Our 55th Annual Spring Convention is only three weeks away. Our room block is sold out, but the resort is taking reservations on a room available basis. If you have not made your room reservations, you need to do so today. Call the reservations office at 800-843-6664 and ask for the Midwest Insulation Contractors Block, Reference Number 15300035702. Our convention rate may not be available, but the resort will try to accommodate your needs. We have over 150 members and spouses registered for the convention.

President Jeff DeGraaf and the entire Board of Directors are excited to have you to join them as our association engages in “Working Together to Improve our Industry”. One of the key benefits of belonging to MICA is your ability to work with fellow members to improve your business acumen and to better your industry. Be ready to participate as we share ideas at our annual convention this June 17 – 20, 2012, at the four-diamond Omni Interlocken Resort, in Broomfield, Colorado. Our 55th Annual Spring Convention will be a special event, and one that you do not want to miss!

The Board of Directors is most excited about the technical topics and speakers for the spring convention. The topics and speakers were selected to help educate and inform you on a variety of industry topics pertinent to our current business climate. A list of presentations and speakers is as follows:

- “Corrosion on Jacketing”, by Jim Young, ITW Insulation Systems.
- “Vapor Retarders” – by Gordon Hart P.E., Artek Engineering, LLC, Shrewsbury, MA.
- “Rigid Cellular Plastic Insulation – Application & Methods”, A Panel Presentation by Associate Members of MICA.
- “NIA Update”, by Mr. Rick Smith, NIA President 2012 - 2013.
- “Leadership – an FMI Perspective” – by Senior Consultant Rusty Sherwood, FMI, Denver, CO.
- “OSHA Update and Pending Legislative Bills in Congress”, by Mr. Gary Auman, MICA Legal Counsel, Dunlevey, Mahan, & Furry, Dayton, OH.

We will 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 approach allows more of the members to participate in craft issues without being part of a formal committee.

In June, we will recognize those companies that participated in our seventh annual “Best Practices in Safety” Award. This award was established to formally recognize our member firms’ efforts in safety and safety practices. This year, we have made significant changes to the “Best Practices in Safety” Award program. We are no longer going to recognize a winning company’s safety program. Rather, as a way of encouraging greater participation so more members can reap the benefits of the awards program, we will be using a grading system that recognizes each applicant’s achievement in developing a quality safety program. With this new system, companies will not compete against each other for awards. Instead each applicant

(Continued on page 4)
PRESIDENT’S MESSAGE

TO: THE MICA MEMBERSHIP

I remember the day, a winter board meeting in January, when our executive secretary, Tom Shimerda walked up and put his arm around my shoulders. For those of you who haven’t had this experience, it is MICA’s version of the burning bush. You will hear a voice and will probably be somewhat unnerved by the request. Tom asked, if I would be willing to serve on the board of directors for MICA? My first thoughts were, “Wow, what an honor!” Followed by, “Why me? What will I have to do? And if I get in this group of business owners and managers, will I make a fool of myself?”

Thankfully, there are answers to these questions! Why me? Frankly, because they needed someone. What do I have to do? There is a well-defined list developed of what is required, but primarily you meet with a group of professionals from the industry and work together to plan events and make decisions to help guide MICA as it serves its members and the industry. Sure, you may make some mistakes, but that’s the beauty of working with this group, we help each other to lead as a team. The vast years of experience that makes up the Board of Directors is impressive, and each personality adds their unique perspective in a small way with the end result being the best regional association in the business. And most important, there is the glue that holds the group together, Tom and Cindy Shimerda, who guide the MICA leadership like caring parents. Their knowledge and ability has been developed by years of experience and true devotion to the organization. When I joined the Board and went through the chairs, and finally became President, I was guided, prodded, and encouraged by them through every step.

So here I am, writing my last MICA message. In case you hadn’t noticed, writing is not my favorite pastime. In fact, this is the only message that I was looking forward to...the last one! But that is certainly not true about my experience on the Board and as President. Working with the MICA Board has been both a huge benefit to me as a businessman and an absolute blast! I can say that I have learned a tremendous amount and made friendships that will last a lifetime.

So my encouragement to you is this, if that day comes, and Tom puts his arm around your shoulders and asks you to consider serving on the MICA Board, listen and carefully consider what he has to say. I’m sure your experience will be as great as mine!

Jan and I are looking forward to seeing all of you at the convention next month. And I am most excited about honoring Ray Stuckenschmidt with the “William R. Heaston Outstanding Member” award. We will be presenting the award to Ray at our gala dinner on Tuesday evening. Ray has given selflessly to MICA and to the insulation industry. He is the consummate “professional” and I am delighted to have the opportunity to honor Ray with this award.

Sincerely,

Jeff DeGraaf,
MICA President
will try to achieve the highest award level where multiple applicants can receive the same award level. This change in the award level will not change the judging process.

The convention registration fee is $450.00 for the first attendee from a member company. Registration for a second attendee from a given company is reduced to $425. Registration for all additional attendees is $400 per attendee. The registration fee is $825.00 for the first member and spouse registered from a member company. Registration for a second registered couple from a given company is reduced to $800. Registration for all additional registered couples is $775 per couple. This year we have included a children’s registration for the Welcome Reception and Farewell Brunch events only. The fee is $75.00 per child. The Board is delighted to offer this new incentive for multiple attendees from member companies. The benefit of joining an association comes from participating in association activities.

We will hold a “First Tmers” orientation on Sunday, June 17, 2012, prior to the Welcome Reception. This orientation will give our first time attendees the opportunity to learn more about MICA, and its organizational structure.

The fourteenth annual “Mick Van Horn Memorial Golf Tournament” is set for Monday afternoon, June 18, 2012, at the Omni Interlocken Golf Club. We have a lunch cookout beginning at 12:00 p.m. followed by a shotgun start at 1:00 p.m. Enjoy golf as it was meant to be played at this stunning, links-style course. This year’s fee is $150.00 per golfer, which includes a lunch, cart, green fees, complimentary use of practice and range area, and of course, prizes. The deadline for registering for the golf tournament has passed. If you would still like to play in the tournament, you need to call the MICA office regarding availability in the tournament.

The program also affords you ample time for fun and relaxation and to interact with your fellow contractors and distributors. We have the traditional opening evening Welcome Reception. This year’s reception is sponsored in part by the contributing associate members. We will feast on hors d’oeuvres, libations, and friendships. We will honor Ray Stuken-schmidt with Systems Undercover, Inc. with the “William R. Heaston Outstanding Member” award. Ray exemplifies the virtues reflected in Bill Heaston and of his selfless service to MICA and the insulation industry. The recognition ceremony will take place during our Tuesday evening gala.

You received a formal spring convention registration packet earlier this year. If you have not completed the registration material and would still like to attend the spring convention, please call the MICA office today. We will assist you in registering for the convention. Now is the time to plan for your participation at MICA’s 55th annual spring convention. Make your hotel reservations today by calling the Omni reservation line at 800-843-6664. Please join Jeff, Jan, the entire Board of Directors and fellow MICA members in Colorado, June 17 – 20, 2012, for our annual spring convention and be a part of “Working Together to Improve our Industry”.

(Continued from page 1)
The 7th edition of the National Commercial & Industrial Insulation Standards manual is now available for purchase through the MICA website at www.micainsulation.org.

The seventh edition continues the tradition of national acceptance with its updated standards and additional plates. The revised manual contains 66 submittal plates, charts, graphs, material properties tables, and illustrations. The Manual is a "must have" resource for contractors, engineers, architects, and specifiers. Recognized as a valuable, educational reference, the Manual has become a familiar component within the National Insulation Association’s training programs, and it is also part of the nationwide curriculum for all fourth year apprentices enrolled in the International Heat and Frost Apprenticeship Program. The National Institute of Building Sciences (NIBS) incorporates information from the Manual in their online mechanical insulation design guide (MIDG).

Below are some of the changes that you will find in the new edition:

- 11 New Plates.
- Vapor Dams added to new plates.
- New formatting of all existing and new plates.
- New formatting of text.
- Completely new Numbering System for the Plates to allow for new plates to be added in the future in a systematic fashion.
- Updated Materials Property Section Including Tables (Tables conform to ASTM Standards).
- Consistency in Establishing Temperature Ranges (For consistency with ASTM, NIA, MIDG temperature ranges).
- Updated and Revised Glossary of Terms.
- Temperature listings are now reversed back to original method [Imperial with Metric in ( )].
- Revised Specification Writing Section.
- Reinsertion of Key Items – Clearances, Scope of Work, etc.

The hard copy manual is available for purchase from MICA’s website at www.micainsulation.org. The manual sells for $125.00 per copy plus shipping and handling. There is a discount for MICA members of $25.00. The cost to MICA members is only $100.00 plus shipping and handling. Quantity discounts are available for when purchasing in quantities of 17 or more manuals. Contact the MICA office for details.

The committee has worked diligently to develop an electronic version of the manual with interactive plates. Committee Chair, Ray Stuckenschmidt demonstrated the functionality of (Continued on page 10)
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the interactive plates during our 2011 Fall Business Meeting, and Peter Gauchel demonstrated the functionality of the plates in a presentation at the National Insulation Association’s annual convention on April 21, 2012.

The electronic version of the manual and the 66 interactive plates are also available to the industry. A single user license for accessing the electronic version of the manual and the 66 plates sells for $195.00 ($155.00 for MICA members) with an annual renewal (subscription) fee of $50.00. The annual fee will allow you access to any new or modified plates that will be developed annually. The technical committee has developed the electronic version of the manual to be a “living” document with updates to the manual being made annually.

The discount pricing is available to MICA members only. To receive the discount, members need to enter the discount code when ordering the manual from the MICA website. The discount codes for the hard copy and electronic version are available from the “Members Only” portion of the MICA website.

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The North American Insulation Manufacturers Association (NAIMA) elected Fred Stephan as its new Chairman of the Board. Stephan is Vice President and General Manager of Johns Manville’s Insulation Systems business.

“Mr. Stephan’s leadership experience across a broad spectrum of construction and insulation industries is extremely valuable as we look for ways to integrate the insulation and energy efficiency message throughout the building industry,” says Kate Offringa, President and CEO of NAIMA. “We are very pleased that Mr. Stephan has accepted the position.”

Stephan has been with Johns Manville (JM) since 2004. His previous roles with JM include vice president and general manager of the Roofing Systems business, vice president of Business Process Simplification and vice president and general manager of the Engineered Products Group’s High Performance Nonwovens business. Prior to joining JM, Stephan spent 18 years in a number of General Electric’s business units including Consumer and Industrial, Lighting, Plastics and Power Systems.

Stephan holds a degree in Electrical Engineering from Purdue University.
FUTURE MICA MEETING DATES


Fall 2012 FMI Day-long Seminar — October 16, 2012, Embassy Suites Downtown, Omaha, NE.

Fall 2012 Annual Fall Business Meeting — October 17 & 18, 2012, Embassy Suites Downtown, Omaha, NE.


Fall 2013 Annual Fall Business Meeting — October 16 & 17, 2013, Embassy Suites 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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WASHINGTON – The U.S. Department of Labor’s Occupational Safety and Health Administration announced its intent to establish a Whistleblower Protection Advisory Committee. The committee will advise, consult with and make recommendations to the secretary of labor and the assistant secretary of labor for occupational safety and health on ways to improve the efficiency, effectiveness and transparency of OSHA’s administration of whistleblower protections.

“Workers who expose securities and financial fraud, adulterated foods, air and water pollution, or workplace safety hazards have a legal right to speak out without fear of retaliation, and the laws that protect these whistleblowers also protect the health, safety and well-being of all Americans,” said Dr. David Michaels, assistant secretary of labor for occupational safety and health. “Establishing a federal advisory committee is another important effort to strengthen protections for whistleblowers.”

In particular, the committee will advise OSHA on the development and implementation of improved customer service models, enhancements in the investigative and enforcement process, training, and regulations governing OSHA investigations. In addition, it will advise OSHA in cooperative activities with other federal agencies that are responsible for areas covered by the whistleblower protection statutes enforced by OSHA.

“This new Whistleblower Protection Advisory Committee will help our agency sustain an open dialogue with stakeholders and experts, and will promote the transparency and accountability that are the cornerstone of this administration,” added Michaels.

OSHA enforces the whistleblower provisions of the Occupational Safety and Health Act and 20 other statutes protecting employees who report violations of various workplace, airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health care reform, nuclear, pipeline, public transportation agency, railroad, maritime and securities laws.

Under these various whistleblower provisions enacted by Congress, employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or the government. Employees who believe that they have been retaliated against for engaging in protected conduct may file a complaint with the secretary of labor for an investigation by OSHA’s Whistleblower Protection Program. Detailed information on employer whistleblower rights, including fact sheets, is available online at the newly revamped http://www.whistleblowers.gov.

A federal register notice of this announcement may be viewed at https://www.federalregister.gov/articles/2012/05/17/2012-11982/whistleblower-protection-advisory-committee-wpac.
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OSHA RAMPS UP EFFORTS TO STRENGTHEN EMPLOYEE’S VOICES

The following article was provided by Ray Pastorius, Senior Loss Control Consultant with Holmes Murphy & Associates

The office of the Whistleblower Protection Program will now report directly to OSHA’s Office of the Assistant Secretary. The program’s move out of its Directorate of Enforcement Programs “represents a significantly elevated priority status for the whistleblower enforcement,” according to a statement from OSHA.

Among the 21 whistleblower protection statutes OSHA administers in Section 11(c) of the Occupational Safety and Health Act, which prohibits any person from discharging or retaliating against any employee who has exercised his rights under the OSH Act. Those rights include “employee participation in safety and health activities, such as complaining to OSHA and seeking an OSHA inspection, participating in an OSHA inspection, participating or testifying in any proceeding in relation to an OSHA inspection, and reporting a work related injury, illness or fatality,” the agency explains.

Solution:

One of the best ways to combat employees from blowing the whistle to OSHA is to provide a formal opportunity for every worker to notify management of a potential workplace hazard and to give management the opportunity to investigate each identified potential hazard, so corrective action can be taken. Senior Management should encourage and expect this cooperation within their workforce.

Workers have the responsibility to immediately report any potential hazard to management and to assist management in their investigation activity of that reported potential hazard.

Management has the responsibility to immediately investigate every reported potential hazard to confirm if a hazard exists and then take the necessary measures to control or eliminate that identified hazard and take steps to prevent recurrence of similar hazards.

This type of teamwork reduces workplace hazards thus reducing workplace injuries. A cohesive workforce amplifies the development of a safety culture and increases worker productivity.

EEOC ISSUES ENFORCEMENT GUIDANCE

The following news release is taken from the EEOC’s website.

mission voted 4-1 to approve the guidance document. The Commission also issued a Question-and-Answer (Q&A) document about the guidance. The Enforcement Guidance and Q&A document will be available on the EEOC’s website at www.eeoc.gov.

“When the Commission met publicly to discuss this subject in July, 2011, I said that I hoped the meeting would help to inform the Commission’s consideration of revisions to existing EEOC guidance. We had excellent testimony from two public meetings and hundreds of written comments submitted by a diverse group of commenters to inform our deliberations concerning the new guidance,” said EEOC Chair Jacqueline A. Berrien. Chair Berrien added, “The new guidance clarifies and updates the EEOC’s longstanding policy concerning the use of arrest and conviction records in employment, which will assist job seekers, employees, employers, and many other agency stakeholders.”

While Title VII does not prohibit an employer from requiring applicants or employees to provide information about arrests, convictions or incarceration, it is unlawful to discriminate in employment based on race, color, national origin, religion, or sex. The guidance builds on longstanding guidance documents that the EEOC issued over twenty years ago. The Commission originally issued three separate policy documents in February and July 1987 under Chair Clarence Thomas and in September 1990 under Chair Evan Kemp explaining when the use of arrest and conviction records in employment decisions may violate Title VII. The Commission also held public meetings on the subject in 2008 and 2011. The Enforcement Guidance issued by the commission is predicated on, and supported by, federal court precedent concerning the application of Title VII to employers’ consideration of a job applicant or employee’s criminal history and incorporates judicial decisions issued since passage of the Civil Rights Act of 1991. The guidance also updates relevant data, consolidates previous EEOC policy statements on this issue into a single document and illustrates how Title VII applies to various scenarios that an employer might encounter when considering the arrest or conviction history of a current or prospective employee. Among other topics, the guidance discusses:

- How an employer’s use of an individual’s criminal history in making employment decisions could violate the prohibition against employment discrimination under Title VII;
- Federal court decisions analyzing Title VII as applied to criminal record exclusions;
- The differences between the treatment of arrest records and conviction records;
- The applicability of disparate treatment and disparate impact analysis under Title VII;
- Compliance with other federal laws and/or regulations that restrict and/or prohibit the employment of individuals with certain criminal records; and
- Best practices for employers.

The materials for the public meetings held on the use of arrest and conviction records, including testimony and transcripts, are available at http://eeoc.gov/eeoc/meetings/index.cfm.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.

NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT

The following information was taken from the National Labor Relations Board website:

Important note: The DC Circuit Court of Appeals has temporarily enjoined the NLRB’s rule requiring the posting of employee rights under the National Labor Relations Act. The rule, which had been scheduled to take effect on April 30, 2012, will not take effect until the legal issues are resolved. There is no new deadline for the posting requirement at this time.

In light of conflicting decisions at the district court level, the DC Circuit Court of Appeals has temporarily enjoined the NLRB’s rule requiring the posting of employee rights, which had been scheduled to take effect on April 30, 2012.

In view of the DC Circuit’s order, and in light of the strong interest in the uniform implementation and administration of agency rules, regional offices will not implement the rule pending the resolution of the issues before the court.

In March, the D.C. District Court found that the agency had the authority to issue the rule. The NLRB supports that decision, but plans to appeal a separate part that raised questions about enforcement mechanisms. The agency disagrees with and will appeal last week’s decision by the South Carolina District Court, which found the NLRB lacked authority to promulgate the rule.

Chairman Mark Gaston Pearce said of the recent decisions, “We continue to believe that requiring employers to post this notice is well within the Board’s authority, and that it provides a genuine service to employees who may not otherwise know their rights under our law.”

Contact:
sales@tepinc.com

Locations:
North Dakota Office
2702 7th Ave S
Fargo, ND 58103
(701) 237-0071 phone
(701) 232-0400 fax

California Office
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