This notice is to inform you of the 2016 Fall Business Meeting of MICA. This year's meeting is scheduled for Wednesday, October 19, and Thursday, October 20, 2016, in Omaha, Nebraska. Board and Committee members should plan to arrive on Tuesday, October 18, 2016. The site of this fall's meeting is the Embassy Suites Downtown Hotel in Omaha. This will be our tenth year at this hotel.

The past several years we have combined an educational seminar with the fall business meeting. This year the Board decided to host a half-day educational seminar on “Change Management” (see page 28 for details). Registration information regarding this free seminar will be forthcoming. If you wish to attend this seminar, you need to register for the seminar. Space is limited, so register as soon as you receive the material.

This year’s fall business meeting will include updates and discussions on several topics crucial to your business operations. The technical sessions will include presentations on how to structure a business contract to your company’s advantage, motivating your people to excel, how to position your company to be successful in litigation proceedings, and the impact of new OSHA regulations on your company. We will focus on providing the membership with new insights on these issues as we continue to help you to improve in your industry and in your businesses.

In keeping with President Shimada’s theme of “project management”, we will have a presentation on managing your contract from proposal, to claims, to change orders by a seasoned veteran of our industry. John B. Wilhelmi is President Emeritus of the Omaha Division of The Waldinger Corporation. The Waldinger Corporation is a national mechanical construction company performing over 275 million dollars annually. Wilhelmi has served The Waldinger Corporation for forty years, the first ten years as Vice President of Estimating and the last thirty years as Division President. During the last year as Vice President of Estimating, he supervised the bidding of over one billion dollars of mechanical work (present day dollars).

Wilhelmi is a past President of the national Mechanical Contractors Association of America (MCAA) having served as its National President in 2008/09. He is also a past President of the Mechanical Education and Research Foundation, (MCERF), a ten million dollar plus trust fund. He also chaired the Career Development Committee of the MCAA. During Wilhelm’s tenure as chairman, the number of student chapters grew from two to fifty.

At our June convention, Gary Auman updated us on the OSHA rule changes that were in their final stages of enactment. He will provide us with his annual update on OSHA regulations, and he will also bring us up to date on how the recently finalized rules are being implemented by OSHA on the job sites, and how they will impact our businesses.

This is a do not miss session for you and your key safety professionals.

Project management is not limited to on the job policy and procedural issues. Project management involves the people within the organization as well. Dr. Charlie Cartwright is a consultant, author and entrepreneur. He has recently developed a series of training modules centered around improving culture and morale in the workplace. He has accumulated 20 years of Fortune 100 leadership experience and identifies himself as a communicator. Charlie has a passion for bringing out the best in others through personal engagement and vibrant communication, motivating his clients to excel in their respective roles. In addition to his professional roles, Dr. Charlie is a husband, father and avid gamer, and can be found at home with his wife, four children and their three rescued Pitbulls. In his presentation, Dr. Cartwright will discuss pre-task planning, production, people, and safety.

The last area of project management that we will address during

(Continued on page 4)
PRESIDENT’S MESSAGE

TO: THE MICA MEMBERSHIP

Well, we have finally seen some breaks in the hot weather, school has started, and I’ve even seen some of the local trees start to turn into fall colors. I hope you and your families are making the transition into the fall season with relative ease.

September is quickly ending, and we should all be thinking about our Fall Business Meeting. The board of directors has focused this year’s topics of the meetings around the theme of project controls/project management/change management. I am excited to share with you that our free pre-seminar is going to cover the topic of change management. It will cover the normal things such as scope change and schedule delay, but also bring to light things that we SHOULD be considering such as schedule compression, change in site conditions, cost of extended overtime, cost of cash, etc. This seminar will be advantageous for everyone in your organization from general foremen/superintendents, estimators, project managers and up through senior management. I am convinced that we contractors leave a lot of deserved revenue on the table by not properly considering project change.

During the actual business meeting, we are going to cover topics such as proper job setup and how it affects productivity, safety, profit, etc. Our safety breakout forum is going to concentrate on site specific safety items, not just the normal “general” safety stuff. We are going to have topics on proper contract management including contract language, legal stuff, what should be in our proposals, and change orders. We will also hear about the changes that are happening on the OSHA and labor fronts. I am excited to tell you about our topics, and I hope you find interest in them as much as I do!

See you in October,
George Shimada
MICA President

Percent Complete and Cash Flow

In the last article, we learned the various methods to measure progress, mainly percent complete. We saw that depending on the task or cost category, one method of measurement is used over another method. I use the weighted/equivalent calculation method for most tasks relating to productivity. I use a cost ratio method to calculate percent complete of items such as project staff cost, lift cost, or any third party cost.

I know what you are about to ask: what does this have to do with my cash flow? I assume that you already are billing your work out on a monthly basis and using some kind of percent complete of each schedule of value to determine the monthly bill. However, my question back to you; did you break out the schedule of values enough in order to not get strapped on cash? What do I mean by this? I mean that in order to have good cash flow, you need to bill items that use the weighted % complete method separate from any item that is on a ratio method.

Or how many times have you worked for a client that only allows you to bill based on percent of product installed? Again, now the client is asking you to only bill dollars based on what is installed. This can negatively impact those items that are really running on a calendar basis.

Let me explain further: if we are on a job that has this kind of billing condition and suppose that the project was to start on January 1 and end December 31. Let’s also assume that you mobilize the field staff on January 1 as requested, but your client delays releasing work to you until March 1. You have just eaten up 2 months of the 12 months of project staff costs, or 16.7% of the calendar (and cost). However, because the client only allows you to bill on what’s installed, you are eating this cost for at least 2 months, and it may not be until towards the end of the job before you get “right” again with billing and cost!

(Continued on page 5)
the fall business meeting will be from a legal perspective. Richard Carr, a Director with the firm of Dunlevey, Mahan & Furry in Dayton, Ohio, will speak on this issue. Richard’s practice focuses on representation of business clients in planning, transactions and litigation. Richard’s pragmatic approach to the law has earned the respect of his clients and peers. His clients include general contractors, subcontractors and material suppliers. He will address general scope issues in a contract and how to avoid some of the standard contract clauses that are not favorable to a subcontractor. This includes “pay when paid” clauses and errors and omissions issues.

The fall business meeting will address the above issues and more. We will once again have three concurrent forums dealing with member issues. We will have a union contractor forum, an open shop contractor forum, and an associate member forum, all running simultaneously. This format continues to be overwhelmingly positive. This approach allows more of the members to participate in craft issues without being part of a formal committee. This format will give each of you the opportunity to interact with other MICA members with similar business concerns. The associate member forum will discuss several issues of interest to our associate members regarding their membership status in MICA.

Last year our associate members classified as manufacturers were invited to display their products at our fall business meet-

(Continued from page 1)
FUTURE MICA MEETING DATES

Fall 2016 Annual Fall Business Meeting — October 19 & 20, 2016, Embassy Suites Downtown, Omaha, NE.

Winter Board and Committee Meetings — January 20 — 22, 2017, Le Pavillon Hotel, New Orleans, LA.

60th Annual Spring Convention — June 19 — 22, 2017, Kona Kai Resort, San Diego, CA.

Fall 2017 Annual Fall Business Meeting — October 18 & 19, 2017, Omaha, NE.

61st Annual Spring Convention — June 18 — 21, 2018, In region. The Board of Directors is open to suggestions.

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.

At the very least, break out items that run on a calendar basis from those that are productivity based.

Also, bill material separately from labor. Again, material costs usually lead labor costs, and you need a way to bill as soon as you purchase material. I know, you are saying the client won’t allow you. They may not even want you to break out your third party costs and project staff costs out separately. For cash flow sake, fight this issue; this is a hill worth dying on!

I always recommend that you have a meeting with the client prior to starting work. I typically create a sample of an invoice which includes the schedule of values. Get the client to agree to the schedule of values up front as well as the invoicing format. This will help speed up cash flow as well as you aren’t waiting for the first draw’s payment because a client doesn’t like your bill format; get that done BEFORE work starts.

Most important, the client and you can have a conversation about the breakdowns of your schedule of values. Explain that you are doing this in order to maintain positive cash flow. Even in cases where my clients refuse to allow all of the breakdown, they will usually agree to some kind of material “bill ahead” so that we can some-

(Continued from page 2)

The same thing happens to you when you don’t break out those items in your schedule of values that run on a calendar (or ratio) basis from the items running on productivity. You have essentially locked up cash flow dollars and aren’t billing for the items until productivity happens. However, the costs are hitting your company right away.

As you can see, the melding of the items where percent complete calculations are done differently, cash flow can be greatly affected. You may have noticed this impact if your controller is always screaming on the front half of a job of why costs are so much higher than billing. If your controller is good and you are using the proper accounting methods, the controller is recognizing revenue for profit and loss purposes. However, what really matters to us is the cash! Is it there? The answer is no, it’s not because it’s not been billed.

There are ways to combat this issue. First, always break up your schedule values more detailed than what you think is normal. I would always recommend erroring on too many breakdowns. You can always summarize a bill once you can accurately calculate what to bill. The more detailed your breakdown schedule, the faster you get the cash that goes with the costs that are hitting your items.

(Continued on page 9)
VERTICAL STANDING SEAM PANEL INSULATION SYSTEM

Cost Effective • Low Maintenance • Custom Manufactured
High Quality • Superior Longevity • Easy Installation

ATTENTION
Insulation Contractors!

RIDGLOK IS THE BEST CHOICE FOR A FAST AND SIMPLE INSTALL. CALL OUR EXPERTS TO LEARN MORE.

MINIMAL DOWN TIME DURING INSTALLATION
855.RIDGLOK • RIDGLOK.COM
Dyplast proudly manufactures Polyisocyanurate Insulation products that meet or exceed the most demanding insulation for CINI-2014 & ASTM C591-15 standards.

Dyplast is the right choice for energy efficiency and economics for mechanical pipe insulation.

ISO-C1®

4 x Theodore H. Brodie Safety Award Recipient
1 x MICA Gold Safety Award
12501 NW 38th Ave, Miami FL 33184 | www.dyplast.com | info@dyplast.com
305.921.0100 | 800.433.2651

FABRICATED PIPE
- Isocyanurate
- Extruded Polystyrene
- Foamglas®

INSULATION SUPPLIES
- PVC Jacketing
- Fittings
- Metal Jacket
- Rubber & fiberglass

EASY ORDERING · FAST TURNAROUND · SUPERIOR CUSTOMER SERVICE

816-756-2000 · Fax 816-756-2002 · Toll Free 1-800-882-0110
3327 Roanoke Rd · KCMO 64111
what offset the cash flow negativity.

Another recommendation is along the same lines as the previous where I recommend talking about invoicing prior to work starting. Get an even larger jump. At bid time, in your clarifications, tell your client how you are going to bill things such as material, third party costs, and project staff costs. Take exception to language in the contract that states “bill on product installed.” Do this at BID TIME. The earlier you discuss this, the better! Even if the client refuses to change, now you at least have opportunity to raise your price to account for the cost of cash.

NIA’s FALL SUMMIT NOVEMBER 2 – 3, 2016, ARLINGTON, VIRGINIA

NIA’s Fall Summit
NIA’s Fall Summit (formerly Committee Days) is an annual members-only event that includes topical speakers, open committee meetings, tailored industry sessions, and networking opportunities to develop new business relationships. Designed to “Educate, Engage, and Elevate,” the goal of the Fall Summit meeting is to provide actionable content for attendees that companies can implement immediately to improve their businesses. We want to make sure we are providing speakers on the topics you are interested in. We get member feedback all year long, but you can still impact the speaker choices. Email us at events@insulation.org with your speaker or topic suggestions.

What to Expect
Building upon the success of last year’s fall meeting, we’ve designed the Fall Summit 2016 schedule to decrease your time away from your office and to maximize your time for education and business-building networking in our Nation’s Capital, just days before the 2016 national election. NIA looks forward to welcoming our members back to Washington, DC.

NIA’s Fall Summit offers members:

- **Convenience**—All events take place in 1 location just minutes from Ronald Reagan Washington National Airport (DCA).
- **Flexibility**—Minimizing members’ time out of the office is a priority, and all Committee meetings will take place on Wednesday with a General Session and Breakfast Speaker on Thursday.
- **Value**—15 hours of education, 2 breakfasts, 1 luncheon, and 1 networking reception are included in the affordable registration rate. Additional multiple-registrant discounts are available.
- **Highlights of the Fall Summit include:**
  - Forum-style committee meetings with industry-specific speakers;
  - General Session and Breakfast (a complimentary hot, full breakfast);
  - Luncheon and Keynote Speaker; and
  - Networking Reception on Wednesday evening.

Who Should Attend
All NIA members are welcome and encouraged to attend this meeting that will focus on member-driven educational programming and increased business networking opportunities. If you have attended Committee Days in the past, the new Fall Summit format brings even more of what you have come to expect from NIA’s events. You do not have to sit on a committee to attend any of these meetings. Don’t miss out!

NIA Member Benefits
NIA’s Fall Summit is an exclusive event for NIA members only. If you are not already a NIA member, please visit the Join NIA page on NIA’s website, which includes information about the benefits of belonging and testimonials from current members. For more information, please contact Kristin V. DiDomenico at 703-464-6422, ext. 115, or via email at kdidomenico@insulation.org.

U.S. LABOR SECRETARY THOMAS E. PEREZ'S STATEMENT ON THE FILING OF LAWSUITS CHALLENGING THE DEPARTMENT’S UPDATE TO OVERTIME RULES

U.S. Secretary of Labor Thomas E. Perez issued the following statement on the filing of lawsuits by a group of states, the U.S. Chamber of Commerce and other organizations in the Eastern District of Texas challenging the update to the Fair Labor Standards Act’s overtime rules for white-collar, salaried workers:

“...We are confident in the legality of all aspects of our final overtime rule. It is the result of a comprehensive, inclusive rule-making process. Despite the sound legal and policy footing on which the rule is constructed, the same interests that have stood in the way of middle-class Americans getting paid when they work extra are continuing their obstructionist tactics. Partisan lawsuits filed today by 21 states and the U.S. Chamber of Commerce seek to prevent the Obama administration from making sure a long day’s work is rewarded with fair pay. The overtime rule is designed to restore the intent of the Fair Labor Standards Act, the crown jewel of worker protections in the United States. The crown jewel has lost its luster over the years: in 1975, 62 percent of full time salaried workers had overtime protections based on their pay; today, just 7 percent have those protections – meaning that too few people are getting the overtime that the Fair Labor Standards Act intended. I look forward to vigorously defending our efforts to give more hardworking people a meaningful chance to get by.”
FROM EVERYDAY
Different circumstances call for different approaches
TO SPECIALIZED

MICRO-LOK® HP:
THE EVERYDAY CHOICE

- Ideal for almost every application
- ASJ for .02 perms of water vapor
- 25+ years of proven performance
- Ultimate in off-the-shelf accessory capability

MICRO-LOK® HP ULTRA:
WHEN THE APPLICATION CALLS FOR IT

- Solution designed to handle intermittent moisture exposure during construction
- Easy-to-clean poly-coated jacket that will not easily stain
- Premium solution with added benefits*

*15% higher price on poly-coated tapes and adhesives

THE SAME INSULATING PERFORMANCE.
TWO DIFFERENT VAPOR BARRIERS.

YOUR CHOICE.
ONLY FROM JOHNS MANVILLE.
For more information on FyreWrap® Insulation Systems, or other Fire Protection Materials, contact Unifrax Corporate Headquarters – Phone: 716-768-6500, Email: info@unifrax.com, or the following area sales offices:

Scott Marker – New Carlisle, IN
Ph: 630-235-4352, Email: smarker@unifrax.com

Alan Finley – Tulsa, OK
Ph: 918-455-0405, Email: afinley@unifrax.com

Mark Sullivan – Milwaukee, WI
Ph: 262-253-3630, Email: msullivan@unifrax.com

Fred Hoffman – Tulsa, OK
Ph: 405-242-3192, Email: fhoffman@unifrax.com

www.unifrax.com

ADVANCE THERMAL CORP.
The best engineered, removable insulation covers for over 30 years

SPACE-JAK™
NEXT GENERATION COATING
SIMPLE INSTALLATION
UNIFORM APPEARANCE
INCREASED PERFORMANCE
MATCHES THE COLOR OF EXISTING METAL LAGGING

(630) 595-5150 | sales@atcri.com | www.atcri.com
SERVICE FROM 23 LOCATIONS

800 West Fairmont Drive, Suite 2
Tempe, AZ 85282
Phone: 480-967-1881
Fax: 480-966-2220

18825 Railroad Street
City of Industry, CA 91748
Phone: 626-626-2700
Fax: 626-330-7771

130 Mason Circle, Suite B
Concord, CA 94520
Phone: 925-691-9880
Fax: 925-691-9882

3008 Orange Grove Avenue
North Highlands, CA 95660
Phone: 916-978-9071
Fax: 916-978-0437

7949 Strossa Court, Suite T
San Diego, CA 92126
Phone: 858-530-0414
Fax: 858-578-5681

14200 East 33rd Place
Aurora, CO 80011
Phone: 303-371-5855
Fax: 303-371-0707

5810 East Avenue
Countryside, IL 60525
Phone: 708-352-9663
Fax: 708-352-9890

6095 East River Road
Fridley, MN 55432
Phone: 763-502-9977
Fax: 763-502-9980

5203 E. Front Street
Kansas City, MO 64120
Phone: 816-920-9900
Fax: 816-920-9921

1170 Central Industrial Drive
St. Louis, MO 63110
Phone: 314-776-2002
Fax: 314-776-4616

3555 Ponderosa Way, Unit E
Las Vegas, NV 89118
Phone: 702-891-5335
Fax: 702-891-5335

2630 Glendale Milford Rd
Cincinnati, OH 45241
Phone: 513-552-9206
Fax: 513-563-8350

4755 West 150th Street, Suite E
Cleveland, OH 44135
Phone: 216-362-7338
Fax: 216-362-7989

2245 Westbelt Drive
Columbus, OH 43228
Phone: 614-343-0564
Fax: 614-754-5157

3342 N.W. 26th Avenue #14
Portland, OR 97210
Phone: 503-248-9662
Fax: 503-248-9639

2745 Market Street, Suite 100
Garland, TX 75041
Phone: 972-278-4900
Fax: 972-278-4805

4411 B Darien Street
Houston, TX 77028
Phone: 713-675-1811
Fax: 713-675-6288

2701 Gattis School Road, Ste 110E
Round Rock, TX 78664
Phone: 512-582-0929
Fax: 512-582-0933

7043 S. 190th Street
Kent, WA 98032
Phone: 425-425-6750
Fax: 425-425-6225

3817 Old Highway 99 South Road
Mount Vernon, WA 98273
Phone: 360-395-8602
Fax: 360-630-2030

1017 North Bradley Road, Suite B
Spokane Valley, WA 99212
Phone: 509-893-3411
Fax: 509-893-3991

2929 Walker Drive
Green Bay, WI 54311
Phone: 920-406-4100
Fax: 920-406-4141

823 South 60th Street, Suite R1
Milwaukee, WI 53214
Phone: 414-258-9334
Fax: 414-258-8808

We Heard, We Listened
We Delivered!

New Scratch Resistant Ell-Jacs™ Plus

ITW Insulation Systems proudly introduces our new scratch resistant aluminum elbows lined with polyfilm.

A factory applied and baked on finish of highly durable hard film clear acrylic or polyester paint on the exterior surface to:

- Help resist external corrosion
- Avoid visible scratches
- Raise the outer surface emittance

NOW CLEAR COATED TO RESIST SCRATCHING
WE DO THE HEAVY LIFTING

Distribution International pairs world-leading inventory with a constant stream of customer service. From coast-to-coast, we provide technical expertise and timely delivery. Loyal, local, and everywhere you need us to be.

INSULATION DISTRIBUTION AND FABRICATION

- Industrial insulation
- Commercial Insulation
- Fabrication
- Preformed Insulation Heads
- Removable Pads
- Abatement Supplies
- HVAC
- Marine Insulation
- Metal Building Insulation
- Refractory
- Fire Protection
- Safety & Contractor Supplies
- Tools & Equipment

30
of Thirty Years

844.DI.INSUL8 | 844.346.7859
DistributionInternational.com
© 2016 Distribution International
Your Customers Are Concerned About...

Corrosion Under Insulation (CUI)

NDTSeals.com
800.261.6261

Thermafiber

- Industrial Felts, Boards and Blankets
- Fire/Smoke-Stop Systems
- KFAC® 19 High Temp Block
- KFAC® SR High Temp Board
- Industrial Bulk Wool
- Metal Mesh Blankets
- ThermaWrap 80
- SoundZero® Black Acoustical Blanket

Thermafiber, Inc.
3711 West Mill Street
Wabash, IN 46992
Phone: (888) TThERMAFIBER
(888) 843-2371
Fax: (800) 294-7076
www.thermafiber.com

JEFF-CO Sales and Marketing
When it comes to mechanical insulation products and accessories, we've got you covered! We represent the best in the business from four office locations. Quality people providing quality products to MICA since 1988!

- Boss Brand Silicones and Fire Stop Sealants
- Saddles, Supports, Tools, P-Trap Covers and PVC Hanger Covers
- Fasson Brand Insulation and HVAC Tapes
- Duct Sealants, Insulation Adhesives, and Hardware
- Aluminum and Stainless Steel Jacketing, Box Rib, Elbows, End Caps, Bevels, Gored Elbows and Specialty Metal Fittings
- Stud Welding Systems, Weld Studs & Insulation Fasteners
- Reusable Insulated Valve and Grooved Fitting Wraps
- Insulation Jacketing and RG2400 Corrosion Resistant Coatings
- PVC Fittings and Jacketing Systems
- Insulation Mastics and Coatings

Contact Us:
TANIDIVISION.COM

TANI DIVISION
B.D. Schiffner Inc.
3665 E. 25th Ave.
PO Box 412
Albany, MN 56307

CHAD REBHOLZ
Indianapolis, IN
317.459.4030 / rebholz@jeff-co.com

RON CARLSON
Minneapolis, MN
612.963.1898 / roncarlson@aol.com

CRAIG WALKINS
Denver, CO
720.799.4121 / jeffco@nabs.com

JEFF REBHOLZ
Company President
317.459.4136 / jeffrebholz@gmail.com

9635 Park Davis Drive, Indianapolis, IN 46235
800.969.3113  fax 317.899.0775
NEW WILLFUL DEFINITION AND OTHER OSHA DEVELOPMENTS

The MICA office sent an email to the general membership in early August from our legal counsel, Gary Auman, notifying of a recent interpretation of OSHA willful classification by the seventh circuit court of appeals. There have been further developments on this issue. Below is an updated article from Gary.

Gary will be speaking on this and other OSHA developments at our Fall Business Meeting next month. His update is a “must hear” presentation. Do not miss his presentation, register today for the fall business meeting.

For those who have been working in the safety arena for a few years you are very familiar with what a willful violation is and the penalties that are associated with it. Well, things are changing. Willful violations have always been issued to the “BAD” employers. Most of us have considered that when a willful citation was issued the employer on the receiving end had really done something very wrong. In fact, the employer probably was seen to have “willfully violated the ….Act”.

OSHA always bears the burden of establishing a citation. Other than serious and serious relate primarily to the potential seriousness of the injury that may be suffered by an employee because of the alleged violation. Repeat violations require OSHA to prove that the employer has, in the past, violated a standard substantially similar to the current alleged violation. With a failure to abate OSHA must prove that the employer has not corrected a violation which has become part of a final order of the Occupational Safety and Health Review Commission. Finally we have the willful violation.

In 2015 and again in 2016 the Seventh Circuit Court of Appeals, which encompasses Wisconsin, Illinois and Indiana has “redefined” what it considers a willful act by an employer. In these decisions the Court has broadened the criterion that is considered by OSHA when considering a willful classification. One decision was issued in 2015 with a second decision this spring. The first case is Dukane Precast, Inc. V. Perez, 785 F. 3d 252 (2015) and the second decision was rendered in Stark Excavating, Inc. V. Perez. 811 F. 3d 922 (2016).

The accepted standard for a willful classification has been evidence that the employer acted with intentional disregard or plain indifference to the requirements of the statute. Lakeland Enterprises of Rhinelander, Inc. v. Chao, 402 F. 3d 739, 747 (7th Cir., 2005). The Court in the Dukane and Stark cases does not accept this restrictive language. It appears that the Court has taken us to a reck-

(Continued on page 20)
7 REASONS TO INSTALL AP ARMAFLEX
Foam Insulation for thermal efficiency and condensation control

AP Armaflex
Controls condensation and retains thermal integrity better!

100%
Fiber free and non-particulating

25/50
Rated up to 2”, Meets stringent UL94 5VA

Options
NBR/PVC and EPDM products available

Long Lasting
Fewer replacements over time

Microban®
Antimicrobial Technology
CERTIFIED Gold Certified

R-9
R Value for 1-3/8” ID and 1-1/2” thickness

INSTALLED IT. TRUST IT. armacell®

AP/Armaflex

© 2015 Armacell LLC. Made in USA. MICROBAN® is a registered trademark of Microban Products Company. Certified to GREENGUARD Gold standards for low chemical emissions into indoor air during usage.

www.armacell.us | 800.866.5638 | info.us@armacell.com

IPS
INSPECTION PLUG STRATEGIES, LLC

Designed for use with aerogel blanket applications

Also fits traditional thicker insulations

Self-sealing attachment with smooth & corrugated jacketing

Installs without screws but accommodates them if needed

TMLX SILICONE® INSPECTION PORT
Patented

We also manufacture:
System II Inspection Ports
System V Inspection Ports
TML Inspection Ports
Labels in various styles & sizes

2437 Bay Area Blvd. #147 | Houston, TX 77058
P: 281-480-4406 | 1-800-914-4406 | F: 281-486-4363 | mcb@inspectionplugstrategies.com

www.InspectionPlugStrategies.com
Setting The Standard for 32 Years

Custom fabrication of rigid insulation into shapes and sizes for all kinds of pipes, fittings, valves, vessels and specialty heads.

- STYROFOAM® TRYMER®, PHENOLIC, & FOAMGLAS®
- Accessories for all insulation jobs.
- Cut to fit aluminum with Polysurlyn & safety hem.
- We specialize in ammonia refrigeration.
- We stock RG-2400LT™

(800) 624-3043
Cook Brothers Insulation, Inc.
1405 St. Louis Ave. / Kansas City, MO 64101
K.C. (816) 421-6300 / Fax: (816) 842-4031

Insulation Systems That Set The Standard — Since 1983

For pricing and information, contact sales at: www.cookbro.com
Let’s briefly examine the facts of the Dukane case. In this case an employee entered and became trapped in a permit required confined space. The hazard in the space was one of engulfment. The employee became trapped in sand, which gradually rose to his neck. He cried out and several employees came to his aid. At risk to their own lives they entered the confined space and tried to dig the entrapped employee out. They got him free to his waist but could not go any deeper. The plant manager was told about the accident within about ten minutes of its occurrence. He felt there was no emergency and that the employee was in no danger because fellow employees were working to free the trapped employee. He was told by the rescuers that they thought they could get the employee free. Eventually the trapped employee asked his fellow rescuers to call 911, but no one did. Finally, after the plant manager was told of this request he called 911. By this time the employee had been trapped for over ninety minutes.

OSHA cited the employer for a willful violation of 1910.146(d)(9) for not having a procedure to summon rescue personnel. Here the employer got into a battle of semantics with OSHA. The standard requires the employer to develop and implement a plan to summon rescue. The employer felt that the standard referred to developing a plan and maintaining it while OSHA contended that implement means to apply the plan. The Court disagreed with the employer’s interpretation.

The Stark case follows this theme. In Stark we are dealing with an excavation situation. The supervisor always examined every trench or excavation before anyone entered it. He did a penetrometer test, recorded the results and then determined how to best protect employees based on the condition of the soil. On the day of the inspection he did his soil test, entered the data, but he did not complete the bottom part of the form which identified the methods available for the type of soil. The bottom portion even indicated that for type B soil, the maximum slope allowed was 45 degrees.

The Court applied the same test that it developed in Dukane; “proof of willfulness requires proof only that the defendant was aware of the risk, knew that it was serious, and knew that he could take effective measures to avoid it, but did not.” In this case the Review Commission reviewed the administrative law judge’s decision before the Court did. The Commission concluded that although the supervisor testified that he was in a hurry and was not paying attention, the evidence showed that he knew or at least deliberately avoided knowing that the slopes of two the walls exceeded 45 degrees by a wide margin. Some additional testimony by the supervisor did not help the employer’s position in this matter – he testified that he usually got into trouble because he took too much time making sure the ditches were correct.

I think we can see from these decisions that the 7th Circuit has moved away from a standard for willful violations of “intentional disregard of, or plain indifference to, the requirements of the statute” “being aware of the risk, knowing that it was severe, and knowing that it could take effective measures to avoid it, but did not take those measures.” This latter definition is significantly less stringent than the standard applied in most other circuits.

Employers in Wisconsin, Illinois and Indiana (recognizing that Indiana is a state OSHA program state) need to be aware of this standard for willful citations. This means that when you see a serious safety hazard you need to take immediate action to neutralize it to protect your employees. Do not decide to “get to it later.” As workplace safety gains importance and penalties increase more courts and states may move into a similar broad definition of willful.

There was one other interesting point made by the Court in the Stark case. Stark asserted that it makes a good faith effort to comply with safety rules and that the effort should negate willfulness. But, Stark’s compliance mechanism for its safety rules could not be used to establish an unpreventable employee misconduct defense and/or be used to argue good faith compliance. The Commission and the Court found that Stark routinely disregarded its enforcement policy. In fact, in a two year period Stark had only issued thirty-three tickets (safety violation write-ups) for violations and that in one office no safety tickets had ever been issued.

So why are these cases important? Well, first on the willful side, we have the increased fines for a willful violation from a maximum fine of $70,000.00 to a maximum fine of over $127,000.00, so the cost of a willful violation has gone up considerably. Second pre-quals and ISN Net World look at serious citations as cause for preventing your bids on many commercial and industrial contracts. Third, remember that a fatality that results in a willful violation can lead to criminal charges. As far as the company safety enforcement program in the Stark case the Court has taken a very hard line in stating what it will not
superior cold weather performance, easy handling and application, true zero perm performance

INTRODUCING

ALUMAGUARD LITE WHITE

- Glossy White Finish
- Meets ASTM E 84 (25/50) Smoke and Flame requirements
- Excellent Chemical Resistance
- Cold weather acrylic adhesive allows installation down to 10°F
- High puncture and tear resistance
- Zero permeability
- Easy to install with no special tools required
- Excellent emissivity

Polyguard
Innovation based. Employee owned. Expect more.

For more information: (w) www.Polyguard.com/mechanical (p) 214-515-5000
accept from an employer who tries to use its enforcement program to defend a citation using unpreventable employee misconduct. In addition as the Review Commission uses safety enforcement as an indicator on the how an employer treats the safety of its employees. Finally, so not forget, even if you are based in a state OSHA state, when you are working in a federal OSHA state, you are governed by federal OSHA. While this decision affects employers in the states I have listed, it may be expanded to other courts of appeal in the future.

I mention this to underscore the need to take safety seriously 100% of the time! Just having a safety enforcement program is not enough – YOU HAVE TO ENFORCE IT! Now not only is it necessary to be able to use the unpreventable employee misconduct defense and to prove that you are a reasonably responsible employer, but also as an added defense to a willful classification, at least in Illinois, Indiana and Wisconsin!
DODGE MOMENTUM INDEX CONTINUES ASCENT IN AUGUST

The Dodge Momentum Index grew 1.3% in August to 134.9 (2000=100), from its revised July reading of 133.2. The Momentum Index 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 move higher in August was the result of a 1.7% increase from July for institutional planning as well as a 1.0% gain for commercial planning. August is the fifth consecutive month that the Momentum Index has increased, marking the longest such streak since the end of 2012 into 2013. The Momentum Index is currently 16% above the same month a year ago, reflecting this growth by major sector – institutional planning up 22%; commercial planning up 11%. That both sectors are showing such improvement suggests that developers are shrugging off sluggish economic data and the uncertainty surrounding the November elections, and moving ahead with plans for new projects.

In August, 14 projects entered planning each with a value that exceeded $100 million. For the commercial building sector, the leading projects were a $400 million expansion to the Resorts World Hotel & Casino in Las Vegas, NV and a $312 million Place Station Hotel tower also in Las Vegas, NV. The leading institutional projects were a $260 million education complex in Thompson, NY and a $160 million expansion and renovation of the Lakeland Medical Center in Saint Joseph, MI.

OSHA ISSUES NEW GUIDANCE ON SETTLEMENT APPROVAL IN WHISTLEBLOWER CASES

The Occupational Safety and Health Administration has published new guidelines for approving settlements between employers and employees in whistleblower cases to ensure that settlements do not contain terms that could be interpreted to restrict future whistleblowing. The guidelines, issued Sept. 9, make clear that OSHA will not approve a whistleblower settlement agreement that contains provisions that may discourage whistleblowing without outright prohibiting it, such as:

- Provisions that require employees to waive the right to receive a monetary award from a government-administered whistleblower award for providing information to a government agency about violations of the law.
- Provisions that require the employee to advise the employer before voluntarily communicating with the government or to affirm that the employee is not a whistleblower.

OSHA also reserves the right not to approve settlements with liquidated damages provisions that it believes are excessive. The new guidance responds to a March 2015 petition for rulemaking from the Government Accountability Project.
HIGH TEMPERATURE INSULATING SOLUTIONS

Three fiber grades:
- Superwool® (AES) fiber
- Kaowool®, Cerablanket® (RCF) fiber
- Denka® Polycrystalline (PCW) fiber

Benefits
- Reduces thermal conductivity and energy loss: improved insulation 20%
- Provides significant energy savings compared to other tested AES and RCF fibers
- Pyro-Bloc® modules are the market leading contractor preferred module of choice for furnace, boiler and kiln linings

WHAT'S NEW
WDS® Flexible Pipe insulation
WDS Flexible Pipe offers the low thermal conductivity needed in hot piping applications to ensure that materials inside hot piping are insulated from ambient conditions, in addition to protecting workers from burns from coming into contact with non-insulated hot piping.

DRYERWRAP™
- UL and ULC listed for 1-hour protection inside rated wood frame construction
- Flexible, 1/2" thick
- Tested on 30 gage 7" round and 26 gage 10" x 4" rectangular duct
- Dryer vents in multi-family housing

Benefits
- Optimized installation costs
- Optimized installation space
- More flexible than alternative wraps
- Improved safety with applications specific testing

THERMAL CERAMICS
PO Box 923 • Augusta • Georgia • 30903
NASales@morganplc.com
www.morganthermalceramics.com
SAFETYJACS™

WHAT IF YOU COULD PROVIDE BETTER SAFETY AT NO EXTRA COST?

- BOOST YOUR SAFETY RATING
- REDUCE COSTLY INJURY CLAIMS
- RETAIN SKILLED LABOR
- ATTRACT MORE WORK
- IMPROVE PROJECT TIMELINES
- INCREASE PROFIT MARGINS

SafetyJacs™ are a new innovation in cut & roll jacketing, that are safer, quicker and easier to install... and all at no extra cost. It's our new standard.

Let us help you become an even SAFER employer.

SCHEDULE A PRESENTATION TO LEARN HOW: 888.877.7685 USA  •  800.299.0819 CAN  •  WWW.IDEALPRODUCTS.CA
Mechanical Insulation
Pipe
Board
Wrap

Insulation
for process
piping &
industrial

PVC & Metal
fittings

Rubber Tubing
& Sheet

Tapes &
Accessories

MacArthur Co.
Employee Owned

Building for Generations
MICA TO OFFER HALF-DAY EDUCATIONAL SEMINAR

In past years, we have combined an educational seminar with the fall business meeting. This combination of business meeting and seminar was designed to keep your travel costs to a minimum, yet allow you to participate in both educational activities. This year, the Board decided to sponsor a **free** half-day educational seminar on “Change Management.” The Board is sponsoring this seminar as one of the many benefits that come with your membership in MICA. This half-day seminar will be held on **Tuesday, October 18, 2016, from 12:30 p.m. until 4:15 p.m.** at our fall business meeting hotel, the Embassy Suites Downtown, in Omaha. Please note that space is limited, and registration will be taken on a first-come, first-served basis. The number of attendees per company may have to be restricted depending on the overall interest shown by the membership.

President George Shimada has identified “Project Management” as his theme for his year. Project management covers a vast array of topics, one of which is managing change during a project’s life cycle. George has structured his monthly “message” in the MICA Messenger around a topic or concept that can have a major impact on the success of a project. The educational process for managing a project will be the key focus of the half-day seminar.

**This seminar is designed for anyone that is involved in a project from superintendent, project manager, estimator, to upper management.** The seminar is geared for those that would be involved in calculating change cost. The seminar will also go into what training should be given to the entire work force in recognizing all aspects of change. Scope change is the most obvious reason for a change request, but there are many other aspects that can cause cost change; attendees will consider these other, often forgotten, aspects. Such items may include schedule change, site conditions change, extended overtime, etc. If you deal with any of these issues, this seminar will benefit you.

We are delighted to have **Peter Dumont**, who is the Vice President, Global Strategic Projects for Pentair Technical Solutions based in Houston, Texas as our seminar leader. Peter is responsible for global business development and the execution of strategic projects primarily in the heavy industrial sector. Typical scopes of work involve front-end planning & development, detailed engineering, procurement/fabrication, construction, and commissioning/start-up services; or any subset of these. He also is responsible for global alliance agreements (strategic relationships) with key customers, and provides various project and construction management consultative services. In his 16+ year tenure at Pentair, Peter has held the roles of Project Director, Director of Global Projects Business Development, Canadian Operations Manager, and Special Projects Director.

Prior to joining Pentair, Peter worked for two large general engineering and construction contractors in Houston. He has held various project and operational positions such as project services manager, project manager, construction engineer, quality engineer, and civil/structural engineer, among others. He has worked on a wide range of global projects up to $12B in capital cost. Registered as a Professional Engineer in North Carolina and Maine, Peter also is an active member in several professional and technical organizations; including the National Society of Professional Engineers, the American Society of Civil Engineers, the Project Management Institute and the American Society for Quality. Peter is published in various technical journals and has conducted numerous university and industry association teaching engagements on topics such as lean project delivery, project management fundamentals, project controls, change management, and quality management. He is a Six Sigma Green Belt and has extensive background in lean, front end planning, project information management systems, project controls, and quality management systems.

Peter holds a Master of Science degree in Construction Engineering & Project Management from The University of Texas at Austin and a Bachelor of Science degree in Civil Engineering from the University of Maine. He performed his graduate research for the Construction Industry Institute (CII) and was co-developer of the Project Definition Rating Index (PDRI) for Industrial Projects.

Peter currently serves on the Board of Trustees for CURT; and previously co-chaired the CURT Handoffs to Construction and Project Delivery committees.

The seminar is **free**, but travel and lodging is at your expense. Take advantage of this seminar offering in conjunction with our annual fall business meeting. The fall business meeting will be held on Wednesday and Thursday, October 19 & 20, 2016. Save yourself time and travel by registering and attending both the seminar and fall business meeting.
From our family to yours, thank you for the opportunity to serve you.

We are celebrating 35 years in the industry thanks to the loyalty of our customers and the dedication of our employees. Your success is our priority, which is why when you demand the best, we deliver.

Contact us today to experience the Proto difference.
SureShotII changes your concept of pin welding...times TWO. Be it Cupheads, Weld Pins, or even Weld Studs -- SureShotII can deliver. With updated Hybrid Technology and Dual Operating Power, SureShotII uses the best of all worlds to provide Capacitor Discharge fastener welding second to none. In the lightweight and rugged packaging you’ve come to expect from SureShot (weighing in at 18 lbs.) this Welder has the power to weld virtually any Stud fastener known to the CD application market: with only 110volt (or 220volt incoming power). User-friendly, the system offers multi-level safety and operational designs to get the job done quickly, safely and reliably --- truly delivering the power of "II".

Your SINGLE SOURCE
Insulation Fastening StudWelding Specialists

1-800-852-8352 • 450 Richard Street • Miamisburg, Ohio 45342 • midwestfasteners.com
TRUST
IS EARNED THROUGH INTEGRITY, QUALITY AND PERFORMANCE.

- 100% moisture impermeable
- Fire resistant – Will not burn
- Superior compressive strength
- Long-term thermal performance
- Wide range of service temperatures
- No toxic blowing agents

Contact Rob English to learn more
Regional Sales Director FOAMGLAS® Industry
Cell 314-503-0001  Office 314-983-9778
rob_english@pghcorning.com

FOAMGLAS® INSULATION
Trusted by contractors and engineers worldwide for over 75 years.