’s continue to examine ourselves and our actions to understand better what we can do Ourselves to move the Union Insulation cause forward. Like the Greatest Generation who united, considered self sacrifice for the cause and made amazing strides in guiding our country into the greatness it is today. Everyone supporting our industry cause will benefit. I like to think each of us has much more say to ensure certainties in life than what Benjamin Franklin professed.
- Your President,
- Mike O’Connell**  
Smart Energy Insulation

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## CSIA 2018 scholarship winners

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Each year the Central States Insulation Association offers two college or technical school scholarships to students who are the children of, or under the legal guardianship of, employees of CSIA member companies.

The purpose of this Scholarship Program is to supplement financially up to two (2) college students per year in a field of study that is relevant to the Mechanical Insulation Industry directly or indirectly.

Congratulations to our 2018 Scholarship Winners!



**Corey Renaud**  
Smart Energy Insulation - MI



**Aleksey O'Dell**  
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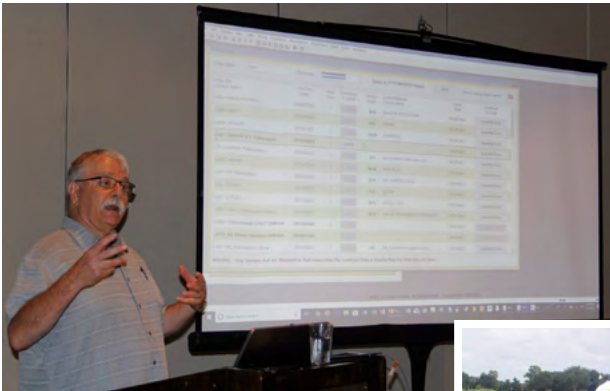


*Abigail K. White*

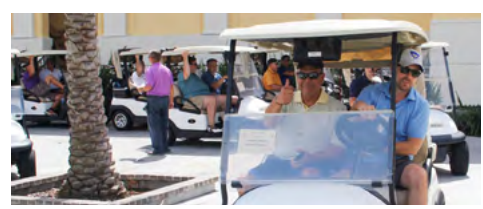


*Douglas S. Jenks*

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*New parents have their work cut out for them. Not only are they dealing with lost sleep, they also face the extra cost of raising a child. At least there are a lot of potential tax breaks available to them. Check out this list and share it with any new parents you know.*

**1. Child Tax Credit**

Tax law changes this year not only double the size of the Child Tax Credit, they make it available to more parents than ever before. The credit increases to \$2,000 from \$1,000 (with \$1,400 of it being refundable even if no tax is owed). Meanwhile, the eligibility phaseout threshold increases sharply to \$400,000 from \$110,000 for married joint filers (and to \$200,000 for single taxpayers).

**2. Child and Dependent Care Credit**

If you pay a nanny, babysitter, daycare or a relative to take care of your child while you and your spouse are at work, you can claim the Child and Dependent Care Credit. It's up to \$1,050 on \$3,000 in expenses for one child and twice that for two or more children. The key is that you and your spouse (if you are married) must both be working, and you can't claim expenses for overnight care.

**3. Below the kiddie tax threshold**

If you have property that produces income, such as bonds, stocks, mutual funds, interest or realized capital gains, you can lower your tax by transferring a certain amount of that income to your children. Why? Your child has a lower tax rate than you do on unearned income. This works up to a certain dollar limit before "kiddie tax" rules come into play.

**4. Adoption Credit**

About 135,000 children are adopted in the U.S. each year. If you are welcoming an adopted child into your family, the Adoption Credit can be claimed on up to \$13,840 in expenses, such as fees, legal counsel and court costs.

**5. Educational benefits of a 529 plan**

There are many provisions in the tax code to help cover the high cost of education. Consider establishing 529 college savings

programs for your new addition. While contributions are made with after-tax dollars, any investment gains are tax-free as long as they're used to pay qualified education expenses. The tax reform passed last year now also allows you to use these funds to pay private elementary and secondary school tuition as well as college

### Become Debt-Free

The average household carries \$137,063 in debt, while the median household income is less than \$60,000, according to data from the Federal Reserve and U.S. Labor Department. While it's easy to get into debt, it can be hard to get out. Here are five tips personal finance experts recommend to lower your debt burden:

#### 1. List and prioritize

Create a list all of your debts by amount owed and the interest rate you are paying. Then prioritize your repayment based on one of two strategies:

- The Avalanche. Focus on paying the debt with the highest interest rate first, to minimize the total interest you'll pay.
- The Snowball. Focus on paying the debt with the smallest balance first. While this may seem counter-intuitive, it's recommended for those who have difficulty sticking to a repayment plan. The smallest balance gets paid off sooner and then its debt repayments can be devoted to the next debt. This gives you a powerful psychological boost and sense of achievement.

#### 2. Pay more

Pay more than the minimum amount due. Your lender receives more interest income from you if you pay the minimum, but that's not what you want. Think of ways you can increase your income to make the extra payments, such as:

- Taking a second job or freelancing.
- Asking for a raise at work.
- Devoting extra cash to debt repayment, such as your refund check.

#### 3. Spend less

Review your monthly expenses to find

things that you can eliminate to increase your debt repayment. You can reward yourself by renewing these luxuries, but only after you've paid off what you owe. You could cut spending on things like:

- Cable TV
- Gym fees
- Restaurants
- Entertainment

#### 4. Downsize and declutter

Not only does it help to spend less, it may also be worth getting rid of what you already have. Consider selling possessions you no longer need, or finding a place to live with lower rent or smaller mortgage payments. Be ready to make some sacrifices in exchange for financial freedom. Things that you may be able to part with include:

- Sporting equipment
- Extra or recreational vehicles
- Electronics, games
- Collectibles

#### 5. Negotiate

It's worth calling your lenders to see if there's a way to lower your interest rate. They will often do this if you've been a longtime customer with a history of timely payments. In some cases, you can even get them to forgive part of your debt. Also consider using zero-percent balance transfer options with different credit card providers. While these may come with fees, 12 months of no interest can be worth it.

Reducing your debt burden can seem overwhelming, but small steps can yield big results. As always, should you have any questions or concerns regarding your situation please feel free to call SJ Meyer & Associates.

*This Article has been provided by SJ Meyer & Associates Accountants and Advisors. SJ Meyer & Associates serves as the Association CPA.*



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## The Construction Labor Research Council

The Construction Labor Research Council (CLRC) is the nation's foremost resource for data and research on union crafts in the construction industry. For well over 30 years its work has earned the respect of, and credibility with, both labor and management for its fair data analyses and rigorous methodologies. The CLRC database for wages and fringe benefits contains information on hundreds of contracts in over 200 cities for 18 crafts. CLRC serves as a key resource on labor costs, market share, workforce needs, labor contract terms, safety, and associated topics.

CLRC is sponsored by 11 management associations in the construction industry.

- Associated General Contractors of America (AGC)
- Central States Insulation Association (CSIA)
- FCA International (FCA)
- International Council of Employers of Bricklayers and Allied Craftworkers (ICE)
- Mechanical Contractors Association of America (MCAA)
- National Association of Construction Boilermaker Employers (NACBE)
- National Electrical Contractors Association (NECA)
- National Fire Sprinkler Association (NFSA)
- North American Contractors Association (NACA)
- Sheet Metal and Air Conditioning Contractors' National Association (SMACNA)
- The Association of Union Constructors (TAUC)

***In addition to doing work directly for these associations, CLRC offers consulting services to their regional chapters/affiliates and others. The other side describes some of our most popular reports.***

- Market Share Study\*
- Union-Nonunion Wage and Fringe Benefits Comparison\*
- Benchmark Analysis\*
- Contract Costing\*
- Survey Development, Administration and Analysis
- Workforce Planning
- Custom Work

\*For members of the associations listed above, the cost for each of these reports is \$2,500. For more information on CLRC's products and services, please contact Carey Peters, Ph.D., Executive Director, at [clpeters@clrconsulting.org](mailto:clpeters@clrconsulting.org) or 865-414-2678.

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## CLRC Custom Reports

| Report  | Description  | Benefit  |
|---|--|--|
| <b>Market Share Study</b>                                 | Shows what percent of a given occupation (e.g., plumbing/ pipefitting, carpenters) is worked by union contractors.   | Allows management and/or labor to more precisely define their share of the market, and more importantly, the trend over time. Also, can document the impact of specific programs (e.g., market recovery, new classifications). |
| <b>Market Share Study with Sectors</b>                    | Adds to the standard Market Share Study by breaking market share into sectors: Residential, Commercial, Service and Industrial   | Gives more understanding and greater precision by showing how market share compares among different segments of the market.  |
| <b>Union–Nonunion Wage and Fringe Benefits Comparison</b> | Compares a specific local's wage and fringe benefits package to nonunion data for that craft in the same geographic region.  | Tangibly shows the difference in both dollars and percents between union and nonunion pay and fringe benefits.   |
| <b>Benchmark Analysis</b>                                 | Graphs actual wage and fringe benefits rates compared to indexes (e.g., CPI, nonunion) over time to show the trend.  | Compares actual pay to what it would have been using an index.   |
| <b>Contract Costing</b>                                   | Provides a detailed cost analysis of 8–12 categories in a contract (e.g., 2 <sup>nd</sup> shift, foreman ratio, clean-up time) on a per employee per hour and total contract cost basis. | Helps the parties in collective bargaining better understand the real costs associated with contract language clauses.   |
| <b>Survey Development, Administration and Analysis</b>    | A survey is a valuable means of collecting information from key constituents (e.g., owners, contractors).  | Survey results provide a useful summary of one or more topics as well as guidance for future actions.  |
| <b>Workforce Planning</b>                                 | Evaluates a specific local's employment trends and combines that with growth projections to determine future workforce needs.  | Provides useful data for planning apprentice classes, understanding workforce demographic information (e.g., average age, number close to retirement), and related topics.   |
| <b>Custom Work</b>  | Tell us what you are looking for, we can probably help you.  | Offers you greater understanding and useful data to use during collective bargaining or internal business decisions.   |



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# THE REGULATORY SLOWDOWN

*Can you Hear the Hush?*



By: Bob Dunleavy



the Trump Administration continues with its 2:1 “regulatory rollback initiative” to offset the more than 22,700 regulations of the Obama Administration



In the last year or so, has your business seen fewer regulations being foisted upon it? Are there fewer government agencies knocking at your doors these days? The answer is probably “yes” to both. It is almost as if a “hush” has come over the arena of federal agencies that played such a significant role in your day-to-day operations just a few years ago. The reasons for this are many.

Of course, the Trump Administration continues with its 2:1 “regulatory rollback initiative” to offset the more than 22,700 regulations of the Obama Administration which had an estimated cost of \$120 billion per year. But what is even more significant are the agency hiring freezes, reductions in governmental staffing primarily through attrition, and budget cutbacks. And, of course, federal regulatory agencies are simply becoming less aggressive than in the recent past. President Trump touts that –

- The Administration has cut 22 regulations for every new rule introduced – far exceeding his 2:1 initiative.
- Agencies and departments issued 67 deregulatory actions and imposed only three new rules in FY 2017.
- 1,579 planned regulatory actions have been withdrawn or delayed.
- Congress has used an obscure 1996 law – the Congressional Review Act – to rescind 14 regulations enacted late in the Obama Administration – a law used only once before.
- The Department of Labor Wage-Hour Division has not actively pursued the Obama Administration’s overtime pay regulations which originally caused most employers to revisit the exemptions of their employees and caused much time to be spent dealing with the anticipated regulations which got put on hold by a federal court at the last moment.
- OSHA has delayed its new beryllium general safety standard until May 2018 and its ranks of field investigators known as compliance officers has been reduced through attrition by about 4%. One OSHA Area Director even purchased his own photocopy paper recently to keep things running.
- The Department of Transportation has pulled back a 2016 proposed regulation for heavy trucks to electronically limit speed – in addition, a dozen transportation safety rules under development or adopted have been repealed, withdrawn or delayed.
- The Office of Federal Contract Compliance is rolling back the Vietnam Era Veterans’ Readjustment Assistance Act veterans hiring quotas from 6.7% to 6.4% for affirmative action plans.
- The National Labor Relations Board is considering cutting in half the number of regional offices it has and decreasing the authority of its Regional Directors in making case decisions – the NLRB’s budget has been shaved to the lowest level since 2009.
- The Environmental Protection Agency is considering rolling back 67 environmental rules including clean air and water rules – the most recent being greenhouse gas emissions and fuel economy standards for automobiles – more than 700 employees have left the EPA in the last year.

The White House has approved less than 200 regulations since inauguration day compared to 510 promulgated in President Obama’s first year. All of these actions by the Trump Administration have been done in response to the Federal Register of regulations which today has swollen to 185,000 pages from just 20,000 in 1960.

But, far more significant than the regulatory rollback is how the agencies have appeared to curtail their activities. Here are just a few examples:

While agency enforcement activities have declined, private attorneys representing claimants in civil court actions are filing more actions than ever before. And, the damages sought in these types of cases far exceed what most agencies would demand for resolution. Therefore, businesses must not get a


(continued on pg 22)

false sense of security over this regulatory rollback – stay vigilant about compliance.


Of course, the “vote is still out” on this “deconstruction of the administrative state.” After all, the regulatory maze in Washington is hard to understand and evaluate. Moreover, midterm elections are coming and this could cause a possible Democrat majority which could rejuvenate regulatory initiatives. But for now, there appears to be a “hush” which has come over the arena of federal agencies – much appreciated by businesses battered by a barrage of regulations in recent years.

For further information, contact Bob Dunlevey at Taft/Law (937) 641-1743 or email [rdunlevey@taftlaw.com](mailto:rdunlevey@taftlaw.com).

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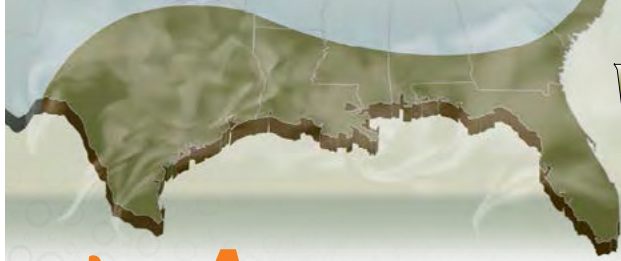


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### **LEGAL SERVICES PLAN:**

This plan provides members with the ability to get back their investment in dues many times over. Every CSIA Member is entitled to one consultation per month with attorney Bob Dunlevey of Taft/. This firm specializes in Labor Law, OSHA, and Construction Contract Law.

### **BI-MONTHLY NEWSLETTER:**

The CSIA Newsletter highlights Association activities and upcoming events. It also brings news of the region, including labor and legal matters, items of general business interest, personnel changes within member companies, and information on new products and technologies available from member supplier firms.

### **E- BULLETIN:**

The E-Bulletin brings industry news to our members in between newsletter issues. It also provides information in a condensed format and a great vehicle to get your message out fast to the membership!

### **SPRING LABOR SEMINAR:**

Spring of each year, CSIA holds its Annual Labor Seminar which covers 16 area agreements and labor trend updates. We also provide the *Labor Management Manual* which is an excellent reference manual for labor statistics and contract issues. This conference combines valuable networking opportunities, education and fun.

### **FALL CONFERENCE:**

Each year, a Fall Conference is conducted at a facility within or near the region. At this business conference, directors and committee chairs are elected and official business is conducted. Guests are welcome at this conference featuring outstanding speakers and workshop presentations. This conference is also a great opportunity for a little relaxation and recreation which is made even more valuable by the added chance to build social relationships with your colleagues from the insulation industry.

### **FULL TIME ASSOCIATION STAFF:**

CSIA Members receive the service of a full time staff; ready to give direct answers to your questions or to find the source with the answer you need. We have members on our staff who are well versed in labor relations, government affairs, construction industry issues, and inter-industry relations. We'll help you get the resources you need to keep your business running smoothly.

### **WEBSITE—[www.csiaonline.org](http://www.csiaonline.org):**

The website is a key item in our ongoing program to promote our CSIA Members. This website is not only designed to help the insulation customer find a CSIA Member in their area, it is also designed to help you the contractor stay informed about current issues that affect your business, as well as providing access to contractor services and product suppliers. Enjoy the convenience of online registration and dues renewal too!

### **ANNUAL SCHOLARSHIP PROGRAM:**

Each year, CSIA offers two \$1000.00 college or technical school scholarships to students who are the children of or under the legal guardianship of employees of CSIA member companies. The purpose of this Scholarship Program is to help two college students per year in a field of study that is relevant to the Mechanical Insulation Industry.

### **WEBINARS:**

Each quarter CSIA offers you the best in business management sessions in human resource management, risk management for safety directors, financial management for construction, and more! You tune in from your desk to hear and see the speaker, eliminating the need for costly travel and expanding CSIA's resources to all management personnel!

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## SCHOLARSHIP

The Central States Insulation Association offers two \$1,500 college or technical school scholarships to students who are the children of, or under the legal guardianship of, employees of **CSIA** member companies. If you are an employee of a **CSIA** member and have a child or other dependent who is currently a student at a college, university, technical institute, or trade school, or who plans to enroll in such an institution this year, he or she may be eligible to apply for a **CSIA** scholarship. Applications and required supporting material along with a photo of the applying individual must be returned to the **CSIA** Office by July 15th.

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2077 Embury Park Rd.  
Dayton, OH 45414

PH: 937-278-0308  
FAX: 937-278-0317  
csia@assnsoffice.com  
www.csiaonline.org

The purpose of this Scholarship Program is to supplement financially up to two (2) college students per year in a field of study that is relevant to the Mechanical Insulation Industry directly or indirectly. Each scholarship shall be a one-time payment of \$1500 that will be paid on or about September 1st to each recipient. The scholarship will be paid to the student directly for payment of tuition, books, and/or fees.

*I. Eligibility will be based on the following criteria:*

- a) Student must be the child of or under legal guardianship of a full-time employee (not under a Trade Agreement) of a current **CSIA** member.
- b) Must be currently enrolled or preparing to enroll in undergraduate study at an accredited college, university, technical institute, or trade school.
- c) Not previously awarded a **CSIA** scholarship

*II. Scholarship(s) will be awarded based on the following criteria:*

- a) A type-written essay of 500-800 words, regarding the importance of mechanical insulation and how it affects the student's life and the lives of others
- b) Field of study being pursued
- c) Past academic achievement and leadership qualities

An independent group shall make selection prior to the CSIA/ESICA Fall Conference. All selections are final. The application form and essay are due by July 15th of each calendar year. CSIA is not obligated to present a scholarship each year. Awards will be presented based on the criteria above.

Additional application forms and essay information can be requested from the **CSIA** Office.

For your convenience, an application form is also posted at [www.csiaonline.org](http://www.csiaonline.org).



# CSIA SCHOLARSHIP APPLICATION

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_\_

E-mail Address \_\_\_\_\_

Relationship to CSIA Member Employee \_\_\_\_\_

## CSIA MEMBER INFORMATION

Name of **CSIA** Member Employee \_\_\_\_\_

Employer's Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_\_

Fax Number \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_\_

E-mail Address \_\_\_\_\_

## EDUCATIONAL BACKGROUND

High School Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_\_

Office Contact / Guidance Counselor \_\_\_\_\_

Current Grade Point Average: \_\_\_\_\_ out of a \_\_\_\_\_ scale

Extra Activities, sports, clubs, achievements *(use separate sheet if necessary)*

Probable Field of Study \_\_\_\_\_

Educational Goals *(use separate sheet if necessary)* \_\_\_\_\_

Selected University, College, Training Institute \_\_\_\_\_

Date Classes Begin \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Print or type name and date

\_\_\_\_\_  
Signature of Corporate Officer

\_\_\_\_\_  
Print or type name and date

**Please include your 500-800 word essay and photo with this form when you return it by July 15th to the CSIA Office 2077 Embury Park Rd. Dayton, Ohio 45414**

# THE PROS OF HIRING EX-CONS

*More and more, employers are experiencing problems with hiring and retaining good employees. This is especially true for less desirable jobs or jobs at the lower end of the pay scale.*

By: Steve Watring  
Auman, Mahan & Furry



“ Depending on the circumstances, a person with a criminal record may be a great hire.”



This is prompting employers to rethink their hiring practices. With a shrinking pool of qualified applicants, you may have to consider people that have less than a perfect record—including someone with a criminal record.

Before proceeding further, I will start with a disclaimer. Some people have strong opinions about whether a felon should or should not be given a job--as a societal issue. The reality is that people with criminal records are released into society with limited prospects of employment because of those records. That can be tragic for those who have paid their debt to society and want to make something of their lives. It is also the reality that some of those same people pose a greater risk to the public. That also can have tragic consequences. I will leave it to others to deal with that great societal dilemma. I am an employment lawyer, and therefore am not my clients' social conscience. I give businesses legal advice geared to what is best for them. That is my perspective in writing this article.

First, a little bit about the law. Unless you are in a city or state that prohibits it (so called "ban the box" cities or states) you can inquire about an applicant's criminal convictions (but normally not about arrests that did not lead to a conviction). You also can do background checks about those convictions (as long as you comply with the Fair Credit Reporting Act). You cannot maintain a policy or practice that you do not hire anyone with a criminal record—that is considered discrimination. Instead, you are required to make an "individualized determination" about whether that record should disqualify the applicant from the job. In general, that individualized determination depends on the nature of the conviction, how long ago the conviction (or release from prison) was, and what relationship it has to the job in question. This "individualized determination" requirement essentially is the government's effort to balance the societal factors discussed above, and then impose that balancing on employers as a requirement.

The only thing that I disagree with on the "individualized determination requirement" is the fact that it is a "requirement" instead of something for each employer to decide on its own. Especially in the current job market, I think that employers can miss an opportunity by not giving meaningful consideration to an applicant with a criminal record.

Depending on the circumstances, a person with a criminal record may be a great hire. An employee with a record has limited marketability. This can result in them valuing their job more than an employee who thinks that they can easily get another job tomorrow, and may be more inclined to "job hop". The employee with a record has a greater incentive to try to please their employer and keep their job. They may have a higher sense of loyalty to a company that gave them a chance at a fresh start. I have seen all of these things happen in real life. Since statistically most employees change employers every few years, these considerations should not be overlooked. Hiring a good worker does not do too much good if you can't retain them.

If you read the above paragraph closely, you will see that it is peppered with "can" and "may" instead of "will". You also may be taking on an increased risk by hiring someone with a record. But every hire carries risks. The question is where this risk falls on the risk-reward scale. This requires an individualized assessment to determine if the benefits of hiring someone with a record outweigh the risks.

Following good applicant screening practices is even more important when considering whether to hire someone with a criminal record. Here are a few tips that you might find useful:

- Make sure your application asks about criminal records (unless you are in one of those "ban the box" jurisdictions), as well as about pending criminal charges.
- Require the applicant to fully complete the application, including responding to this inquiry.

continued pg.30

If you see this passed over on the application, it probably is intentional. Just the fact that the applicant tried to evade the question is a bad sign. If that occurs, make note of it, in addition to returning the form to the applicant for completion.

- If the applicant acknowledges a criminal record and you grant them an interview, ask them questions about it. Yes, it is awkward. But I think one of the most common interview mistakes is the failure to ask the tough questions. Do you really want to hire someone who melts or bristles in response to a fair question about their criminal record? Politely ask them why you should give them a chance despite the record—it's a good question and a fair question. And you certainly don't want someone who will not answer that question candidly and honestly. In most situations, there are ways to check out the applicant's explanation of their criminal record. If the applicant gives you an honest answer,

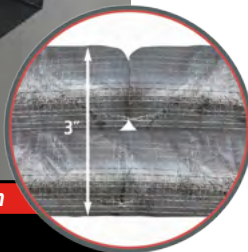
they may be deserving of a further look.

- Pay close attention and evaluate the applicant's explanation of their criminal record. Does the explanation make sense? Do they seem rightly embarrassed over what happened? Do they improperly try to make excuses instead of accepting responsibility for their actions?
- Likewise, it is a good sign if the applicant discloses everything that comes up on a pre-employment background check. Just the opposite is true if there is a failure to disclose.
- Furthermore, verifying the information on the employment application is all the more essential in this situation. The same is true with checking references. For example, it would be a warning sign if the applicant attempts to hide periods of incarceration by claiming to be employed during that time, or if a reference doesn't check out.

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It is undeniable that hiring someone with a criminal record carries an element of risk. I would be very skeptical of hiring someone with a lengthy “rap sheet”. Likewise, I would normally recommend against hiring anyone with a drug conviction that relates to trafficking or manufacture. Someone with a conviction of a serious crime of violence may be too big of a risk. Crimes relating to dishonesty or theft should be evaluated based upon the position and the amount of supervision.

That brings us to sex-related offenses. They pose some special issues. There is such a wide range of sex offenses that I think it is a mistake to lump all of them in one category. And even less serious and non-violent offenses can land a person on a sex offender registry. Hiring someone on a registry may pose some new challenges since employees and people you do business with can access the registry. But presence on that registry can make it all the more difficult to find work. While I do not mean to minimize or excuse these offenses, it may be worthwhile taking a harder look at the record and

what happened.

**special caution should be exercised before hiring someone with criminal convictions involving violence or theft”**

Back to the law for a minute, it is true that there are some cases out there where an employer has been held liable for criminal acts committed by employees that are known to have a criminal record. For that reason, special caution should be exercised before hiring someone with criminal convictions involving violence or theft. This is particularly true if the job will involve giving the employee access to customers or their property. The same is true for many, but not necessarily all, sex-related offenses. In these cases, the safety risks, and the legal risks, usually are not worth it.

Here is my bottom line. If you are considering hiring the applicant, and you see that they have a criminal record, make that “individualized determination” that is discussed above. The law requires it anyway, so you might as well take advantage of it and take it seriously. In the right circumstance, you just may find that the potential benefits of hiring the applicant with a blemish on their record outweigh the risks.

*Steve Watring (saw@amfdayton.com) is a partner in the labor and employment law group of Auman, Mahan & Furry. He has counseled employers in workplace issues since the 1980’s. Steve is a Certified Specialist in Labor and Employment Law. He holds a Preeminent rating from Martindale-Hubbell, and has been recognized as a Super Lawyer.*

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- **Tropical location with pristine pools and beach:** Unwind at one of the 6 awe-inspiring pools or lounge on 3,000 feet of sugary white sand.
- **Dining:** The hotel offers a multitude of delicious dining options, with 18 different restaurants, bars, and lounges on-site.
- **ESPA Spa:** Breathtaking ocean views and 24 private rooms, which feature a range of luxurious treatments and therapies designed to offer you an authentic Bahamian spa experience.
- **Golf:** Guests can enjoy the dynamic 18-hole, 72-par Jack Nicklaus Signature Golf course.
- **Casino:** The 100,000 square foot casino is the largest in the Caribbean, and features world-class gaming excitement and entertainment.
- **The Racquet Club at Baha Mar:** Sharpen your swing on any of the 9 brand new tennis courts.
- **Programs for kids:** The Explorers Kids Club offers young guests a world of fun, learning, and exploration. This program is open to children that are 3–12 year old.
- **Shopping:** The shops at Baha Mar offer global brands and charming local boutiques.
- **Fountain Lazer Light Show:** Takes place every night.

Registration is now open; please check NIA's website ([www.insulation.org/convention/2019](http://www.insulation.org/convention/2019)) often for additional details. If you have any questions about NIA's 64<sup>th</sup> Annual Convention, please email [events@insulation.org](mailto:events@insulation.org) or call 703-464-6422.



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## CSIA “Best Practices in Safety” Recognition Program

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The Central States Insulation Association (CSIA) “Best Practices in Safety” Program Award recognizes CSIA member companies in good standing that have demonstrated a commitment to improving jobsite safety through development, implementation, and enforcement of a safety and risk management program.

### **Eligibility:**

Submissions must come from a CSIA member company in good standing with a documented safety/risk management program including a formal written safety program.

### **Confidentiality:**

The information in Section 1 of this application, and any reference in any part of this application to a specific company, *will not* be included with the application when the submissions are judged. All information provided on this application will be kept in strict confidence. CSIA reserves the right to publish any innovative safety ideas from the submissions for the good of the industry. However, any company-specific information regarding accident or injury statistics, or any other information identified by the applicant as proprietary, will be kept in strict confidence.

### **Judging:**

Applications will be judged by nationally renowned OSHA / Workers Compensation Attorney, Gary Auman, of the Legal Firm Auman, Mahan and Furry.

### **Deadline:**

Deadline for entries is **January 31, 2019**. Winners will be announced at the 2019 CSIA Spring Labor Conference on May 1<sup>st</sup> at the Belterra Casino Resort in Florence, Indiana April 30<sup>th</sup> – May 1<sup>st</sup>.

**Entry Fee:** There is a \$150 entry fee to have your safety plan reviewed by CSIA Legal Counsel. In return, you will receive a detailed, written critique of the information provided with your application. This evaluation letter is designed specifically to facilitate ongoing safety program improvement for every participating member. You can submit the payment via the attached form or by check. If applying online, there is also an option to pay via credit card at the end of your application submittal.

### **Entry Submission:**

Three easy ways to submit your application:

1. Apply securely online at [www.csiaonline.org](http://www.csiaonline.org). Just go to the Members Only Section of the site.
2. Go to the Members Only Section of [www.csiaonline.org](http://www.csiaonline.org), download the .pdf Application, fill it out and mail the completed application to:  
Auman, Mahan & Furry  
Attn: Brenda Lightner  
110 North Main St., Suite 1000  
Dayton OH 45402
3. Email a scan of your completed application to Brenda Lightner at [brl@amfdayton.com](mailto:brl@amfdayton.com)

### **More Information:**

Questions regarding the application may be directed to Gary Auman at [gwa@amfdayton.com](mailto:gwa@amfdayton.com) or by calling 937-223-6003.

All applications will be graded and recognition will be awarded at a Bronze, Silver, Gold, Platinum or Participant level. Each applicant will be judged anonymously and will receive a letter critiquing their program from CSIA Legal Counsel, Gary Auman. All participants will receive certificates, and those receiving Bronze, Silver, Gold, or Platinum awards will receive recognition at the CSIA Spring Conference.




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