



# NERCANEWS

NORTH / EAST ROOFING CONTRACTORS ASSOCIATION INC.  
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June 2019

## The Heat is On!

With summer weather approaching, the roofing industry is preparing to brace for the heat. As the weather heats up, we need to make sure that our employees are properly protected. In general, wearing lightweight clothing, drinking ample amounts of water, and taking frequent breaks are essential in preventing heat illnesses.

Human bodies dissipate heat through evaporative cooling. This is a process where the evaporation of water causes a drop-in temperature in the surrounding area. Therefore, when we sweat, the evaporation of the water from our sweat is what cools us! Unfortunately, this process fails if there is already a lot of airborne water (like humidity)! So heat and humidity are particularly dangerous because the body is working overtime to maintain a regular body temperature, but the humidity in the air makes it virtually impossible for the sweat to evaporate.

When the body overheats, mild to severe illnesses may develop. It's important to recognize the symptoms of heat-related illnesses and understand how to prevent, control and respond to their effects.

CALOSHA has developed materials to guide employers in how to deliver heat stress training to their employees. Within the document are three 15-minute talks to warn employees about the dangers, signs, and symptoms of heat-related illnesses.

We recommend employers who do not conduct this training to download the guide off our website and use it to ensure your employees are safe and can recognize the dangers of heat-related illness.

[Download the Guide Here](#)

\*\*\*\*\*SAVE THE DATE\*\*\*\*\*

## NEREF Fall Golf Outing – Sept. 25, 2019

Join us at Red Tail Golf Club on September 25th to benefit the North East Roofing Educational Foundation.

**Where:** Red Tail Golf Club  
15 Bulge Road  
Devens, MA 01434

**Why:** To benefit the North East Roofing Educational Foundation (NEREF)

**NEREF** North East Roofing Educational Foundation

*dedicated to the memory of Robert W. Therrien Sr.*

## NRCA Celebrates National Roofing Week, June 2-8

NRCA wrapped up a successful National Roofing Week with a



Giving Day for charitable donations from around the country to benefit the Melvin Kruger Scholarship Program. National Roofing Week was recognized by the US Congress and saw a lot of positive recognition through the #nationalroofingweek on Facebook and Twitter. If your company participated and you would like to share it with us, email [jferrante@nerca.org](mailto:jferrante@nerca.org).

# ARE YOU READY FOR MASSACHUSETTS PAID FAMILY & MEDICAL LEAVE?

If you are an employer based in Massachusetts or one whose “service is localized” within the Commonwealth, then you are subject to the Massachusetts Paid Family and Medical Leave law.

Starting January 2021, the MA Paid Family & Medical Leave Law provides for the following:

- 20 weeks personal medical leave (i.e. in-patient care, ongoing treatment, maternity leave etc.)
- 12 weeks family leave (i.e. paternity leave, caring for a sick family member, etc.)
- 26 weeks total annual combined leave or for servicemember (i.e. prior to active duty, for ongoing care if injured)

During leave, the employee will be entitled to wage replacement paid from a fund administered by DFML. There is a formula to determine the percentage of your normal wages that will be paid in replacement with a cap of \$850 maximum wage replacement.

Lawmakers announced a 3 month delay on June 12, so beginning **October 1, 2019**, the Department of Family and Medical Leave (DFML) will begin collecting the money through a payroll tax of 0.75%. For employers with 25+ employees, this contribution will be split 0.37125% paid by employers and 0.37875% by employees. For employers with less than 25 employees the employer does not have to contribute, but the employee must still pay their 0.37875%. Employers are responsible for deductions which must be remitted quarterly through MassTaxConnect the MA Department of Revenue portal.

There are very specific rules for determining the employee workforce count. These rules are complicated if you have self-employed workers (i.e. anyone receiving a 1099-MISC).

In addition, the employer will be responsible for maintaining benefit coverage for their employees on leave. The law explicitly states that employers must continue to contribute to employee’s health insurance at whatever rate it was previously, so if there are matching contributions, then the employer must pay and the employee must match.

So what do you have to do to prepare?

1. Calculate your average workforce to determine split of contributions.
2. Register your business through [MassTaxConnect](#) to remit payroll deductions
3. Contact your payroll company regarding the required payroll deductions. Any Massachusetts employer or business with services rendered in the state are required to deduct the 0.63% from gross wages. Deductions begin October 1<sup>st</sup> and remittances are required by January 31<sup>st</sup>.
4. Complete required employee notification and acknowledgement by **September 30<sup>th</sup>, 2019**. All employers are required to display a poster in a highly visible area of their workplace, provide written notice of the payroll contributions, benefits, and workforce protections to all employees, and collect a signed acknowledgement of receipt of this notice from their employees.
  - a. [W2 Employee Notice](#)
  - b. [1099-MISC Employee Notice](#)
  - c. [Mandatory Workplace Poster](#)
5. Plan to include the following information in your reports for all employees (including 1099-MISC)
  - a. Name, Social Security number, Wages paid or other payments for services

**If you have questions about this program, then please join NERCA and our Director of Government and Industry Affairs, John Ferrante, for a webinar covering this program and featuring a question and answer session.**

**MA Paid Family & Medical Leave Webinar  
Monday - June 24, 2019 from 1:00-2:00 PM  
Register through the link below!**

<https://attendee.gotowebinar.com/register/1926729600341970700>

## Salesforce Transit Center in San Francisco Set to Reopen in July

The Salesforce Transit Center, a transportation hub in San Francisco has been closed for 10 months following the discovery of fissures in two steel beams supporting the bus deck area. The Transbay Joint Powers Authority (TJPA) which owns the building ordered a total review of all the structural steel throughout the facility.

Notably, the Transit Center is famous for a rooftop park open to the public. With obvious safety concerns regarding the structural integrity of the building, TJPA asked Skanska, the structural steel contractor to conduct a complete review of the project.



Experts believe that the cracks developed because workers did not grind the areas around weld access holes, and the ordered fix was to sandwich cracked areas of the beams with bolted steel cover plates at the areas of fracture. Skanska insists that their work was done according to specifications and instructions of the project's engineer Thornton Tomasetti.

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## Modularization and Infrastructure Likely to Drive Construction

Analysts from McKinsey & Co. revealed their belief that an infrastructure package from Congress is inevitable given the degrading core infrastructure nationwide. They credit the industry for gearing up to take on bigger projects and predicted that sustainability and resiliency would be key concerns in the development of new infrastructure projects.

In addition, prefabrication or modularization are key growth areas for the construction industry nationwide. Globally, developed countries produce almost 1/3 of their building stock using prefabricated factory-built components. In the US, only 3% of current construction uses modularization. That gap illustrates room for growth in the US market which is likely to be filled in as owners and contractors look to control costs and enhance safety.

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## OSHA Inspection Overview & Advice

With the roofing season in full swing it's always important to take a moment to plan for an OSHA inspection. Having a game plan can help prepare you and your employees.

First, the best protection from OSHA violations is to conduct all the proper training and to document that training. Employee handbooks and safety manuals are critical to exhibit the employer's good faith efforts to ensure worker safety and provide proper instruction.

A former OSHA area director highlighted what he called the "scary 13" of records/documents that employers often fail to produce during an inspection. These include lockout/tag out training and audits, injury reporting records, annual respirator training records, PPE training, noise exposure training, confined spaces certification, forklift recertification, written PPE hazard assessments, and hazard communication training.

Second, it is important to understand why OSHA might show up on your jobsite. Here are several reasons an investigation might occur in order of priority to OSHA:

1. Observed imminent danger or fatalities
2. Reports of severe injuries or illnesses
3. Worker complaints
4. Referrals of hazards from others
5. Programmed inspections ordered under an OSHA emphasis program

Third, should an OSHA inspector show up for any of the reasons above, best practices are to have prepared your employees for this moment. The best practices are to have an employee trained to interact with an OSHA inspector and quickly correct any obvious small hazards. This person should always ask for the OSHA inspector's credentials to ensure that it is a proper inspection and that they are in fact with OSHA.

During the opening conference the OSHA inspector will explain the reason for the inspection and describe the scope of the inspection and walkthrough procedures. Your employees should be aware that any hazard in plain sight is open to investigation. Inspectors are likely to take notes and pictures and employees should be encouraged to do the same since OSHA is not obligated to share this documentation.

Finally, the inspector should be given a designated area to conduct interviews. This is the last step of the OSHA inspection and can be the most damaging. Ensure your employees know their rights (i.e. that they do not have to consent to an interview) and understand their role in the process. Good luck out there!

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## LEGISLATIVE CORNER

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### **NATION:**

Sen. Mitt Romney (UT) introduced legislation to permanently renew the E-Verify system. The system allows employers to check the work status of potential hires. It is required for all federal contractors, but voluntary in the private sector. E-Verify requires annual renewal from Congress to maintain operations, which Sen. Romney believes is leading to instability which is limiting adoption of the tool in the private sector. By making the program permanent, he hopes more private employers will incorporate it into their hiring procedures and discourage the use of undocumented labor.



### **CONNECTICUT:**

Connecticut lawmakers wrapped up their regular legislative session last week. Many major bills had been passed already including a \$43 billion budget deal which was passed on time after a 17-week impasse held up the previous budget. Other big topics, including the authorization of electronic highway tolls, sports betting and other gambling, as well as unfinished bills on borrowing money for school construction and other projects, appeared headed for a special legislative session.

### **MAINE:**

On May 28<sup>th</sup>, the Governor signed Paid Leave into law. The version that passed requires private employers—except seasonal employers or employees covered by a collective bargaining agreement—that employ 10 or more employees to provide 1 hour of paid leave for every 40 hours worked, up to a maximum of 40 hours of paid leave per year. Under the bill, an employee can start accruing paid leave when employment starts, but he or she cannot use the paid leave until after 120 days of employment. Unlike the 11 states that have mandatory paid sick leave laws, the Maine law does not specify the leave as sick leave. Rather, employees can take the paid leave for any reason.

### **MASSACHUSETTS:**

The Senate approved S2216 which would ban hand-held cellphone use while driving. Violators could be fined \$100 for their first offense with 3 offenses going against your insurance rate. The House had approved a different version of the bill, so the differences will be hashed out in conference before going to the Governor's desk.

### **NEW HAMPSHIRE:**

HB 365 which would increase the net metering cap on solar energy production was passed by veto proof margins in the House and Senate. Now those votes will be put to the test when, as expected, the bill was vetoed by Republican Gov. Chris Sununu.

### **NEW JERSEY:**

On February 19, 2019, New Jersey Governor Phil Murphy signed into law [A 3975](#), which significantly expanded the state's Family Leave Act ("NJFLA"), Family Leave Insurance Act ("NJFLI") and Security and Financial Empowerment Act ("SAFE Act"). The extensive changes included among other things, the expanding and making uniform the definition of "family member" for all three laws, and, effective June 1, 2019, extending the NJFLA to employers that have 30 or more employees. Now, the state recently issued an [updated NJFLA poster](#) and an [updated NJFLI poster](#).

### **NEW YORK:**

The clock is running out on Gov. Cuomo's effort to expand prevailing wage requirements. The bill which would extend the prevailing wage to any project receiving government funding or tax credits is being lumped in with other legislation considered politically toxic. These include legislation on climate change and minority business entities which must be passed before the Assembly adjourns for the year on June 19<sup>th</sup>. It remains to be seen what kind of push the Governor will put on to try and move this union-friendly legislation.

### **PENNSYLVANIA:**

Legislation introduced by Rep. Ryan Mackenzie, with bipartisan cosponsors, and supported by the unions would mandate all building contractors run new hires through the federal E-Verify system. If a construction company continues to hire unauthorized workers, the state Department of Labor and Industry could investigate following a tip. If true, any unverified employees must be fired. As of 2018, just 13.5 percent of employers nationwide were enrolled in the system, covering just 37 percent of hires that year.

### **RHODE ISLAND:**

The Senate passed legislation sponsored by Senate President Dominick Ruggerio enabling contractors or builders to hire a third-party inspector or use a state inspector if a municipal building official fails to perform required inspections within 48 hours. The bill (2019-S 0687A), which is part of the Senate's "Building A More Vibrant Rhode Island" package of economic development legislation, is meant to ensure developers can get their projects inspected in a timely manner.

### **VERMONT:**

The Vermont Legislature adjourned without coming to any agreement on two bills which would have had major business impacts. The Paid Family Leave and Minimum Wage legislation were both unable to find consensus in the Legislature and with a Republican Governor threatening to veto.

**Happy Fourth of July**

from the **NERCA Staff and Board of Directors**