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May 2019

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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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Presidents Message

Mike O'Connell - Smart Energy Insulation.

When you have Something "GOOD".. You protect it!

Coming off a very well attended CSIA Spring Labor & Safety Conference in Indiana a few weeks ago, there was a common theme. We have something **good** – but we are not sure of the future. The state of our Union Contracting Insulation Industry is "Uncertain" at best. Real questions still face our industry. Our union share of the industry continues to shrink while the overall insulation market grows. Real Non-Union challenges and Double Breasting are taking foothold with little pushback. Pension costs in some areas continue to rise as fast as we fund them. Other Union trades continue to do more of our work every day.

As with everything in life, there exists an important balance that we must appreciate and embrace. Balance is very important to our Union Insulation Contracting Industry. A safe secure job with good wages and benefits are vital to our Employee/Member's quality of life and happiness. This must be in **BALANCE** with.... our customer needs - Safe working crews, high quality, competitive pricing and ability to man projects **AS DEMANDED**. Union Leaders and Union Contractor Owners are the Visionaries to ensure that this **VITAL** balance is achieved. Our actions in the remaining year will outline the path we take together. Will our path lead us to success, growth, security and prosperity? Will this path lead us to be relevant, competitive and add value? Or will the path we take lead us to eventual replacement by other more competitive trades or by non-union operators?

Every organization....a team, a company, a union - faces these hard questions in everything they do. How do we maintain the **VITAL** balance? Those who did not recognize the balance, ignored the need to

evolve and they were eventually replaced. Every organization must adapt and be willing to change....to evolve or die. We face this uncertain future together. We all must evolve together. What we have is **good!** When you have something "good"...you must protect it or risk losing it. The opportunity to choose our path, the path to success, growth and security lays before us today.

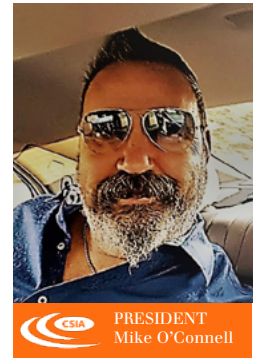
QUALITY (conference discussion noted): we have made strides to establish quality insulation applications through JATC training, shop oversight and On the Job training through field supervision. These levels of quality ensure the job is done to the specification, required by our customers. Quality is the foundation of Union Insulation. Nobody does it better! We **ALL** must challenge companies and insulators to continue to strive for the highest level of training possible. Invest more into our JATC programs. Have the **BEST** training facility imaginable (model Local Training Centers after the best in the country). Institute Quality Standards in your CBAs (with enforcement for skills upgrade training to members and fines to companies who violate). Bring an **END** to the practice of Value Engineering by companies which erode quality. When our value is eroded, customers look to replace us. We become irrelevant. That is a **GREAT** value! Let's **ALL** work to improve this great value to our clients **TOGETHER**.

NUICA (conference discussion noted): Group discussion centered around the vital need to make this organization relevant. Union Contracts need a national organization to address issues together with the International. It was unanimously agreed that this organization **MUST** be Union **ONLY**. No Double-Breasted contractors should be allowed to join.

Update from NUICA representatives identified that a company was hired to administrate and organize this effort. Updates will be coming soon.

MEMBERSHIP (conference discussion noted): We are fortunate to be in an industry that is part of a growth initiative. A "Green" initiative. The Mechanical Insulation Industry has become more relevant. That puts our work in demand now and hopefully it will continue to be a necessity in the future. A few years back, the Bureau of Labor Statistics listed "Mechanical Insulator" as one of the top 10 fastest growing jobs in the country. The Bureau reported "Increased emphasis on energy efficiency will result in growing demand for mechanical insulation workers". Over the next decade, the Bureau estimated demand for our services was expected to grow jobs by over 46%. Meeting this demand is critical to Union Insulation survival. If we're not manning the work Union, then somebody is doing the work Non-Union. The work is **THERE!** It is up to all of us to go get it! Increasing our Active membership at **EVERY** Local will strengthen our capabilities keep up with a fast-growing insulation market, support benefit funds sustainability and lastly increasing numbers **WILL** provide overall increased job security. Why are most Locals **STILL** not growing?

PENSIONS (conference discussion noted): The greatest asset of our industry is our Employee/Member. Our Employee/Member happiness is supported by having a great purpose for all they do. A significant part of that great purpose is going to work every day with the comfort and security that comes from a comprehensive health care plan and a stable retirement plan. We all can thank the Unions for that! Based on available data, Union



CSIA PRESIDENT
Mike O'Connell

Insulators in the Central States enjoy the highest level of healthcare provided for insulators. Our Union Insulators enjoy the highest pension benefits provided in the Central States (some highest of all trades!). Unfortunately, with those “highest” level benefits, comes a high price tag.

Pension fund management depends on many variables such as Active enrollment, investment strategies, contribution rates and level of benefits. If benefits are high and enrollment falls, your fund swings OUT OF BALANCE.

In the CSIA conference last week – each Local Pension and the National Asbestos Worker Pensions and International Staff pensions were highlighted.

The Good - Locals 47 (Michigan) & 84 (Ohio) report they are approaching 100% Funded and guaranteeing a future Pension to their members. Local 3 (Cleveland) is a Defined Contribution and reports no funding issues. The NAW National Asbestos Workers Pension (covering CSIA Locals-18, 37, 41, 45, 50, 51, 75 & 80) reports their Rehab Plan for members has improved funding status to 71.9% and International Staff Pension is currently funded at 120%. It was reported the NAW has emerged from Critical to Endangered status. If all assumptions are met, the NAW plan would be projected to have a funded percentage in excess of 80% by July 1, 2023. (note: the NAW Plan’s projected credit balance is expected to become negative again in July 2028, which would result in the Plan once again being in Critical Status)

The (Not so) Good - Local 25 (Detroit) has remained flat at 66% funded status. In 2008, Detroit’s Pension Fund put an aggressive Rehab Plan into place to raise the funded status from (then) 74% to 97.5% by 2018. From 2008 to 2018, Detroit raised contribution rate from \$6.49/hr. to \$15.44/hr. Over the course of the 10 yr. Rehab Plan, benefits remained at their high level with only minor changes. By the end of the Rehab plan in 2018, Detroit’s Pension Plan did NOT improve but instead fell from 74% to 65% Funded. With Active membership declining, Detroit has much to be concerned. (Beware Rehab plans that never

end)

The (REALLY Not so) Good. Local 8 (Cincinnati) remains in Critical and Declining status per the Department of Labor as of the end of 2018. In a September 2018 letter to members and contractors, the Local 8 Pension Plan stated that the plan is projected to be insolvent in the 2029 plan year. The letter went on to explain the rules and conditions that must be satisfied before a plan is permitted to suspend member pension benefits. Discussion amongst Local 8 contractors expressed great concerns heard from Local 8 members about the future of their pension.

The uncertainty of the current and future level of funding needed for some pension plans prevents our industry from being competitive. The promise of a GUARANTEED pension benefit for ALL Members must be kept. Some pension plans have figured out this balance and enjoy a high level of security knowing their member pensions are 100% guaranteed. Others are working toward the goal. We all must keep in mind that funding should not take 10 years. Why can’t pensions who are not 100% funded have a GOAL of 5 years to be 100% funded for members pensions. It is time for ALL involved to put a stake in the ground and say that ALL pensions must be funded in 5 years by 2024. We ALL must recognize the importance of balancing competitiveness (which provides job security) and providing a comfortable level of benefits for Employee/Members.

WAGE/PACKAGE RATES (conference discussion noted): The package is the most significant part of our ability to compete. Staying under regional rates for Fitters, Plumbers and Sheet Metal and providing a good compensation package is important to our Employee/Member happiness. Keeping balance with other trades we follow is key to our joint success. Come too close or (worst of all) exceed their package rates and we are out of balance leading to other trades doing our work which will lead to our demise. In comparison to other trades we work closely along such as Carpenters, Fitters, Plumbers and Sheet Metal - our industry is small.

Package rates from 2017 to 2018 have increased on average 2.36% across all CSIA Local Package increases (with a high of 4.0% and a low of 1.1%)

DOUBLE BREASTING (conference discussion noted): In addition to minding the trades we follow, we must compete with Non-Union operators. National Non-Union players are entering the markets in Michigan, Indiana and Ohio (now) as Union with support of Local Unions. Once Union ONLY national companies are opening Non-Union arms (Double Breasted – backed by Private Equity firms) with no push back from any level. The UNION ONLY contractors who belong to the CSIA must be aware of keeping balance and providing a better perceived value to our clients than them. If another source, such as Non-Union provides the same (or better) service we provide at a lower price, we will eventually be replaced. We can no longer ignore the simple fact that there are larger Double Breasted and Non-union operators that welcome all opportunities. CSIA Contractors agreed that we MUST fight these Double Breasted (Private Equity) beasts together with Local Unions (as successfully defeated last year in Chicago). It has been found that these Double-Breasted operators (backed by Private Equity) have only short-term interest in the local union and use them to gain entry into markets to eventually turn the work Non-Union.

I have stated this quote before.....Henry Ford on the importance of working together when he said, **“Coming together is a beginning; keeping together is progress; working together is success.”**

Let us commit to **“Work Together”** with Union ONLY Contractors, Locals and the International to produce the best path forward for our combined financial security and longevity. The time is urgent! Let us avoid the path that leads to replacement and extinction. Let us evolve together and find the path that will lead to success, growth, security and prosperity. The path! The right PATH that keeps our insulation industry relevant and competitive for ALL of us to enjoy many years from now.

Mike O’Connell

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CSIA SAFETY AWARD WINNERS

Each Spring the Central States Insulation Association Safety Program Award recognizes CSIA member companies that have demonstrated a commitment to improving jobsite safety through development, implementation, and enforcement of a safety and risk management program.

Members who apply for this Award submit the answers to a series of questions regarding their program. Their safety plans are reviewed and scored by Legal Counsel, Gary Auman, who is a director with Auman, Mahan & Furry and has over 40 years of experience in occupational safety and health law and workers' compensation defense.



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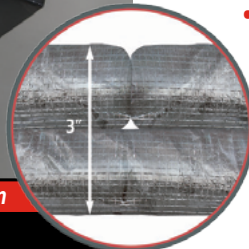
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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Rule Changes



By: Gary Auman



Several changes are about to occur for employers regarding contesting OSHA citations. The updated OSHRC Rules of Procedure, which will go into effect on June 10, 2019, were last revised in 2005. Please remember that these rules impact employers with citations issued under Federal OSHA. Those employers in or with citations issued in state plan states are still controlled by the procedure in their states. Many of the time periods for taking action are being changed. Some of these time periods will encompass calendar days instead of “working days”. E-filing will be preferred; but service by mail will be permitted. All of the changes can be found on the OSHRC website at: [https://www.oshrc.gov/assets/1/6/Commission_Rules_Revision_Comparison_Document_\(gray_and_red_in_line\).pdf](https://www.oshrc.gov/assets/1/6/Commission_Rules_Revision_Comparison_Document_(gray_and_red_in_line).pdf).

Currently to contest an OSHA citation, employers must file a Notice of Contest (NOC) with the Area Director within fifteen (15) working days of receipt of the citation(s) and serve it upon all parties. Currently, service on parties other than the Area Director can be accomplished by mail, personal delivery, fax, or posting. So, currently the employer can perfect service on other affected parties (usually the employees of the company) by posting the NOC along with the boilerplate document the employer receives from the Area Director with the citations at the same location

the employer has posted the citations. Instructions for posting are included in some of the boilerplate information which accompanies the citations.

Under current procedures the employer receives a certification post card from the Occupational Safety and Health Review Commission several weeks after the NOC has been sent to the Area Director. The employer is required to return this card to the OSHRC within 48 hours certifying that it has noticed affected employees and (if they have them) their designated representatives. Sometimes employers don't know they have an affected employee who would like to participate in the contest. This is why there is a requirement to serve notice by posting or by mailing a copy of the NOC to the employees' designated union representative. Employers post a notice informing employees of their right to party status and availability of all pleadings for inspection and copying. A form notice provided in the procedural rules satisfies the requirements. In June, employers will now need to also post along with this form notice, a copy of the notice of contest or petition for modification of the abatement period. Further, affected employees currently have 10 days to let OSHA know of their intent to participate, but as of June employees will be given 14 days.

This procedure (filing the NOC) is about to

change significantly for represented employers. As of the effective date of the new OSHRC rules, all those parties who are represented by a third party will have to file all documents, including the NOC electronically through the Commission's website. Self-represented parties (an employer who decides to represent itself in the NOC) may still mail, E-File, fax, or personally deliver the NOC to the Area Director. There has been no indication that the procedure for issuing citations to the subject employer by certified mail are changing. **So, the employer who elects to represent itself should carefully read the instructions which appear in the paperwork, which will accompany the citations, and follow those directions to be sure it correctly files its NOC.** All those using the E-file system must certify service of filed documents upon all other parties via email and must continue to file all other documents electronically. In other words, an unrepresented party may not choose to E-file one document and then change its mind and switch to US mail. After an employer who chooses to represent itself elects to utilize E-filing it must utilize E-filing thereafter. All parties must be wary to redact sensitive information (many examples are given in the rules) from their E-filed documents. Those unrepresented parties who choose to physically mail their notice are given the same address in Washington, DC as before; however, as the language has not changed under the new rules, and unless OSHA changes its procedures, the employer should file its NOC directly with the Area Director. We still recommend that employers who chose to use a representative to represent them in the NOC, permit their representative to file the NOC so the representative is "in the loop" for all subsequent pleadings that will occur in the case. Of course, that representative will have to E-file the NOC. Our office will continue to mail a copy of the NOC to the subject Area Director until all of the "bugs" have been worked out of the system and any questions regarding the new procedures, which require interpretations or litigation, have been resolved. Please remember that, with the modest procedural change noted below, the fifteen (15) working day period to file the NOC is still in force and failure to comply will, in most cases, result in affirming the citations issued as is.

As stated above, if an employer does not file their notice of contest within the required time frame, the case is over. The employer must pay the fines per the citation and perform any required abatement within the stated abatement period. As of June, the failure of an employer to file their

notice of contest within 15 working days will result in a final order with relief permitted only under extraordinary circumstances and with a prompt filing of a request for relief. This is really the first time that the OSHRC has indicated that all may not be lost if the employer misses the fifteen working-day time frame for filing the NOC. This may give slightly more leeway to late filings for employers, but what "extraordinary circumstances" are have yet to be determined. The deadlines for filing, service, and procedural activities will also change in some circumstances. Employers will want to be aware of those changes so as not to miss any deadlines.

In many cases, settlement is reached before trial. Currently, "the Commission does not require that the parties include any particular language in a settlement agreement." This will change dramatically. Parties will soon have to notify the Judge in a written joint submission titled "Notification of Settlement," which must contain several statements (such as the items settled and those contested and remaining to be decided, certification that the agreement has been posted, etc.). The period of voluntary settlement will be increased from 45 days to 75 days. Mandatory settlement mediation currently applies to employers facing \$100,000 or greater in penalties and may not exceed 60 days. This will soon change to those facing \$185,000 in penalties and procedures not to exceed 120 days.

Finally, sometimes simplified proceedings are used for contesting OSHA citations. Currently these proceedings favor oral argument and discourage briefs. However, the new rules result in a 180 degree change with written briefs being favored and oral arguments being more discretionary. Further, judges currently provide their opinions from the bench, unless written briefs are filed, but they no longer must do so. They must only provide their decision within 60 days of the closing of the record.

All employers, especially those who are unrepresented, will want to pay special attention to the changing of the OSHRC Procedural Rules. Another article may follow, specifically highlighting some of the new rules that unrepresented parties may wish to pay special attention to and perhaps consider seeking legal counsel for.

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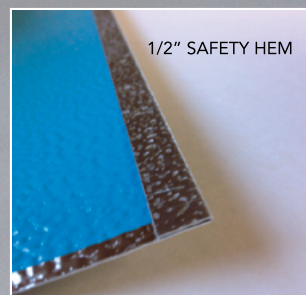
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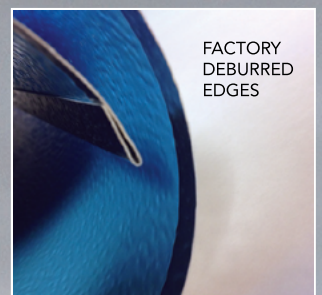
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EMPLOYMENT OF YOUNG WORKERS

With summer often comes employment of young workers. Moreover, the current heightened demand for workers makes the employment of young workers even more attractive. This article answers many of the common questions about restrictions imposed by state and federal wage-hour laws. In general, the type of work that a minor may perform is related to the minor's age, the nature of the work and schooling status. State and federal laws vary somewhat so pay attention to your state's regulations. Here is a basic summary:

By: Bob Dunlevey and Nadia Klarr

14 and 15 year olds:

- can work up to 3 hours on a school day, Monday through Friday and 18 hours during a school week.
- can work up to 8 hours a day on a non-school day, or 40 hours in a non-school week.
- cannot work during school hours.
- cannot work before 7:00 a.m. or after 7:00 p.m. when school is in session (except from June 1 through Labor Day when evening hours are extended to 9:00 p.m.)

- cannot work in any manufacturing, processing, mining, construction, warehouse operations, maintenance or repair of machinery, and many restrictions apply in cooking.
- cannot work in any of the 17 Hazardous Occupations listed below, for "16 and 17 year olds."
- cannot load/unload trucks.



- cannot use power driven machinery, mowers or cutters.
- Under federal law the prohibited occupations for minors under 16 is broader than it appears and includes such things as outside window washing from ladders, work in boiler/engine rooms and work in connection with vehicles using lifting apparatus or tire inflation of removable rims, mowers and cutters.

16 and 17 year olds:

- While federal laws do not restrict the number of hours or times of day that workers 16 years of age and older may be employed, many states do so and these state restrictions primarily address work during the school day.
- 16 and 17 year olds can work in any occupation except those declared hazardous by the Secretary of Labor. The 17 Hazardous Occupations for non-farm work deal with the following:
 1. Manufacturing or storing explosives
 2. Driving a motor vehicle as primary job or being a vehicle outside helper -- but 17 year olds can perform incidental/occasional daytime driving for vehicles not exceeding 6,000 pounds within a 30 mile radius of the place of employment
 3. Coal mining
 4. Logging and sawmilling
 5. Powerdriven wood working machines
 6. Exposure to radioactive substances and to ionizing radiations
 7. Powerdriven hoisting apparatus, including forklifts, bobcats and skid-steers
 8. Powerdriven metal forming, punching and

shearing machines

9. Mining other than coal mining
 10. Meat packing or processing (including powerdriven meat slicing machines)
 11. Powerdriven bakery machines
 12. Powerdriven paper products machines (including balers and compactors)
 13. Manufacturing brick, tile, and related products
 14. Powerdriven circular saws, band saws, wood chippers, guillotine shears, chain saws, and abrasive cutting discs
 15. Wrecking and demolition
 16. Roofing operations
 17. Excavating operations
- Door-to-door sales/solicitation is permitted at age 16 under certain restrictions and swimming pool lifeguarding is permitted at age 15.

18 year olds:

- Can work in any job for unlimited hours

Parental employment:

A parent's employment of his own child under the age of 16 is permissible in any occupation other than manufacturing, mining or in any of the 17 Hazardous Occupations listed above.

Apprentice/Student Learners:

Occupations hazardous for children between ages 16-18 do not apply to apprentices or student learners but restrictions on this include the child must be enrolled in a formal apprenticeship program or state cooperative vocational training program. Other restrictions apply.

(continued on pg 22)

State laws:

State laws related to employment of minors vary from federal requirements and frequently are more restrictive. Employers should review the requirements of the states in which they do business. For example, Ohio requires a written wage agreement specifying the rate of pay for the youth.

Other laws:

Employment laws such as workers' compensation, safety, minimum wage/overtime and discrimination are equally applicable to young workers.

Minimum wage:

\$7.25 federal minimum wage unless
\$4.25 "youth sub-minimum wage" used for first 90 days.
\$8.55 Ohio minimum wage as of January 1, 2019.

Rest period:

Under Ohio law and some other states' laws, employees under eighteen must receive a 30 minute uninterrupted rest period (unpaid) after the first five hours of work.

Penalties:

Employers who violate the Fair Labor Standards Act child labor law provisions are subject to a civil money penalty of up to \$12,845 for each child labor violation and \$58,383 for a violation which causes the death or serious injury of a minor. Imprisonment can occur for repeated infractions.

Record keeping:

A list of minors employed and a written record of the hours worked and rest breaks taken must be maintained for two (2) years. Ohio requires a written agreement related to the compensation to be received and the display of a poster is also required.

Developments:

In the recent past, the Labor Department has considered unwinding decades-old child labor restrictions by allowing teenagers to perform some work traditionally considered hazardous – a method to provide youths with more workplace opportunities. Watch for developments.

This summary cannot provide all of the requirements for employing minors. If you wish additional information, contact Bob Dunlevey, Board Certified Labor and Employment Law Specialist at Taft/Law at (937) 641-1743 or email rdunlevey@taftlaw.com or Nadia A. Klarr at Taft/Law at (937) 641-2055 or email nklarr@taftlaw.com.



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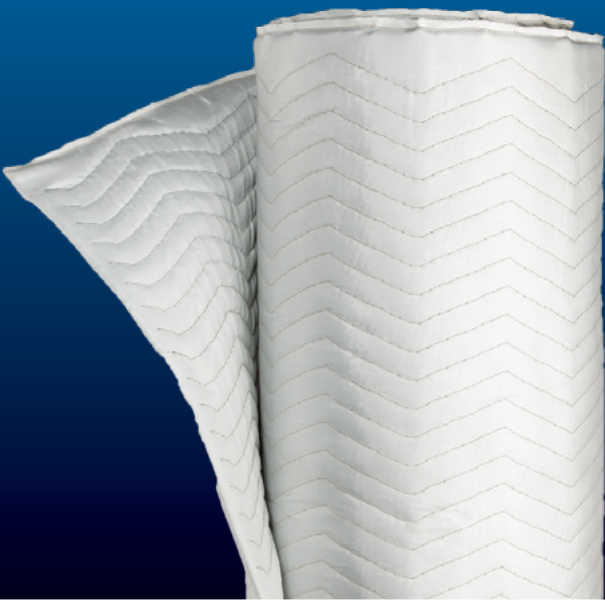
<p>800 West Fairmont Drive, Suite 2 Tempe, AZ 85282 480-967-1881</p> <p>3133 S. Dodge Blvd. Tucson, AZ 85713 520-777-0303</p> <p>18825 Railroad Street City of Industry, CA 91748 626-626-2700</p> <p>130 Mason Circle, Suite B Concord, CA 94520 925-691-9880</p> <p>3008 Orange Grove Avenue North Highlands, CA 95660 916-978-9071</p> <p>7328 Trade Street, Suite 200 San Diego, CA 92121 858-530-0414</p> <p>14200 East 33rd Place Aurora, CO 80011 303-371-0505</p> <p>5810 East Avenue Countryside, IL 60525 708-352-9663</p> <p>3530 Developers Road Indianapolis, IN 46227 317-782-1144</p> <p>108 Westhampton Drive Lexington, KY 40511 859-254-0399</p>	<p>6095 East River Road Fridley, MN 55432 763-502-9977</p> <p>5201 E. Front Street Kansas City, MO 64120 816-920-5900</p> <p>1170 Central Industrial Drive St. Louis, MO 63110 314-776-2002</p> <p>3555 Ponderosa Way, Unit E Las Vegas, NV 89118 702-891-5333</p> <p style="color: red;">2630 Glendale Milford Rd Cincinnati, OH 45241 513-563-8200</p> <p style="color: red;">4755 West 150th Street, Suite E Cleveland, OH 44135 216-362-7338</p> <p style="color: red;">2245 Westbelt Drive Columbus, OH 43228 614-345-0804</p> <p>3342 N.W. 26th Avenue #14 Portland, OR 97210 503-248-9662</p> <p>5043 Martin Luther King Jr Fwy Fort Worth, TX 76119 817-617-4383</p> <p>2745 Market Street, Suite 100 Garland, TX 75041 972-278-4900</p>	<p>4411 B Darien Street Houston, TX 77028 713-675-1811</p> <p>2701 Gattis School Road, Ste 110E Round Rock, TX 78664 512-582-0929</p> <p>8559 NE Loop 410, Suite 132 San Antonio, TX 78219 210-610-9950</p> <p>7043 S. 190th Street Kent, WA 98032 425-251-6750</p> <p>308 Chenoweth Street Mount Vernon, WA 98273 360-395-8602</p> <p>1017 North Bradley Road, Suite B Spokane Valley, WA 99212 509-893-3411</p> <p>2929 Walker Drive Green Bay, WI 54311 920-406-4100</p> <p>823 South 60th Street, Suite R1 Milwaukee, WI 53214 414-258-9333</p>
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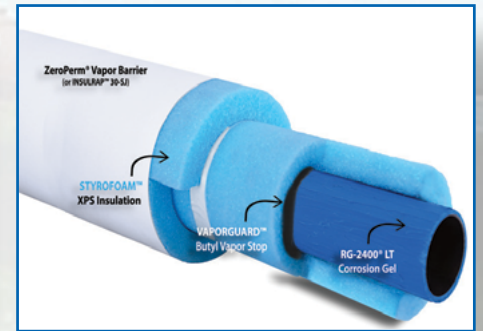
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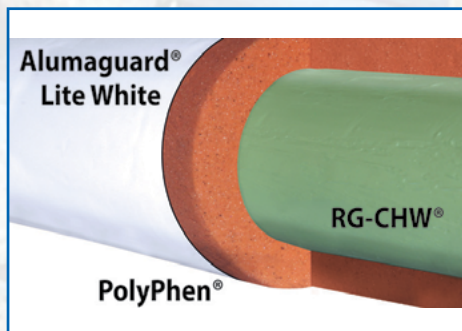
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September 5-7, 2019

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Group Rate: \$199/night

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Book your reservation by calling 877-590-8187 or use the information below to book online.

Online Booking Link: <https://book.passkey.com/go/ESCIACSIAFALL>

A MEMBER OF ***YOUR*** FAMILY MAY BE ELIGIBLE FOR A

CENTRAL STATES INSULATION ASSOCIATION



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.

**CENTRAL STATES
INSULATION ASSOCIATION**
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.

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 EMPLOYER'S TOOL BUCKET

For your workers, having the correct tools in their tool bucket helps them get the task done efficiently and professionally. Of course, the worker also needs to know which tool to use when. It is no different for you, as an employer, when the task is dealing with your employees. You need to fill your “Employer’s Tool Bucket” with the tools that you need, and know when and how to use them. This is just one in a series discussing different tools to consider for your Employer’s Tool Bucket.

By: Steve Watring Auman, Mahan & Furry

Tool #1--The Employment Application

Should I have one in my Tool Bucket? Yes

When should I use it? When you are considering hiring someone

Where do I get one? Many sources available

What should it include? Depends

This is the first tool I recommend for your Employer’s Tool Bucket. Some tools are not an essential tool for every Employer’s Tool Bucket. This one is. While it is dangerous to say “always” I cannot think of a single valid reason why any employer should not have an employment application in their Tool Bucket. It is the tape measure that you use to initially size up your applicants.

There are various ways that an applicant can express interest in employment with your company.

But ultimately, you want all applicants for the same position to answer the same questions on the same form. The application should be considered the formal start of the application process.

Do not let someone apply with just a resume or an online response. You want them to answer the questions that you want answered rather than just telling you what they want you to know. Otherwise, it is too easy for the applicant to hide unsightly blemishes in their record. While an employment application does not expose everything, it is still a good start. The simple truth is that some bad actors will do everything they can to avoid completing an employment application. That may be your strongest reason for wanting one.

Legally, you want there to be no question as to what is necessary to apply for a position with your company. In



a discriminatory hire case, an applicant normally must show that they in fact “applied”. If you do not always require a completed application, then it will be much more difficult for you to argue that someone did not apply by an informal inquiry—maybe even an inquiry that you knew nothing about or had no record of.

Other than perhaps in a union hiring hall situation, I cannot think of a single good reason why you should not make everyone complete an employment application. And I do mean everyone—from custodian to CEO. My law firm requires that even attorneys complete employment applications!

Now that I (hopefully) have convinced you that you need an application, the next question is— where do you get one? There are many good resources out there for form applications. Our website (www.amfd Dayton.com) includes a generic form, which we review and revise periodically. Some good (and bad) application forms are available online from various sources. You may get a good form through business networking or a business association. While many free resources are available, they also are available from various vendors for a fee.

Most of these sources are good, and it is usually okay to use them as an off the shelf tool. But it is impossible to draft a perfect employment application that is best for all employers. You can only get the best application for you by taking a good form as a foundation, and customizing it to make it your own. Again, that is not essential, but it is best.

Especially if you customize your form, understand that there are certain questions that most employers cannot ask on an application. You cannot ask questions about someone’s protected class (race, color, national origin, religion, sex, age, disability) status. This extends to certain related questions (examples-questions about family, marital status or pregnancy), or questions that would normally lead to this type information (example-date graduated from high school). You can ask about the applicant’s ability to do the job with or without accommodation, but nothing else health or medical related. You normally can’t ask about union membership. While you can ask if someone can legally work in the United States, you can’t ask about their citizenship

status.

Questions about criminal records should be carefully written to comply with the law, and may be prohibited in some “ban the box” jurisdictions. But this is one of the areas where your employment attorney and/or human resources professional come in. I have had clients remove these inquiries (and thus hire someone that they should not have), just to be “safe” and avoid possibly violating the law. Under the circumstances, the “safe”

the “safe” thing to do is find out what you can ask and ask it.”

thing to do is find out what you can ask and ask it.

Most good forms will cover the main questions. But you actually have broad discretion in what you can ask in your employment application. With limited exceptions such as those discussed above, you can ask about anything. The best rule to live by is to only ask things that are job related and that you want to know to evaluate someone for the job. Why do you really need to know what someone does in their spare time or what organizations they belong to?

Because most good forms do cover the essentials, I am not going to go into those in detail. However, I do want to mention a few other things that I find useful that are not always covered in the generic application. You may want to pull up the sample application on our website to follow along, and for the exact wording.

Will your company ever have to sponsor an immigration case for the applicant? See the model application for the exact wording. This is the most recent addition to our application. Sponsoring someone on visa status can be an administrative headache, and you are entitled to know in advance if that is going to be necessary.

Is the applicant subject to a covenant not to compete or solicit? This could seriously restrict what the applicant can do for you if you hire them. It is better to know this up front.

Are there pending criminal charges against the applicant? Honestly, there is still a debate on whether

continued pg.30

this is a legal question, but I think the better argument is to go ahead and ask it. I have had more than one client hire someone not knowing of serious unresolved criminal charges against them.

Compensation desired? Why not ask? “Negotiable” is an acceptable (and smart) answer.

Restrictions on hours? Frequently, employees like to raise these restrictions after they are hired. They are less likely to mention it in an application. This makes it less likely that they will raise it later, and puts you in a better position if they do.

Current employment status? As written on our sample application, this is designed to flush out the person that has a job but is not actively working (on layoff status, on strike, etc.). You may not want to hire someone whose recall is a phone call away.

Ever been involuntarily terminated? In reality, this is an honesty question more than anything else. You can follow up with reference checks.

In addition, here are a couple of questions that I have considered but have not made the cut on our sample (normally I think that an application that is more than 2 pages is too long):

References? What do you need other than the employment history? Are you really going to check other references? Most people can find at least someone to say something good about them. For most employers, I don't think it's worth the space.

Is there any reason that you know of why you will need to take time off work in your first year of employment? This is designed to flush out those people that have pre-existing plans to take time off but don't want to tell you about it until they are hired. It also can apply to a newly pregnant applicant, which may put the question in the legally questionable category. While there are arguments both ways, this one may be more trouble than it's worth. It may be worth it for jobs with a long learning curve.

It would be interesting to ask applicants how much of

their paid working time they think they should be able to devote to their own personal matters. I just don't know how much value the answer would be.

Before closing, I want to briefly address the acknowledgement at the end of the application. The beauty of the acknowledgement is that few people really read it that carefully, even fewer choose not to apply after reading it, and even fewer than that are going to remember what it said months or years into their employment. It is a golden opportunity to “pack” it with some goodies that can help you later on. For example, look to the last sentence of the acknowledgement in our sample application, which restricts the time in which claims can be brought against the company. This is known as a “private statute of limitations” and as of the time of this article is enforceable. Recently, an Ohio court even enforced a similar clause against an employee who was legally blind when they signed it! Like many of the tools in your Employer's Tool Bucket, you may never need this clause, but it may come in handy. Why not pack it?

I am all in favor of employers only using me when they need to. You can and should do most of this yourself. But if you customize your application, please have an employment attorney or HR professional review it before using it. If your application is good, it won't cost much. If it is not good, the money spent will save you from costly mistakes later.

Finally, the best employment application in the world depends upon it being completed and signed. A tool is of little value, and can even be dangerous, if you don't use it correctly. An incomplete application can only mean a few things, and usually it is a warning sign. Even if it is not intentional, do you really want to hire someone who can't correctly complete your application? Religiously require that applications be fully completed and signed for them to be considered an application.

Steve Watring (saw@amfd Dayton.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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NIA Announces the 2018 Theodore H. Brodie Distinguished Safety Award Winners

The National Insulation Association (NIA) announced the 2018 Theodore H. Brodie Distinguished Safety Award™ winners at its 64th Annual Convention in Nassau, Bahamas, on April 4, 2019.

NIA's Safety Award is the only national award for outstanding safety performance in the mechanical insulation industry. NIA created the award program more than a decade ago to recognize top companies that have established structured safety programs to ensure the well-being of their employees and create safe working environments.

NIA's Safety Award program honors 4 levels of excellence: Platinum, Gold, Silver, and Bronze for Associates (Manufacturers), Contractors, Distributors/Fabricators, and Metal Building Laminators.

NIA's Executive Vice President/CEO Michele M. Jones said, "We are pleased to honor our member companies that not only make safety a priority every day, but also seek to make continuous improvements to their safety programs. We are very proud to have 29 Platinum winners and 4 first-time applicants in this year's competition. Congratulations to all of this year's winners."

Throughout the judging process, applicant companies remain anonymous and winners are evaluated on the basis of their overall safety program, means of communication, and safety policy. All applicant companies receive an individualized and detailed Safety Training Analysis Results (STAR) Report™. The STAR Report includes personalized recommendations

based on each applicant's answers to the application questions.

Manufacturer category winners are:

Bronze:

- Knauf Insulation, Inc., Shelbyville, IN
- Polyguard Products, Inc., Ennis, TX

Silver:

- Midwest Fasteners, Inc., Miamisburg, OH

Gold:

- Armacell, Chapel Hill, NC
- Johns Manville, Denver, CO

Platinum:

- CertainTeed Corporation, Malvern, PA
- Dyplast Products, LLC, Miami, FL
- ITW Insulation Systems, Houston, TX
- Owens Corning, Toledo, OH
- Proto Corporation, Clearwater, FL

Contractor category winners are:

Bronze:

- Performance Firestop, Inc., Green Bay, WI

Gold:

- Apache Industrial Services, Inc., Houston, TX
- Geo. V. Hamilton, Inc., McKees Rocks, PA
- Smart Energy—Michigan Mechanical Insulation, Farmington Hills, MI
- Triangle Enterprises, Inc., Paducah, KY

Platinum:

- Advanced Energy Protection, LLC, Greenwood, IN
- Advanced Industrial Services, LLC, Toledo, OH
- Advanced Nuclear, LLC, Greenwood, IN
- Advanced Specialty Contractors, LLC, Aston, PA
- API, Inc., New Brighton, MN
- ATI, Inc., Grand Junction, CO
- Atlantic Contracting & Specialties, LLC, Hicksville, NY

- Cornerstone Services Group, LLC, Kansas City, MO
- DKB, Inc., Pasco, WA
- Farwest Insulation Contracting, Anaheim, CA
- Gagnon, Inc., St. Paul, MN
- Gribbins Insulation Company, Inc., Evansville, IN
- Hawkeye Insulation Specialists, Inc., Cedar Rapids, IA
- Iowa Illinois Taylor Insulation Company, Davenport, IA
- I-Star Energy Solutions, Quarryville, PA
- Liberty Industrial Group, Phoenix, AZ
- Luse Thermal Technologies, Aurora, IL
- Performance Contracting, Inc., Lenexa, KS
- QCI Thermal Systems, Inc., Iowa City, IA
- Thermal Solutions—Ohio, Inc., Proctorville, OH

Distributor/Fabricator category winners are:

Gold:

- Ideal Products of America, LP, Malvern, PA
- Shook & Fletcher Insulation Co., Birmingham, AL
- Specialty Products & Insulation, Rye, NY

Platinum:

- American Mechanical Insulation Sales, Inc., Farmington Hills, MI
- Bay Insulation Systems, Inc., Green Bay, WI
- Extol of Ohio, Inc., Norwalk, OH

Metal Building Laminator category winners are:

Gold:

- Silvercote, LLC, Greenville, SC

Platinum:

- Bay Insulation Systems, Inc., Green Bay, WI

Beginning this year and going forward, NIA has streamlined the Safety Award judging process to make the customized STAR Reports available to winners in conjunction with the award announcement. Applications for the 2019 Safety Award are now available on NIA's website (www.insulation.org/membership/safety-award/) and are due on September 3, 2019.



Industry Manufacturer Awards



NIA Bronze Safety Winners



NIA Platinum Safety Winners



NIA Gold Safety Winners

NIA Announces New Board of Director

NIA Announces New 2019–2020 Board of Directors and Executive Committee

Virginia—April 10, 2019—The National Insulation Association (NIA) is pleased to announce its officers for 2019–2020, led by NIA's new President, Dana Vlk. The new slate of officers and representatives assumed their positions following a majority vote by the NIA membership during NIA's Business Session, which took place on April 4, 2019, at NIA's 64th Annual Convention in Nassau, Bahamas.



**President
Dana Vlk**

The first female to hold the office of NIA President, Dana Vlk is based Baltimore, Maryland, and is a Senior Advisor for Distribution International, Inc. (DI), which is based in Houston, Texas. Her career at DI has spanned almost 40 years, where she has served in senior leadership roles and led growth initiatives.

During her term as NIA's President, Dana's theme is Let's Make It Happen, which emphasizes her focus on education, industry growth, and NIA membership growth. Her term will conclude at NIA's 65th Annual Convention, April 15–17, 2020, at the JW Marriott Scottsdale Camelback Inn Resort & Spa in Scottsdale, Arizona.

The 2019–2020 NIA officers are:

The 2019–2020 Executive Committee

- President: Dana Vlk, Distribution International, Inc.
- President-Elect: John Lamberton, Irex Contracting Group
- Secretary/Treasurer: Dave Cox, Owens Corning
- Assistant Treasurer: Joe Leo, Atlantic Contracting & Specialties, LLC
- Immediate Past President: Dan Bofinger, Specialty Products & Insulation
- Regional Board Members
- Jim Gribbins, Gribbins Insulation Company, Inc., representing the Central States Insulation Association (CSIA)
- Jerry McCaffrey, Thermal Solutions Contracting, Inc., representing the Eastern States Insulation Contractors Association (ESICA)
- Jeffrey DeGraaf, Industrial Construction & Engineering Co., representing the Midwest Insulation Contractors Association (MICA)
- Matt Caldwell, Caldwell Insulation, Inc., representing the Southeastern Insulation Contractors Association (SEICA)

- Mike Feehery, Specialty Products & Insulation, representing the Southwest Insulation Contractors Association (SWICA)
- Rick Sutphin, Performance Contracting, Inc., representing the Western Insulation Contractors Association (WICA)

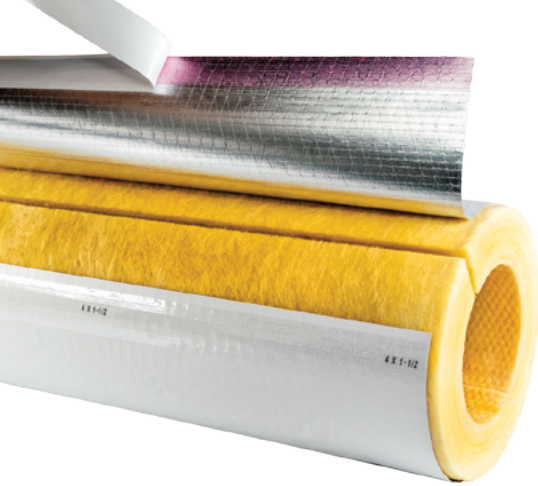
At-Large Members

- Mellanie Askew, Coverflex Manufacturing, Inc.
- Michael G. Benoit, General Insulation Company, Inc.
- Laura Wells Dover, Dover Insulation, Inc.
- Jake Erickson, Armacell (Associate)
- John K. Freeman, Petrin, LLC
- Rudy Nigl, L & C Insulation, Inc.
- John Stevens, Thermal Solutions—Ohio, Inc.

Associate Committee Appointee

- Jack Bittner, Johns Manville

Dana has selected David Dzina and Steve Luse, Luse Thermal Technologies, as her Past President Advisors. NIA's Executive Vice President/CEO Michele M. Jones and General Counsel, Gary Auman of Auman, Mahan & Furry, will be advising and counseling the Executive Committee and the Board of Directors.



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CONTACT YOUR CENTRAL STATES SALES TEAM:

Jan Mierzwiak
OH, KY, WV, West PA
419.250.3598
Jan.Mierzwiak@owenscorning.com

Jeff Dineen
MI, IL, IN, East IA, East WI
630.854.7360
Jeff.Dineen@owenscorning.com

Jacob Aelker
NE, OK, KS, AR, MO, West IA
419.906.0062
Jacob.Aelker@owenscorning.com

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ADVERTISE WITH CSIA in 2019

As you know, the top 20% of the industry sell 80% of the jobs. CSIA gives you access to that 20% of the industry. Look over the following special details and select the one that **HITS THE MARK** for your audience.



ALL ADS ARE FULL COLOR AT NO EXTRA CHARGE AND ALL NEWSLETTERS ARE ARCHIVED ON THE CSIA WEBSITE!

<u>EDITORIAL CALENDAR:</u>	
Issue Month	Ad Deadline
February	1/15
April	3/15
June	5/15
August	7/15
October	9/15
December	11/15

	1X	3X	6X
Full Page	\$175	\$475	\$850
1/2 Page	\$150	\$400	\$700
1/4 Page	\$95	\$250	\$500

Get your own Button Link on
www.csiaonline.org
Just \$600.00 a year!

Advertising Spec:

Full Page - 7.5" x 10" Full Page Bleed - 8.75" x 11.25"
 1/2 Page Horizontal - 7.5" x 4.875" 1/2 Page Vertical - 3.625" x 10.0"
 1/4 Page Horizontal - 7.5" x 2.25" 1/4 Page Vertical - 3.625" x 4.875"

ADVERTISE IN BOTH THE NEWSLETTER AND ON THE WEB AND WE'LL TAKE 10% OFF YOUR TOTAL BILL!!

Company Name _____
 Contact Person _____ Phone _____
 Address _____
 City _____ State _____ Zip _____
 Email _____ Website _____
 Newsletter Ad Size Desired: _____ Issue Month: _____

Total Due: _____

Please make checks payable to Central States Insulation Association or pay by credit card:

Credit Card Number: _____ Exp. Date _____

Signature: _____ Billing Zip _____

Digital ads need to be submitted as a High Resolution .pdf file.

Send completed form to: CSIA—2077 Embury Park Road—Dayton, Ohio 45414—Fax to: 937-278-0317
 Have Questions? Call Carroll Hamann or Rachel Pinkus at 888-294-0084
 or email Carroll at chamann@assnsoffice.com




CENTRAL STATES INSULATION ASSOCIATION

2077 Embury Park Road
Dayton, Ohio 45414

937.278.0308

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