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1100 Jericho Turnpike, Westbury, NY 11590

5:30 pm Cocktails; 6:30 pm Dinner

Register Online: www.maccny.org

**Create A Culture
of Safety
With Your Fleet**

— page 8

From the President...



MARC SOFFLER
Dynaire Corp.

As we move forward into the electronic age, business owners need to figure out the most effective way to market their company. With the diversity of the different types of social media, search optimization, and ad words, most companies face the difficult decision to figure out where to allocate their marketing dollars. Many of us relied on the yellow pages, but today find it difficult to justify the cost and evaluate the effectiveness of this type of marketing.

One of the goals of MACC is to strengthen the exposure of contractors and associate members. Our newsletter has been redesigned and will be distributed to other groups outside of this association. This will improve our exposure with those of related industries and establish this organization as a single source of air conditioning professionals in the New York area. Our web site will also be seeing many new improvements. In addition to providing improved content and useful links, we will begin to profile member contractors, vendors and their companies more prominently on the landing page of the web site. An improved means of searching for contractors and vendors will also make us more visible to potential customers.

I want to thank Wayne Atkins for presenting at our lasting monthly meeting. As part of our workshop series, on October 28th at Wales Darby in Islandia, Wayne will be providing a full day seminar detailing his techniques to improve your business.

Our next meeting will be at Westbury Manor on November 5th. I look forward to seeing you there. Remember to visit our web site at www.maccny.org for upcoming events. — **Marc**



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MACC News is printed monthly by the Metropolitan Air Conditioning Contractors of New York. Questions should be directed to the appropriate director or committee member for assistance. While this newsletter is designed to provide accurate and authoritative information on the subjects covered, the Association is not engaged in rendering legal, accounting, or other professional or technical advice. Accordingly, the Association cannot warrant the accuracy of the information contained in this newsletter and disclaims any and all liability which may result from publication of or reliance on the information provided herein. If legal advice or other expert assistance or advice is required, the services of a competent, professional person should be sought.

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Editor's Notes

by Anthony N. Carbone

BIG CHANGES GIVE OUR NEWLY NAMED ORGANIZATION AN OPPORTUNITY TO EXCEL TO NEW HEIGHTS.

Due to policy changes at the Air Conditioning Contractors of America's national headquarters, we have been provided the opportunity to rename our local chapter.

We in New York have chosen the name Metropolitan Air Conditioning Contractors of New York (MACC). Our President, Mr. Marc Soffler, and the Board of Directors have steadfastly put new ideas into motion and set a direction to evolve and enhance our efforts.

We have proven the value of this volunteer organization that provides great networking opportunities and educational information as well as interesting programs and special events.

We will be accepting ideas from past attendees as well as new prospects who want to join this premiere organization and join in its trajectory of success.

Last month, Wayne Atkins gave an interesting presentation drawing on his years of experience regarding how to make money with your HVAC companies. Wayne has toured the country and worked with Lennox Industries giving hundreds of presentations nationwide.

Don't be left out from these great opportunities that can make a financial difference in your company. – **Anthony N. Carbone**

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Statement From Stuart S. Zisholtz, Esq.

Payment And Performance Bonds

Every public job over \$50,000 requires a payment and performance bond. In addition, Owners developing large private projects demand payment and performance bonds from the General Contractor.

A payment bond inures to the benefit of the subcontractors and suppliers. In the event the subcontractor or supplier is not paid, a lawsuit can be commenced directly against the surety company to collect the outstanding balance due. No longer is there a need to prove a fund running from the Owner to the General Contractor as required under the Lien Law. Instead, the subcontractor or supplier must establish a balance owed for work performed or materials furnished in order to collect from the surety.

A performance bond inures to the benefit of the Own-

er. This bond states that the General Contractor will perform under the terms of its contract with the Owner. In the event of a default, the surety has the right to step in and complete the work required to be performed by the General Contractor.

It is vital to obtain a copy of the payment bond in order to pursue a claim against the surety. Many bonds have specific requirements that must be met before any lawsuit is started against the surety. Without serving the proper notice or complying with the proper time frames associated with the payment bonds, your claim is at risk and may be dismissed.

Filing a claim directly with the surety in the courthouse does not stop the Statute of Limitations from running. You must institute a lawsuit in the courthouse in order to comply with the terms associated with the payment bond and stop the Statute of Limitations.

Never let your lien time run out!

For a free copy of our pamphlet pertaining to mechanic's liens and payment bond claims, kindly contact me or the Association. •

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Create a Culture of Safety with Your Fleet

By Kevin Burnett

Because your technicians spend much of their time in the field traveling from job to job, driver safety must be top of mind as the business owner.

To protect your employees, prevent motor vehicle accidents and minimize the risk of liability and accident claims, there are certain steps that should be taken.

Implementing a fleet management solution and providing technicians with in-house driver education courses can help to improve the safety of your drivers, vehicles and reputation.

According to the Bureau of Labor Statistics (BLS), motor vehicle crashes are the leading cause of fatalities in the workplace

— more than fires, explosions, trips, falls and equipment incidents combined.

In addition to speeding, aggressive driving behaviors such as harsh braking, rapid acceleration and sharp cornering can put your drivers and other motorists at risk.

GPS fleet tracking not only pinpoints aggressive driving behaviors, it ranks the top and bottom performers, so you can determine which drivers are following the rules of the road and which drivers need more coaching.

Sure-Fire, Inc., a residential and commercial HVAC and electrical company in Horicon, Wisc., uses this data to create driver incentives, which is an effective way to get technicians on board and promote safety.

Along with aggressive driving, distracted driving is a major concern among field service businesses. Finding a fleet tracking provider that offers a distracted driving solution is crucial. Using this technology, you can prevent technicians from calling, texting, emailing and surfing the web while driving. This will help to keep technicians



focused on the road rather than their cell phones.

Driver Training

Driver training and GPS fleet management technology goes hand in hand to improve all aspects of fleet safety.

Being able to use a fleet tracking solution to monitor driver behavior allows you to determine if there are safety issues and if so, what they are. With that information, you can provide your technicians with the appropriate training and reinforce the importance of safety.

Certain fleet tracking providers actually offer driver education courses, so you or your fleet manager can use a complete driver safety solution.

When looking into training, keep in mind there are different options to choose from, such as classroom sessions and online courses.

Since schedules often vary among employees, it's important to find the solution that works around the priorities of your business. Online education courses can be a valuable resource, as they are self-paced and allow field technicians to study online at home or in the office.

Online training also allows you or your fleet manager to assign courses to individuals or the entire team, whereas classroom sessions don't leave much room for flexibility.

Driver training courses can be used as a proactive and reactive approach to safety. The courses can be used to educate new hires on safe driving techniques, reinforce safety measures for those with multiple policy violations and continuously educate technicians on safety best practices.

As with fleet management technology, being able to streamline processes is ideal for business owners and fleet managers with busy schedules. By decreasing the

amount of time it takes to train technicians, you can increase productivity and keep your business running as usual.

Being able to better understand the driving habits of your employees and provide the necessary tools for improvement can enhance your bottom line and keep your fleet operating at the highest level possible.

Kevin Burnett is operations manager at NexTraQ. NexTraQ's applications — Fleet Dispatch, Fleet Metrics and NexTraQ Connect — deliver real-time data needed to optimize fleet operations. For additional information, visit nextraq.com.

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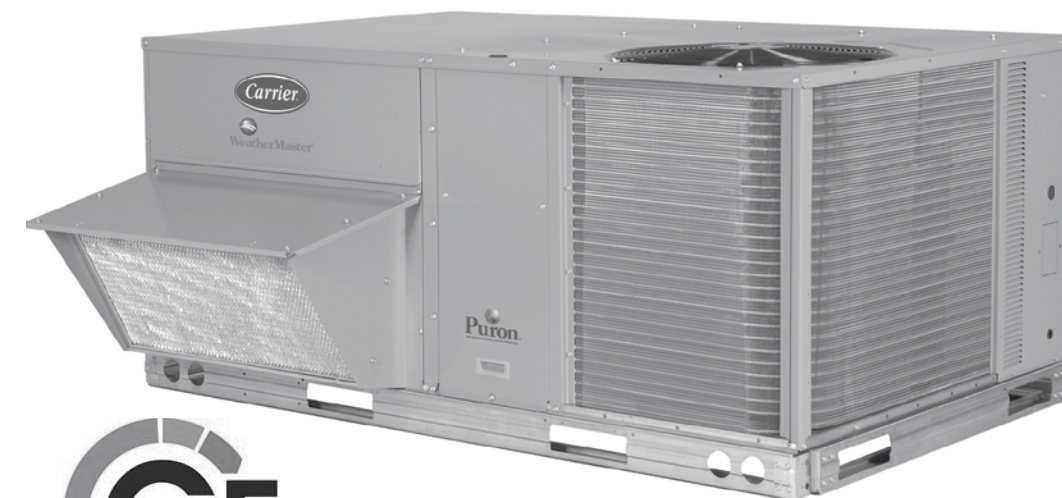
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AHRI Reaches Settlement on Walk-in Coolers and Freezers Energy Efficiency Rule

By Francis Dietz/AHRI

The HVACR and water heating industry has been affected in recent years by a dramatic increase in regulations affecting its products. The Air-Conditioning, Heating, and Refrigeration Institute (AHRI) regularly communicates with the Department

AHRI filed suit against DOE's June 2014 final rule setting energy efficiency standards for commercial walk-in coolers and freezers (WICF).

of Energy (DOE) and the Environmental Protection Agency on proposed rulemakings to be sure the industry is well represented. AHRI evaluates proposed rules and, in collaboration with its manufacturer member company representatives, offers comments and proposes changes to rules.

Last year, AHRI filed suit against DOE's June 2014 final rule setting energy efficiency standards for commercial walk-in coolers and freezers (WICF). Due to deadline constraints,

AHRI also filed a petition to review the rule, in the hope that DOE would retract it and consider AHRI's concerns. Unfortunately, DOE denied this request, referencing its interpretation of what is known as the "anti-rollback provision" of the Energy Policy and Conservation Act, which holds that a rule cannot be changed after it is issued if the effect would be to lower efficiency.

AHRI filed the lawsuit in August 2014, with Lennox and other intervenors named in the suit. The first briefs in the case were filed in May of this year, and AHRI argued that DOE had erred in numerous ways, including by setting internally inconsistent standards that were unachievable using economically feasible technologies, by performing flawed cost-benefit work, and by failing to properly analyze small-business impacts. AHRI and DOE reached a settlement agreement in 2015. Six of the standards for commercial

refrigeration products included in the original rule were remanded in the settlement.

As part of the settlement, DOE agreed to a negotiated rulemaking for the remanded standards, which will be completed by January 2016 and will result in recommendations to DOE for a new rulemaking.

The settlement includes the following provisions:

- Refrigeration standards for multiplex condensing systems at medium and low temperatures, and for dedicated condensing systems at low temperatures, will be vacated. DOE will support the use of a negotiated rulemaking process concerning the vacated standards, with a targeted completion date of January 2016 for this negotiated rulemaking process.

- DOE will align WICF refrigeration enforcement dates by issuing an executive branch policy making clear that it will not enforce the remaining WICF refrigeration standards until January 1, 2020, provided that the anticipated negotiated rulemaking process delivers proposed standards to DOE by January 22, 2016. The WICF standards for doors and panels are not affected by the settlement.

- DOE will consider and substantively address as part of the negotiated rulemaking process any potential impacts of the standards on installers and smaller manufacturers.

"We could potentially be redesigning our products every two to three years for more than 12 years in a row."

As part of AHRI's effort to explain problems that arise in a flawed rulemaking process, an AHRI member company representative testified in March before the House Small Business Committee. Viktor Anderson, chief engineer for Muskegon, Michigan-based Structural Concepts, a commercial refrigeration manufacturer, said that, left unchecked, the inability or unwillingness of DOE and EPA to coordinate rulemakings and coalesce around energy efficiency and environmental goals will "devastate" his industry.

- Within six months, DOE will initiate a public process to determine how it will address error corrections in future rulemakings. DOE has also committed to employ best efforts to finalize that process within one year of the settlement.

Anderson noted that with DOE rulemakings setting new energy efficiency levels for commercial refrigeration equipment, and EPA rulemakings on allowable refrigerants being issued irrespective of one another, small businesses such as his have to spend inordinate amounts of money and time to comply with a seemingly endless series of rulemakings—to the point where "we could potentially be redesigning our products every two to three years for more than 12 years in a row."

These concerns, and many others, led AHRI to file suit, as its efforts to communicate with DOE in advance of the rule were unsuccessful. AHRI is pleased with the settlement, as it is an opportunity to return to the drawing board and cooperatively develop lawful and rational standards for this equipment, as well as provide a new means for addressing the error-correction issue in future rulemakings. AHRI's goal, as always, is to achieve transparency and accountability to the energy-efficiency rulemaking process, and reduce the need for future litigation.

Francis Dietz is Vice President of Public Affairs, Air-Conditioning, Heating, and Refrigeration Institute (AHRI).

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Legislative Limitations on Employers Use of Credit Information of Employees and Applicants in New York City

ACCA has a large number of employers who are located in NYC. Unlike the recent sick leave legislation, the credit information use legislation applies only to New York City based employers.

On September 3, 2015, the "Stop Credit Discrimination in Employment Act" went into effect. The law permits employers to only request and consider the consumer credit history information of applicants and employees in certain, limited circumstances, as well as in response to any lawful subpoena, court order or law enforcement investigation. The purpose of the law is to prevent discrimination against applications or employees with respect to hiring, compensation, or the terms, conditions, or privileges of employment based on their consumer credit history. There are certain exemptions for which employers are required by law, regulation, or self-regulatory purposes to use an individual's consumer credit history for employment purposes. Those exemptions are:

- Employees or applicants that are required to register with FINRA (Financial Industry Regulatory Authority)
- Non-clerical positions that entail regular access to trade secrets
- Any position with responsibility for funds or assets valued at \$10,000 or more
- Positions with regular duties that allow the employee

to modify digital security systems established to prevent the unauthorized use of networks or databases of the employer or the employer's client

The entity that oversees the enforcement of this legislation is the New York City Commission on Human Rights. They have issued guidance documents, which state that the exemptions should be narrowly construed, do not apply to entire employers or industries, and apply to positions/roles as opposed to the individual employee or application.

The exemptions do not cover most lower-level employees which include, but are not limited to, cashiers, clerical workers, bank tellers, salespeople, administrative staff, private security employees, and restaurant/bar workers.

Should an employer wish to claim an exemption, should adhere to the following procedure:

- Inform the applicant or employee of the claimed exemption and keep a detailed log of all exemptions utilized for five years from the date the exemption is used. The log should include details regarding:

- ✓ The exemption claimed. Why the exemption is applicable
- ✓ The name and contact information for all individuals considered for the exempted position
- ✓ The job duties of the position
- ✓ The qualifications necessary to perform the position
- ✓ A copy of credit history obtained for all individuals for whom the exemption was claimed
- ✓ Details on how the credit history was obtained
- ✓ Details on how the credit history results in the employment action taken.

Failure to adhere to these requirements can cause to the employer to incur severe civil penalties (up to \$250,000 for willful, wanton or malicious violations, and up to \$125,000 for other violations).

In Memorium

It is with great sorrow that we inform you of the passing of **Robert McNulty** former owner of County Fair Air Conditioning Corp. In lieu of flowers donations may be made in Robert's memory to the Michael J. Fox Foundation (www.michaeljfox.org).

As with all regulatory, statutory and case precedents, companies need to be even more diligent when drafting policies and procedures.

If you need any assistance with regard to this or any other labor or employment matter, please contact me at abp@pmpHR.com or (516) 921-3400. This is how you avoid litigation. We say "educate don't litigate." •

Lower Heating Demand Predicted For Upcoming Winter

EIA projects average U.S. household expenditures for natural gas, heating oil, and propane during the upcoming winter heating season (October 1 through March 31) will be 10%, 25%, and 18% lower, respectively, than last winter, because of lower fuel prices and lower heating demand. Forecast lower heating demand and relatively unchanged prices contribute to electricity expenditures that are 3% lower than last winter.

Source: U.S. Energy Information Administration •

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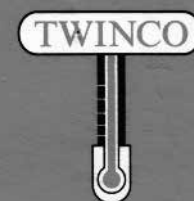


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Facilitating global conversion to HFC-32 for air-conditioning, cooling and heat pump equipment

Daikin Industries, Ltd., announced it is offering companies worldwide free access to 93 patents, to encourage companies to develop and commercialize air conditioning, cooling and heat pump equipment that use HFC-32 as a single component refrigerant. Daikin's action is aimed at encouraging manufacturers worldwide to adopt sustainable comfort cooling and heating technologies that use HFC-32, a refrigerant with a lower global warming impact than commonly-used refrigerants.

HFC-32 (difluoromethane) is a next generation refrigerant that addresses a range of environmental considerations in a balanced manner. It is a non-ozone depleting substance, is energy efficient, affordable, is easier to recycle, and has a global-warming potential (GWP) that is one-third of that of R-410A, the most commonly used refrigerant. Daikin believes that these advantages make it the most balanced and promising next-generation refrigerant solution to reduce the environmental

footprint of residential and commercial air-conditioning, cooling and heat pump equipment.

The avoided carbon emission benefits of a transition to HFC-32 would be very significant. If all presently used R-410A refrigerant is replaced by HFC-32, the total CO₂ equivalent impact of HFCs could be reduced by up to 24% in 2030, compared to business as usual scenarios.

"Daikin has been offering free access to these patents in emerging markets since 2011 to accelerate the phase-out of ozone-depleting refrigerants, such as HCFC-22," said Shinya Okada, Daikin's Senior Executive Officer. "Given the urgent need to address climate change, Daikin believes that this is the right time to extend free access to certain HFC-32 equipment patents to manufacturers worldwide."

There is no patent that covers the HFC-32 chemical itself and it is readily available from suppliers other than Daikin. This free access to certain patents allows manufacturers to utilize Daikin's technologies for air-conditioning, cooling and heat pump equipment using HFC-32 single component refrigerant and encourages the global industry to grow responsibly as well as meet rising demand.

Conversion from high-GWP refrigerants is already underway. Last year, the European Union enacted the revised F-gas regulation* to reduce the global-warming impact of refrigerants. In the United States, the Environmental Protection Agency (EPA) is in the process of revising its regulations that establish acceptable alternatives for ozone depleting and high GWP refrigerants. In addition, Japan's Act on Rational Use and Proper Management of Fluorocarbons, which came into force in April 2015, encourages conversion from high-GWP refrigerants.

"Sharing environmentally beneficial air conditioning technologies without royalty payments can speed up environmental gains at a time when fast action is essential for climate protection," said Durwood Zaelke, president of the Institute for Governance & Sustainable Development. "Free access to patented technologies sets a powerful precedent for other companies aiming to be environmental champions." •

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PRODUCT NEWS

Armstrong Air A962V Gas Furnace

The Armstrong Air A962V gas furnace is compatible with Armstrong Air's Comfort Sync thermostat that provides homeowners the peace of mind knowing they can control when their furnace runs, no matter where they are in the world.



The A962V features a variable speed blower that changes the speed of airflow during operation, adjusting humidity levels and creating more even temperatures throughout the home.

Two-stage heating delivers adjustable heat output based on conditions inside and outside the home to reduce operating sound and maintain consistent comfort.

The A296V is engineered and built with EHX Technology and Quiet Combustion technology.

The ENERGY STAR qualified A962V features a rating of 96 percent AFUE, giving consumers a substantial reduction in utility costs over older, less efficient furnaces. Additional savings can be realized when the furnace is paired with a matched air conditioner or heat pump.

ARMSTRONG AIR
www.armstrongair.com/

Mitsubishi Introduces Thermostat Interface for Ductless Market

Mitsubishi Electric US, Inc. Cooling & Heating Division announces a new Thermostat Interface, PAC-US444CN-1.

The Thermostat Interface allows Mitsubishi Electric systems to be controlled by third-party HVAC controllers. Using the Thermostat Interface, third-party HVAC controllers



can take advantage of a Mitsubishi Electric system's innovative features, including INVERTER-driven compressors in the outdoor unit. The Thermostat Interface is now available from Mitsubishi Electric's distributor network.

The Thermostat Interface allows HVAC thermostats and input/output controllers to control either residential or commercial indoor units through its CN105 connector. Any system that can be controlled by the MHK1 controller model, can now be controlled by a third-party HVAC thermostat or input/output controller.

Capabilities of the interface include geo-fencing, automatic scheduling, humidity control and weather forecasting.

MITSUBISHI ELECTRIC US
<http://www.mitsubishi-pro.com>

All-New YORK Residential Split Systems From Johnson Controls

Johnson Controls introduces a new line of York residential heating and air conditioning split systems that redefines reliability and performance—the result of more than 125,000 hours of customer research, product design and testing.

The new residential split systems, including air conditioners, heat pumps and air handlers meet 2015 U.S. Department of Energy efficiency standards and offer significant energy savings. Air conditioners

with a 14 Seasonal Energy Efficiency Ratio (SEER) are 29 percent more efficient than older 10 SEER models and are the first in a series of units that comprise a completely new, redesigned residential product family that will include units with a 21+ SEER. All the units are also rated in accordance with AHRI Standards 210/240 and meet relevant ASHRAE 90.1, EPACT 2005 and ENERGY STAR® standards.

Contractors will appreciate easy access to products and support teams for seamless business operation, as well as a comprehensive and competitive product portfolio that includes options at a variety of price points to meet a wider range of customer needs.

JOHNSON CONTROLS
www.york.com/lxsplitsystems

Krueger-HVAC Releases Blower Coil Product Line

Krueger-HVAC has added blower coils to its product offering, along with K-Select 13.0 selection software.

These belt-driven units feature a range of airflow capacities, segments, arrangements and options to satisfy nearly any commercial application, including schools, offices, stores and apartment buildings.

Krueger-HVAC now offers five different models of blower coils that are divided into three different groups: Standard, Small Footprint and Modular.

While all the units exhibit similar traits, each offers a unique set of features that can be beneficial for certain applications. Krueger-HVAC standard horizontal and vertical blower coil units achieve higher airflows at higher static pressures than typical direct drive fan coils, making them a common choice for a large majority of building applications. When floor space is at a premium and thermal loads are high, Krueger's small footprint, vertical models are an ideal solution. Nominal capacities on these units range from 2 tons to nearly 8 tons with a footprint that is just slightly larger than a vertical fan coil unit.

KRUEGER-HVAC
www.krueger-hvac.com

MACC October 1st Meeting



The October 1st membership meeting featured a valuable presentation by Wayne Atkins "the HVAC Business Doctor" on strategies to rejuvenate your business.

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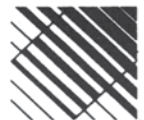
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