

# SMRCA Roving Roofer

July 2023

Volume 35

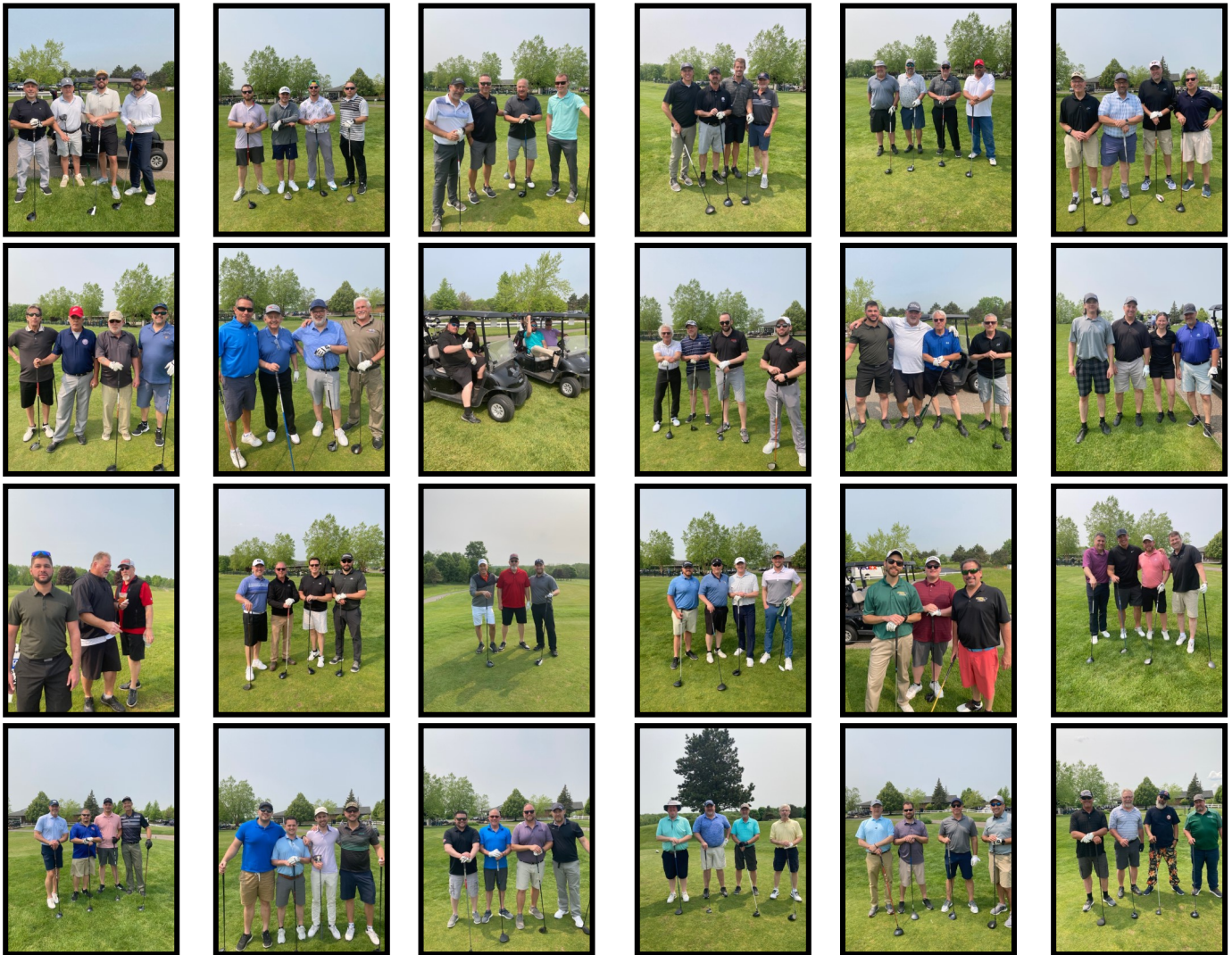
Issue 3

## SMRCA Golf Outing 2023

The 2023 SMRCA Golf Outing was a great success! The weather was perfect, providing a fun day of golf for everyone. Thank you to all of the attendees, prize contributors, and sponsors, as this event would not have been possible without your participation and support.



A special thank you to the SMRCA Golf Committee; IIBEC (Great Lakes Chapter) for sponsoring the Putting Competition; Toni Holmes, Schreiber Corporation; Meagan Gattoni, MWA; Sophia Carroll, RPM and Jim Gostiaux, Falcon Building Solutions for their assistance at registration, ticket sales and photography. We are looking forward to next year's golf outing in 2024, and look forward to seeing you all there!



## 2023 MiRCA Convention

2023 MiRCA Annual Convention  
will be held at  
Crystal Mountain Resort  
**August 3-6, 2023**

**Make your reservations today!**



**CRYSTAL**  
MOUNTAIN

## Senate HELP Committee Approves Three Bills on Federal Labor and Employment Law

On June 21, the Senate Health, Education, Labor and Pensions Committee approved three bills that, if enacted, would make dramatic changes to federal labor and employment laws. The bills were approved on party lines with all Republicans in opposition.

The Richard L. Trumka Protecting the Right to Organize Act (S. 567) would dramatically expand federal labor law with respect to collective bargaining activity, including requiring card check procedures rather than the use of secret ballots in union elections. The Healthy Families Act (S. 1664) would create a new federal paid sick leave mandate applicable to all employers with 15 or more employees. The Paycheck Fairness Act (S. 728) would create new requirements and penalties designed to prevent wage discrimination in the workplace based on gender. None of these bills are expected to become law given a narrow Senate and GOP-controlled House.

NRCA is on record opposing each of these bills and recently joined a coalition letter to reiterate our concerns. The letter also recommended alternative legislation designed to achieve many of the bills' goals while providing flexibility to employers regarding how to achieve the desired outcomes.



This Week in D.C.  
June 29, 2023  
nrca.net

## MWA Commercial Roofing Solutions Celebrates 30th Anniversary

MWA is proud to celebrate 30 years of service in the State of Michigan. We are recognized as the #1 commercial roofing products representative in the market. We have grown our business to include fall protection equipment, waterproofing materials, concrete primers (enabling faster construction), and insulated metal wall/roof panels. We have continued to grow and expand our portfolio of industry-leading products to offer a comprehensive line of solutions for our customers.

Our team contains a knowledge base of over 350 years of combined industry experience. We provide comprehensive technical solutions of commercial exterior roofing/waterproofing systems and fall protection to design professionals, roofing contractors, and building owners. We support and work with almost 100% of all Michigan based education, retail, development, healthcare, and industrial owners.

MWA continues to be the recognized leader in our industry for customer service, expertise, and integrity. When you choose to partner with MWA, rest assured that we have a solution for you. Please contact one of our outside representatives at [solutions@mwacrs.com](mailto:solutions@mwacrs.com) for assistance with your next building envelop needs. Thank you to our customers, partners, and friends for the last 30 years of support, we are looking forward to the next 30 with you all!



## Carhartt Recalls Men's Work Pants Due to Fall Hazard

Carhartt Men's Force Relaxed 5 Pocket Work Pants with an elastic drawstring hem near the ankle, exclusively sold at Dick's Sporting Goods, has been recalled. The elastic drawstring hem near the ankle of the pants can create an extended loop, posing a trip and fall hazard. Product number 105222 is printed on a tag on the inside seam near the waistband.

Consumers should stop using the recalled work pants and return the pants to Dick's Sporting Goods or Carhartt for a full refund. If consumers want to keep the pants, they can cut the loop out of the hems and send a photo to Carhartt at [just\\_ask\\_us@carhartt.com](mailto:just_ask_us@carhartt.com) showing proof that the cord was removed to get a full refund.

Protecting Workers and Employers from Wildfire Smoke Exposure

The Dangers:

- Irritation to the eyes, nose, throat and lungs, coughing, runny nose, headache and fatigue.
- More severe symptoms: difficulty breathing, chest pain, increased heart rate and exacerbation of asthma.
- Increased risk of cardiovascular and respiratory diseases.

What workers and employers can do:

Monitor the EPA's Air Quality Index (AQI) at [www.airnow.gov](http://www.airnow.gov) to learn conditions in your workplace and community and general recommendations for protection.

- An AQI of 100 or greater means risk for sensitive groups, including children, the elderly and anyone with a pre-existing respiratory or cardiovascular condition.
- An AQI of 151 or greater means breathing outdoor air is dangerous for everyone.

When the AQI shows risks employers and workers can:

- Reduce, relocate or reschedule work.
- Reschedule strenuous work—such as heavy lifting or long assignments outdoors—for a different time when air quality is less dangerous.
- For those who must continue to work in health care, transportation, essential retail and other settings, employers should provide masks and respirators, along with training for proper fitting and use.
- Monitor workers for symptoms of exposure.
- Ensure paid sick time to any workers experiencing symptoms, which may include eye, nose, and throat irritation, coughing, runny nose, headache, fatigue, difficulty breathing, chest pain, increased heart rate and exacerbation of asthma.
- For those working indoors, employers must ensure that

ventilation systems and air filters are maintained to remove smoke particles. Central air conditioning systems should be equipped with at least air filters with a Minimum Efficiency Reporting Value (MERV) of 13 or above (MERV-13).

- Make sure there is a comprehensive plan in place for future wildfire smoke emergencies.

What is the U.S. Air Quality Index (AQI)?

The U.S. AQI is EPA's index for reporting air quality.

How does the AQI work?

Think of the AQI as a yardstick that runs from 0 to 500. The higher the AQI value, the greater the level of air pollution and the greater the health concern. For example, an AQI value of 50 or below represents good air quality, while an AQI value over 300 represents hazardous air quality.

For each pollutant an AQI value of 100 generally corresponds to an ambient air concentration that equals the level of the short-term national ambient air quality standard for protection of public health. AQI values at or below 100 are generally thought of as satisfactory. When AQI values are above 100, air quality is unhealthy: at first for certain sensitive groups of people, then for everyone as AQI values get higher.

The AQI is divided into six categories. Each category corresponds to a different level of health concern. Each category also has specific color. The color makes it easy for people to quickly determine whether air quality is reaching unhealthy levels in their communities. (Chart below)

For more information:

[www.airnow.gov](http://www.airnow.gov)  
[www.nationalcosh.org](http://www.nationalcosh.org)

AQI Basics for Ozone and Particle Pollution Daily AQI Color	Levels of Concern	Values of Index	Description of Air Quality
Green	Good	0 to 50	Air quality is satisfactory, and air pollution poses little or no risk.
Yellow	Moderate	51 to 100	Air quality is acceptable. However, there may be a risk for some people, particularly those who are unusually sensitive to air pollution.
Orange	Unhealthy for Sensitive Groups	101 to 150	Members of sensitive groups may experience health effects. The general public is less likely to be affected.
Red	Unhealthy	151 to 200	Some members of the general public may experience health effects; members of sensitive groups may experience more serious health effects.
Purple	Very Unhealthy	201 to 300	Health alert: The risk of health effects is increased for everyone.
Maroon	Hazardous	301 and higher	Health warning of emergency conditions: everyone is more likely to be affected.



### Welcome New MiRCA Member

Welcome new MiRCA member!

**Langerak Roof Systems, Inc.**  
 Lucas Langerak  
 www.lrsroof.com  
 Hudsonville, MI 49426  
 616-896-1397

### OSHA Issues Enforcement Guidance to Make Penalties More Effective

The Occupational Safety and Health Administration has issued new enforcement guidance to make its penalties more effective in stopping employers from repeatedly exposing workers to life-threatening hazards or failing to comply with certain workplace safety and health requirements.

OSHA regional administrators and area office directors now have the authority to cite certain types of violations as “instance-by-instance citations” for cases where the agency identifies “high-gravity” serious violations of OSHA standards specific to certain conditions where the language of the rule supports a citation for each instance of noncompliance. These conditions include lockout/tagout, machine guarding, permit-required confined space, respiratory protection, falls, trenching and for cases with other-than-serious violations specific to record keeping.



The change is intended to ensure OSHA personnel are applying full authority of the Occupational Safety and Health Act where increased citations are needed to discourage noncompliance. The new guidance covers enforcement activity in general industry, agriculture, maritime and construction; it took effect March 27. The previous policy was in place since 1990 and applied only to egregious willful citations.

OSHA also is reminding its regional administrators and area directors about their authority to not group violations and instead cite them separately to more effectively encourage employers to comply with the intent of the OSH Act.

### Save the Date

#### International Roofing Expo 2024

Las Vegas Convention Center, Central Hall  
 February 6-8, 2024  
 Learn more: [www.theroofingexpo.com](http://www.theroofingexpo.com)

### Birthday Wishes



- Mike Mass - Roofing Products of Michigan, Inc.**  
July 23
- Marie Schena - Schena Roofing & Sheet Metal Co., Inc.**  
July 31
- BreAnn Regan - Barmor Restoration, Inc.**  
August 4
- Jason Emery - Schreiber Corporation**  
September 4
- Heather Hadley - SMRCA**  
September 21

### Happy Anniversary



- Joe & Allison Bieszki - Architectural Building Specialties, Inc.**  
September 21
- Mary Jo Casey & Ken Dietrich - T.F. Beck Company**  
September 26

### Deepest Sympathy



Our deepest sympathy's are extended to the family and friends of:

**Chad Norman Gittins**  
*Kawkawlin Roofing Company*

### JATC Training Center Happenings

Journeyworkers upgrade classes to improve your skills, your worth, and our Brotherhood/Sisterhood is available at no cost to all Detroit LU 149 members.

Dues must be current in order to enter the Training Center.

If you are interested in any of these classes, contact Thomas Jaranowski at the Training Center, 248-543-3847, or [T.Jaranowski@DetroitRoofers.org](mailto:T.Jaranowski@DetroitRoofers.org) to make arrangements.



## Employee or Contractor?

### NRCA expresses concerns regarding proposed rulemaking to modify determination of independent contractor status

In October, the Department of Labor issued a Notice of Proposed Rulemaking titled Employee or Independent Contractor Classification Under the Fair Labor Standards Act. This proposed rulemaking would substantially modify the rules for determining whether an individual is classified as an employee or independent contractor under federal law, which is of great interest to roofing professionals.

Under the FLSA, employers are required to provide certain benefits such as wages and overtime compensation to employees. However, employers are not bound by FLSA rules for individuals with whom they contract for services as independent contractors. To determine whether an individual is an employee or an independent contractor, the employer must analyze the relationship with the individual based on regulations issued by the DOL.

#### Proposed criteria

The regulations governing independent contractor status were most recently modified in January 2021 and are focused on two primary criteria for determining independent contractor status: the level of control an employer has over the work being performed and the opportunity for profit or loss by the individual who is classified as an independent contractor. DOL's proposed rulemaking would rescind the current standard and replace it with a new, more complex process for determining independent contractor status.

The "totality of circumstances" analysis under the proposed rulemaking contains six equally weighted factors used to determine independent contractor status: the opportunity for profit or loss depending on managerial skill; the level of investments by the worker and the employer; the degree of permanence of the work relationship; the nature and degree of employer control; the extent to which the work performed is an integral part of the employer's business; and the worker's use of skill and initiative.

In addition, the new rule would provide for "other factors" unique to a given situation that could be relevant to the final determination of independent contractor status on a case-by-case basis. DOL officials indicate the more complex definition is designed to combat deliberate misclassification of employees as independent contractors.

The independent contractor or subcontractor model of employment has been widely used within the roofing industry for decades. Independent contractors serve a vital function in roofing and other segments of the construction industry by providing specialized skills in a flexible manner. This enables employers that use independent contractors to provide high-

quality products and services to consumers at competitive prices. Employers also can more efficiently meet short-term needs and constantly fluctuating changes in the marketplace. In addition, the independent contractor model benefits entrepreneurial workers who desire more flexibility and autonomy in their work.

#### NRCA's concerns

For the independent contractor model to continue working effectively for the roofing industry, it is critical federal regulations under the FLSA are clear and unambiguous. NRCA recognizes it is important to prevent the deliberate or inadvertent misclassification of workers, and to do so effectively requires well-defined criteria employers and workers can comprehend without having to employ an army of attorneys.

NRCA is concerned DOL's expanded criteria for determining independent contractor status will inject greater uncertainty and confusion into the determination process. The regulation provides little guidance regarding how businesses and workers should apply the new criteria with respect to the various types of independent contractor relationships that currently exist. Specifically, the provision that provides for unspecified "other factors" that may be unique to a given situation is of great concern because of its lack of definition.

NRCA is further concerned DOL's cost estimates to implement the new standard significantly underestimate the costs employers are likely to incur. The anticipated cost analysis assumptions appear unrealistic because the new rule adds more complex and confusing criteria for making independent contractor determinations. This will result in higher costs for businesses attempting to discern how the new criteria will be applied to complex business relationships.

The substantial changes in the criteria to determine independent contractor status likely will make it more difficult and costly to correctly classify workers and consultants who are legitimate independent contractors. The resulting disruption and higher costs would have adverse effects on the roofing industry and its customers.

To address these serious concerns, NRCA filed comments based on member feedback. NRCA's comments urge DOL to withdraw or dramatically modify the rulemaking to address the roofing industry's concerns before finalizing the regulation. NRCA will continue to be actively engaged in the ongoing process to minimize regulatory and financial burdens on members.

Duane L. Musser  
NRCA's vice president of government relations in Washington, D.C.  
Professional Roofing May 2023

# SMRCA Spells the Best in Roofing Services

- S**AFETY A safe jobsite is assured because SMRCA crews complete the M.U.S.T. Safety Training and Drug Testing.
- M**ULTIPLE SERVICES A SMRCA Roofing Contractor has the ability to provide the roof you need because of our expertise in a variety of roofing applications and techniques.
- R**ELIABLE SMRCA Contractors are Union trained professionals bringing an Industry leading standard of service, quality and knowledge to every project.
- C**ONFIDENCE Projects completed by SMRCA Contractors provide a Michigan roofing contractor 2 year standard workmanship warranty.
- A**CCOUNTABILITY SMRCA Contractors are established companies with years of experience in providing responsive service, superior workmanship and exceptional value.

Call us today at 586-759-2140 to receive our free "Roofing Facts" brochure or contact one of the SMRCA Contractors below for a no-cost estimate on your next roofing project.

## Southeastern Michigan Roofing Contractors Association Members

### **T. F. BECK COMPANY**

Rochester Hills, MI  
(248) 852-9255  
www.tfbeck.com

### **LUTZ ROOFING COMPANY, INC.**

Shelby Twp., MI  
(586) 739-1148  
www.lutzroofing.com

### **ROYAL ROOFING COMPANY**

Orion, MI  
(248) 276-ROOF (7663)  
www.royal-roofing.com

### **J. D. CANDLER ROOFING CO., INC.**

Sterling Heights, MI  
(734) 762-0100  
www.jdcandler.com

### **M.W. MORSS ROOFING, INC.**

Romulus, MI  
(734) 942-0840  
www.morssroofing.com

### **SCHENA ROOFING & SHEET METAL CO., INC.**

Chesterfield, MI  
(586) 949-4777  
www.schenarroofing.com

### **CHRISTEN/DETROIT**

St. Clair Shores, MI  
(313) 837-1420  
www.cdetroit.com

### **NEWTON CRANE ROOFING, INC.**

Pontiac, MI  
(248) 332-3021  
www.newtoncraneroofing.com

### **SCHREIBER CORPORATION**

Wixom, MI  
(248) 926-1500  
www.schreiberroofing.com

### **DETROIT CORNICE & SLATE COMPANY**

Ferndale, MI  
(248) 398-7690  
www.detroitcorniceandslate.com

### **NORTH ROOFING COMPANY**

Auburn Hills, MI  
(248) 373-1500  
www.northroofing.com

### **LADUKE ROOFING & SHEET METAL**

Oak Park, MI  
(248) 414-6600  
www.ladukeroofing.com

### **DAVE POMAVILLE & SONS, INC.**

Warren, MI  
(586) 755-6030  
www.PomavilleRoofing.com



www.smrca.org