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- March Employment Report: No Danger of Inminent Decline.
- NIA Announces the 2019 Premier Industry Manufacturers.

62nd JUNE CONVENTION OF MICA

President Scott Weekley and his wife, Paula, wish to extend a warm MICA invitation to you to join them as our association engages in “Healthy Workplace; Healthy People”. Please review the convention registration material that is inserted into this month’s newsletter. Everything that you need to register for the convention is contained in the insert including an update on our speakers for the technical sessions.

Be ready to indulge yourself in luxury at the Omni Interlocken Resort. Come prepared for some special pampering during your stay. We have reserved a block of rooms at the Omni. Our convention rate is $189 per night plus tax, single or double occupancy. It is highly suggested that you book your hotel reservations now! Call the reservations office at 800-843-6664 and ask for the Midwest Insulation Contractors Block. Please note that we have blocked a limited number of rooms. If you wait until the last minute to reserve your room, you run the risk that our block will be filled, and the hotel will not have any additional rooms available. As we have stated in the past, if you reserve your hotel room now, you can always cancel it later, but you may not be able to reserve a room if you wait too long. We will be monitoring our block and making room adjustments accordingly. Our block of rooms will be released on May 16, 2019, but if you wait until May 16th, the block of rooms will be filled, and we may not be able to accommodate your needs.

The Board of Directors feels that each presentation will add value to your understanding of the technical topics discussed. You will come away from the convention more informed and better prepared to successfully manage your business. It is the Board’s intent to make this convention attractive to our membership in its location, cost and program content. In this light, our registration fee has been adjusted to encourage additional member participation. The registration fee is $625.00 for the first attendee from a member company. Registration for all additional attendees from a given company is reduced to $600. The registration fee is $1,200.00 for the first member and spouse registered from a member company. Registration for all additional registered couples from a given company is reduced to $1,150.00. This year we have included a children’s registration for the Welcome Reception and Farewell Brunch events only. The fee is $40.00 to $80.00 per child. The Board is delighted to offer this incentive for multiple attendees from member companies. The benefit of joining an association comes from participating in association activities.
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PRESIDENT’S MESSAGE

TO: THE MICA MEMBERSHIP

It’s the end of April, and we are in Omaha to celebrate our grandson’s 2nd birthday, and our granddaughter’s 21st birthday. This was all made possible by Paula and I having kids 11 years apart. This provided us with the opportunity of having a 2 year old grandson, an older grandson who is a senior at Kansas State studying Drone Engineering, and a granddaughter that is a junior at Creighton University studying International Business and Pre Law. The other opportunity it provided us was 27 straight years of attending parent teacher conferences in the Millard school district. Not everyone can say that.

This brings me to one of our speakers in June, Robyn Cavanagh. She will be speaking about being able to work with, and relate to, the various generations of employees that we currently have and are going to have working in our industry.

We all experience these generational differences in our personal lives. Several years ago, I was informed by my son that he really appreciated my interest and concern in his life but would appreciate me trying to learn to text because sometimes he is just unable to answer his phone. He also stated that if I really needed to talk to him, please send him a text stating, “Give me a call when you can”. He always called me back and most of the time, he satisfied my interest with a short text.

This set the stage for me in relating to my older grandchildren. We text several times a week. They are pretty good at getting back to me. As things go in a circle, I will receive a phone call from them a couple of times a month when they just want to tell me about some exciting thing that’s going on in their life and didn’t feel a text would get the message across. As a baby boomer, I think things might be coming back to where I originally wanted them to go. Maybe they are realizing what I knew all along. I just wanted to hear their voice and get the real feeling of what exciting things are going on in their lives.

The technological changes in the last 50 years that my generation has had the pleasure of dealing with have been amazing. The amount of information we can get out of our estimating systems, job costing systems and accounting systems provide us with the ability to track, to breakdown and to look at thing in ways that were not available to our industry leaders of the past. You could argue that they would be completely overwhelmed and maybe even shocked by these technological changes.

That brings the circle back to the previous generations. I learned very early on in the business that sometimes solving a problem with a customer or a supplier was best served with a phone call or meeting them for coffee or lunch. I think in this day and age that the younger generation thinks an email is the quickest way to solve an issue. It might be the quickest way but might not be the best. Sometimes a face to face conversation where each party can express their concerns of how things really affect what we both want to accomplish. Finding common ground in an email conversation can be extremely difficult.

It will be both interesting and educational to hear Robyn’s perspective on this issue. Register for the June convention today so that you do not miss this opportunity. This is just one of the many benefits of your participation in MICA.

See you all in June.

Scott Weekley, MICA President
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U.S. GDP CLIMBED 3.2% IN THE FIRST QUARTER OF 2019

By Robert Murray, Chief Economist, Dodge Data & Analytics

BEDFORD, MA - April 26, 2019 - The U.S. economy grew at a surprisingly strong 3.2% in this year’s first quarter, according to the initial estimate from the Bureau of Economic Analysis. Last year had seen deceleration in the rate of GDP growth, sliding from 4.2% in the second quarter to 2.2% in the fourth quarter, and for various reasons it was believed that growth for this year’s first quarter would continue that decelerating trend. These reasons included the partial government shutdown, harsh winter weather, and the waning benefits from the 2018 tax cuts.

The first quarter GDP reading was boosted by several factors. Inventory investment by firms contributed 0.7% to the top-line GDP gain, compared to just 0.1% in the fourth quarter. Exports in the first quarter advanced 3.7%, while imports (for which increases count as a subtraction to GDP) fell 3.7%. And, state and local government spending registered a 3.9% hike in the first quarter, which was its strongest quarterly increase in the past three years.

At the same time, the first quarter GDP report included some cautionary points, even with the strong top-line number. Consumer spending, the largest GDP component, grew just 1.2% in the first quarter, compared to a 2.6% gain for all of 2018. Nonresidential fixed investment rose just 2.7% in the first quarter, compared to a 6.9% gain for all of 2018. The nonresidential fixed investment reading in the first quarter was pulled down by a 0.8% drop for nonresidential fixed investment in structures, which marked the third straight quarterly decline for this series. In addition, residential fixed investment in the first quarter dropped 2.8%, representing its fifth straight quarterly decline, as the recent lackluster performance by single family housing continues to restrain overall economic growth.

On balance, despite the healthy 3.2% gain in the first quarter, the most recent GDP report remains consistent with the sense that the U.S. economy is decelerating from the 2.9% rate of growth reported for 2018 as a whole. The first quarter lift coming from firms building up inventories is not likely to be repeated, and the same holds true for the lift coming from net exports as well as state and local government spending. Furthermore, the subdued readings for nonresidential fixed investment in structures and residential fixed investment are consistent with the picture of a construction expansion that at the very least is now in the process of leveling off.
FUTURE MICA MEETING DATES

62nd Annual Spring Convention — June 17 — 20, 2019, Omni Interlocken Resort, Broomfield, CO.

Fall 2019 Annual Fall Business Meeting — October 16 & 17, 2019, Embassy Suites Downtown, Omaha, NE.

2020 Winter Board and Committee Meetings — January 2020, Site To be Determined.

63nd Annual Spring Convention — June 22 — 25, 2020, Lodge of the Four Seasons, Lake Ozark, Missouri.

Fall 2020 Annual Fall Business Meeting — October 20 & 21, 2020, Downtown Omaha, NE.

MICA MEMBER ADDRESS/INFO. UPDATES

Be sure to inform the MICA office of any changes or corrections to your listing for either the MICA Directory, e-mail correspondence or mailing address. Even if you update your company listing on the MICA website, please inform the MICA office of the changes. We try to be as current as possible with your help.
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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION RULE CHANGES

The following article is provided by MICA’s legal counsel, Gary Auman. Gary will be giving his OSHA update during our June convention in Broomfield, Colorado. Gary’s presentation alone is worth the registration fee.

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.

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 the NOC to the Area Director or E-File, fax, or personally deliver their documents. 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 readact 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

(Continued on page 14)
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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.

**WHY CONSTRUCTION? CONTRACTORS ON THEIR CAREER CHOICES AND DRAWING MORE PEOPLE TO THE INDUSTRY**

*By Donna LaQuidara-Carr, Ph.D., LEED AP, Industry Insights Research Director*

BEDFORD, MA – April 23, 2019 – Since 2017, the USG+US Chamber of Commerce Commercial Construction Index has revealed that the biggest challenge facing contractors today is the shortage of skilled workers. One of the most direct ways to tackle this challenge is to be able to draw more people to the industry. The research conducted by Dodge Data & Analytics for the Index in Q1 2019 featured construction careers as a spotlight topic, which helps provide a better understanding of the advantages of a career in construction and how those are typically misunderstood, the aspects of a construction career that may be most appealing to people under 30 and the challenges faced by a fragmented industry in recruiting its workers.

**Skilled Worker Shortages and Their Impacts**

Consistently, since Q1 2017, over half of the general and specialty trade contractors who participate in the quarterly Commercial Construction Index survey state that they have a high level of difficulty finding skilled workers, and less than 10% report low to no difficulty. The consequences of these challenges are increasingly evident, with 70% of contractors in Q1 reporting that, due to this issue, they are challenged to meet schedule requirements, 63% reporting that they put in higher bids for projects and 40% turning down work opportunities.

**Construction Careers: Myth and Reality**

Part of the challenge with drawing people into the construction industry appears to be the public misperceptions of it compared to the reality of working in this field. Contractors participating in the survey were asked to select the top three reasons they find construction to be a good career choice and the top three myths about working in this industry.

(Continued on page 19)
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The most widely selected reason for working in construction is the earning potential, chosen by 70% of respondents. However, one of the top myths about construction as a career, according to 40% of respondents, is that you can’t support a family on construction pay. In addition, over half (56%) of contractors believe that one of the top ways to recruit more workers is, in fact, to develop a better reputation for this industry for high pay. The myth of low pay is clearly a deterrent to drawing more people into construction, and one that needs to be debunked.

Many contractors also report that some of the top myths about construction are that it is a dirty job (selected in the top three by 61%), that it requires brute strength, not training (55%), and that it is just a job and not a real career (52%). However, these are again upended by the experience of contractors themselves. The second highest percentage (43%) regard the opportunities for career advancement as one of the top reasons that construction is a good career, and around one third also note the ability to gain skills on the job (37%) and diversity of work experiences (27%) as top aspects of their work. All of these demonstrate that for practitioners in the industry, construction is a rewarding career with satisfying, challenging work, a message that doesn’t seem to be heard by the public.

Recruiting Workers Under 30
Contractors were also asked about the top ways to attract more workers under 30 to the industry. Not surprisingly, high pay was selected by the highest percentage, and

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The means of attracting younger workers are related to construction as a career not a job (clear path for advancement) and the work itself (satisfaction derived from a career that involves making something). Again, the most important element appears to be upending the long-standing myths about working in construction to draw younger workers.

Means of Recruiting New Workers
One structural challenge facing the construction industry in its goal to attract new workers is the fragmented ways in which they are recruited. Unlike the other questions in this spotlight survey, contractors were asked to identify all means for recruiting workers, not just the top three. However, no single recruitment strategy, not even placing traditional advertisements for workers, was selected by even half of the contractors surveyed. With no standard ways to find workers, it is not surprising that the positive message about construction careers can become diluted. This is a challenge that few small or midsize contracting companies are in a position to tackle effectively, and it may need to be addressed by larger institutions within the industry in order to address the growing crisis of skilled worker shortages in construction.

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The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) is joining with occupational safety organizations for the 6th annual National Fall Prevention Safety Stand-Down, May 6-10, 2019. The week-long event will focus attention on preventing falls in construction, the leading cause of fatalities in the industry.

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 366 of the 971 construction fatalities recorded in 2017 (BLS data). Those deaths were preventable. The National Safety Stand-Down raises fall hazard awareness across the country in an effort to stop fall fatalities and injuries.
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The national stand-down encourages employers and workers to pause voluntarily during the workday for safety demonstrations, training in hazard recognition and fall prevention, and talks about hazards, protective methods, and the company’s safety policies, goals and expectations.

“Falls can be prevented when employers train and educate workers about these hazards properly and provide appropriate protection,” said Acting Assistant Secretary of Labor for Occupational Safety and Health Loren Sweatt. “This should be a priority during the first week of May and must be a priority every day. OSHA has tools readily available for employers and workers to address the prevention of fall hazards.”

OSHA anticipates thousands of work sites and millions of workers to observe the stand down worldwide in 2019. To help guide their efforts, the Agency’s fall prevention webpage provides information on how to conduct a successful event, and educational resources in English and Spanish, including:

- A series of fall safety videos that demonstrate how to prevent fall hazards from floor openings, skylights, fixed scaffolds, bridge deckings, reroofing, and leading edge work.
- OSHA’s Fall Prevention Training Guide that provides a lesson plan for employers, including several Toolbox Talks.
- Fact sheets on ladders and scaffolding that describe the safe use of these types of equipment while performing construction activities.
- A brief video, 5 Ways to Prevent Workplace Falls, encourages employers to develop a fall prevention plan, and to provide workers with fall protection and training.

Employers are encouraged to provide feedback after their events, and to obtain a personalized certificate of participation.

The national safety stand-down is part of OSHA’s fall prevention campaign, and was developed in partnership with the National Institute for Occupational Safety and Health, National Occupational Research Agenda, and The Center for Construction Research and Training (CPWR). To learn more about preventing falls in construction, visit OSHA’s Fall Prevention Campaign page at https://www.osha.gov/stopfalls/.
New York – April 5, 2019 – The Dodge Momentum Index increased 0.5% in March to 145.5 (2000=100) from the revised February reading of 144.8. The Momentum Index, issued by Dodge Data & Analytics, is a monthly measure of the first (or initial) report for nonresidential building projects in planning, which have been shown to lead construction spending for nonresidential buildings by a full year. The March uptick was due to a 2.8% increase in the commercial component of the Momentum Index, while the institutional component fell 3.0%.

The overall Momentum Index has essentially moved sideways and stayed within a very narrow band of activity since the fall of last year. This is highly indicative of where building markets currently are at this late stage of the construction cycle. While economic growth is expected to ease from 2018’s strong pace, relatively healthy real estate markets fundamentals and continued support for public projects such as schools and transportation terminals should enable planning activity to remain close to recent levels for the near term.

In March, six projects each with a value of $100 million or more entered planning. The leading commercial project was the $100 million Piazza at Tysons office complex in Tysons VA. The leading institutional projects were a $300 million neuroscience research building at Washington University in St. Louis MO and the $153 million Novant Health Medical building in Charlotte NC.
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MARCH EMPLOYMENT REPORT: NO DANGER OF IMMINENT DECLINE

By Kim Kennedy, Director of Forecasting Dodge Data & Analytics

Nonfarm payrolls grew by 196,000 in March, putting to rest concerns that the labor market – and by extension the entire economy – is reaching the end of its long expansion. February’s job growth was revised upward by 13,000 to 33,000 jobs and January’s strong pace was also revised upward by 1,000 to 312,000 jobs. It now seems that the dramatic February slowdown in job growth was (as expected) an anomaly, rather than the beginning of the end. It’s also not the first anomaly of this expansion. In fact, job growth has paused twice before over the past few years – growing by just 15,000 in May 2016 and by just 18,000 in September 2017.

With the March gain in payrolls, the first quarter added an average of 180,000 jobs per month, a slowdown from the monthly average in 2018 (223,000 jobs per month), but consistent with the more moderate growth for both jobs and the economy expected in 2019. Job growth will inevitably slow this year given the low rate of unemployment (which constrains the supply of workers available to fill expanding job openings) and increasing wages (driven up by labor constraints), but also by conditions that are slowing overall economic growth such as the fading effects from last year’s stimulus – tax cuts in the Tax Cuts and Jobs Act and the boost in federal spending that came from passage of the Omnibus spending bill in March 2018.

The March employment gains came almost entirely on the services side of the labor market, rather than the goods side. Service employment rose by 184,000 last month, while goods-producing jobs rose by just 12,000. The strongest growth sectors included education/healthcare (up 70,000), professional and business services (up 37,000), and leisure/hospitality (up 33,000). Construction payrolls improved modestly (up 16,000) after taking a large 25,000 hit in February. The manufacturing sector lost 6,000 jobs over the month.

The household survey showed a somewhat less optimistic view of the labor market as the number of people in the labor force fell by 224,000 over the month pushing down the labor force participation rate (share of the population either employed or looking for a job) to 63.0%. Still, the unemployment rate remained unchanged at 3.8%.

All told, this jobs report is reassuring that the economy is not in danger of imminent decline, even if the bloom may be fading from the rose.
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NIA ANNOUNCES THE 2019 PREMIER INDUSTRY MANUFACTURERS

The National Insulation Association (NIA) announced the first honorees for the 2019 Premier Industry Manufacturer Awards at its 64th Annual Convention in Nassau, Bahamas, on April 4, 2019.

The newly established award recognizes and distinguishes exemplary companies as industry advocates and leaders. Available exclusively to NIA member companies, the award rewards Associate (Manufacturer) members for their actions, which demonstrate leadership, commitment, and support to the mechanical insulation industry and NIA. Each of the winning companies participated in activities and actions that support NIA and the industry. Through this program, NIA’s Associate members demonstrate to customers that their company is a recognized leader amongst their peers.

NIA’s Executive Vice President/CEO Michele M. Jones said, “We are so fortunate in this industry to have such supportive Associate members, and with their input, we found a way to recognize them for their contributions to NIA and our industry. We offer our thanks for the high bar that these industry-leading companies have set. Congratulations to all of this year’s winners!”

The 2019 Premier Industry Manufacturers are:
- Armacell
- ITW Insulation Systems
- Johns Manville
- K-FLEX USA, LLC
- Knauf Insulation, Inc.
- Owens Corning
- ROCKWOOL Technical Insulation

The deadline to apply for the 2019 calendar year is Thursday, May 23, 2019. Once the application is complete, NIA will begin tracking your points (retroactively to January 1) for the 2019 calendar year. To learn more about this yearly award and point-earning activities for the 2020 Premier Industry Manufacturer Award, please visit NIA’s website at www.insulation.org/membership/premier_manufacturer/.
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