

SMRCA Roving Roofer

January 2024

Volume 36

Issue 1

HAPPY NEW YEAR!

Winter Weather and Walking/ Working Surfaces

When winter arrives, the picturesque snowfall and glistening landscapes can create a charming atmosphere. However, for employers, it also brings increased responsibilities and safety concerns. Maintaining safe walking surfaces during winter weather is crucial to protect employees and prevent workplace accidents. Employers play a pivotal role in ensuring the well-being of their workforce, and it's imperative that they take proactive measures to address the challenges posed by icy, snowy conditions.

Winter weather poses unique hazards in the workplace. Slips, trips, and falls cause 15% of all accidental deaths, seconds only to motor vehicle crashes. Icy and snow-covered surfaces such as sidewalks, parking lots, roofs, ladders, scaffolds, and pathways can become treacherous if not properly managed. It is essential for employers to understand these hazards and take the necessary steps to minimize the risks associated with winter conditions.

One of the most fundamental responsibilities of employers during winter weather is to ensure that walking surfaces are clear of snow and ice. Regular snow removal is a critical aspect of this process, as it can hide holes, curbs, and other trip hazards. Employers should establish a plan for snow removal that specifies the frequency, methods, and designated personnel responsible for this task. Sidewalks, entrances, parking lots, and emergency exits should be prioritized to prevent accidents and maintain access to the workplace.

In addition to snow removal, de-icing is essential. Employers should invest in appropriate de-icing materials such as rock salt, sand, or chemical agents to melt ice and enhance traction. De-icing efforts should be carried out in a timely manner and repeated as necessary to maintain safe walking surfaces. Remember that not all de-icing agents are appropriate for all surfaces or in all temperatures. You may need to consider unusually low temperatures, rubber roofs, or nearby landscaping when making your selection. Safety Data Sheets, personal protective equipment, and adequate training must be provided to employees involved in this task to ensure they handle de-icing materials safely.

Regular maintenance of walking surfaces is a year-round responsibility. During the winter, it's essential to inspect sidewalks, stairs, and walkways for damage that can be exacerbated by freezing and thawing cycles. Cracks, holes, or other defects should be promptly repaired to prevent further deterioration and to ensure a safer environment for employees.

Visibility is a key component of safety, particularly in winter when the days are shorter and natural light may be limited. Employers should

ensure that walking surfaces are well-lit to enhance visibility and prevent accidents. This includes checking and maintaining outdoor lighting fixtures or providing temporary lighting, especially in areas prone to icing.

Employers must educate their employees about the potential risks of winter weather and the safety measures in place to mitigate these risks. Regular training programs should cover the symptoms of cold stress, proper footwear, walking techniques, and how to identify and report hazardous conditions. Jobsite safety meetings, or Toolbox Talks, can also remind employees to take precautions, such as wearing appropriate footwear and avoiding rushing in slippery conditions.

A well-prepared employer will have an emergency response plan in place for winter weather. This plan should outline how to address accidents, including slip and fall incidents. It should also define the roles and responsibilities of employees during such emergencies and include contact information for emergency services. In the event of an accident, quick response and access to medical care can make a significant difference in the outcome.

Maintaining safe walking surfaces during winter weather is a crucial responsibility for employers. The risks of slip and fall accidents in icy and snowy conditions can lead to injuries, lost workdays, and legal repercussions. Employers should take a proactive approach to mitigate these risks by implementing a comprehensive winter weather safety plan, including snow removal, de-icing, maintenance, lighting, employee training, and emergency response protocols. By prioritizing safety, employers can protect their employees, prevent workplace accidents, and create a more productive and positive work environment. Winter weather may be unpredictable, but a well-prepared employer can help ensure that their workforce remains safe and healthy throughout the season.

By: Tracey McLenon, Vice President of Operations
Construction Association of Michigan
CAM Magazine—December 2023

Additional Resources:

Working Safely in Cold Weather <https://www.osha.gov/sites/default/files/publications/OSHA3982.pdf>

Cold Stress Guide <https://www.osha.gov/emergency-preparedness/guides/cold-stress>

Winter Weather: Plan. Equip. Train. <https://www.osha.gov/winter-weather>



SOUTHEASTERN MICHIGAN ROOFING CONTRACTORS ASSOCIATION
8155 Annsbury, Ste 104 Shelby Twp, MI 48316 (586) 759-2140 www.smrca.org

2024 SMRCA Golf Outing

~ SAVE THE DATE ~

2024 SMRCA Annual Golf Outing will be held at
Twin Lakes Golf Course
on
Monday, May 20, 2024



2024 MiRCA Convention

~ SAVE THE DATE ~



2024 MiRCA Annual Convention
will be held at
Boyer Mountain Resort
August 1-4, 2024

New OSHA Injury Reporting Rules Take Effect

OSHA's expanded annual injury and illness data reporting requirements went into effect and require certain Michigan employers to submit electronic data in 2024 and beyond.

Effective Jan. 1, establishments with 100 or more employees in certain higher hazard industries are now required to electronically submit data from their OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and Form 301 (Injury and Illness Incident Report) to [OSHA's Injury Tracking Application \(ITA\)](#) by March 2 each year. The list of high-hazard industries required to submit both forms can be found on Federal OSHA's page: [Appendix B to Subpart E of Part 1904 \(osha.gov\)](#).

The final rule retains the current requirements for electronic submission of information from Form 300A (Summary of Work-Related Injuries and Illnesses) from establishments with 20-249 employees in certain high-hazard industries and from establishments with 250 or more employees in industries that must routinely keep OSHA injury and illness records. A list of [establishments](#) identified to submit Form 300A are found on OSHA's website at www.osha.gov/recordkeeping.

The new rule also maintains a list of partially exempt industries. These are industries that, regardless of size, have no requirement to submit forms electronically, unless specifically asked in writing. [The list of industries](#) with partial exemptions are found on OSHA's website at www.osha.gov/recordkeeping.

MIOSHA eNews—January 2024

US Department of Labor Announces Final Rule On Classifying Workers As Employees Or Independent Contractors Under The Fair Labor Standards Act

WASHINGTON—The U.S. Department of Labor announced a [final rule](#) to help employers and workers better understand when a worker qualifies as an employee and when they may be considered an independent contractor under the Fair Labor Standards Act.

The rule provides guidance on proper classification and seeks to combat employee misclassification, a serious problem that impacts workers' rights to minimum wage and overtime pay, facilitates wage theft, allows some employers to undercut their law-abiding competition and hurts the economy at-large.

"Misclassifying employees as independent contractors is a serious issue that deprives workers of basic rights and protections," explained Acting Secretary of Labor Julie Su. "This rule will help protect workers, especially those facing the greatest risk of exploitation, by making sure they are classified properly and that they receive the wages they've earned."

The guidance provided by the final rule aligns with longstanding judicial precedent on which employers have previously relied to determine a worker's status as either an employee or independent contractor. The new rule will preserve essential worker rights and provide consistency for entities covered by the [Fair Labor Standards Act](#).

The new "independent contractor" rule restores the multifactor analysis used by courts for decades, ensuring that all relevant factors are analyzed to determine whether a worker is an employee or an independent contractor. The rule addresses six factors that guide the analysis of a worker's relationship with an employer, including any opportunity for profit or loss a worker might have; the financial stake and nature of any resources a worker has invested in the work; the degree of permanence of the work relationship; the degree of control an employer has over the person's work; whether the work the person does is essential to the employer's business; and a factor regarding the worker's skill and initiative.

The rule separately rescinds the [2021 Independent Contractor Rule](#) that the department believes is not consistent with the law and longstanding judicial precedent.

In crafting the new rule, the department's [Wage and Hour Division](#) considered feedback provided by stakeholders at forums in the summer of 2022 and during the comment period after the proposal's announcement in October 2022. The final rule takes effect on March 11, 2024.

U.S. Department of Labor News Release
<https://www.dol.gov/newsroom/releases/whd/whd20240109-1>



February 14, 2024
 Suburban Collection Showplace
 Novi, MI

The Great Lakes Design and Construction Expo offers the latest in innovative products, technologies, services and solutions for the construction professionals who specify and source building products.

This one-day event will bring together residential and commercial contractors, home builders, suppliers and service providers and provide the tools you need to support your continued growth and success of Michigan's construction industry.

Show Hours:

Wednesday, February 14, 2024 9:00 am —4:00 pm

Stop by and see the SMRCA & Roofers Union Local 149 at booth 325.

To register online: www.miconstructionexpo.com

Welcome New MiRCA Member

USI Insurance Services
 Ben Braschler
www.usi.com
 Grand Rapids, MI
 616-836-3625

Upcoming Industry Trade Shows 2024

Jan. 12-14	SPRI Annual Conference Clearwater Beach, FL spri.org
Jan. 17-19	CRCA Trade Show & Seminars Oakbrook Terrace, IL crca.org
Feb. 6-8	International Roofing Expo (IRE) Las Vegas, NV theroofingexpo.com
Feb. 14	Great Lakes Design and Construction Expo Novi, MI miconstructionexpo.com
Mar. 8-11	2024 IIBEC International Convention and Trade Show Phoenix, AZ iibec.org
Apr. 16-17	NRCA Roofing Day in D.C. Washington, D.C. nrca.net/roofingday

EEOC Enforcement Playbook Focuses On Artificial Intelligence Hiring Bias

The Equal Employment Opportunity Commission is turning its attention to AI hiring tools through its Strategic Enforcement Plan for 2024-28, published in the *Federal Register* in September 2023. The plan prioritizes addressing discriminatory recruitment and hiring practices that consider an employer's use of AI and machine learning to target, recruit and screen potential applicants or make hiring decisions that exclude protected groups based on color, sex, race or other EEOC enforced statutes, according to Bloomberg.

This year, EEOC has increased its efforts to tackle AI-based bias in hiring and recruitment, having settled its first case in August 2023. Additionally, the agency has been training its staff to identify AI-based discrimination in the workplace. In May 2023, it issued new technical guidance regarding AI's potential role in discrimination under Title VII and how employers might stay compliant.

The strategic enforcement plan is available at eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028.

DOL Proposes Clarification Regarding Workplace Inspection Representation

The Department of Labor has issued a notice of proposed rulemaking to revise regulations regarding who can be authorized by employees to act as their representative to accompany DOL's Occupational Safety and Health Administration compliance officers during physical workplace inspections.

The proposed rule clarifies employees may authorize an employee or a nonemployee third party if the compliance officer determines the third party is reasonably necessary to conduct an effective inspection.

The proposed changes also clarify third-party representatives are not limited to industrial hygienists or safety engineers, which are two examples included in the existing regulation. Third-party representatives may be reasonably necessary because they have skills, knowledge or experience that may assist the compliance officer, including experience with particular hazards, workplace conditions or language skills that can improve communication between OSHA representatives and workers.

The proposed revisions do not change existing regulations that give OSHA compliance officers the authority to determine whether an individual is authorized by employees and prevent someone from participating in the inspection if his or her conduct interferes with an orderly inspection. OSHA took into account public comment about the criteria and degree of deference the agency should give to employees' choice of representative when determining whether a third party can participate in an inspection.

The proposed rule is published in the Federal Register at federalregister.gov.

EPA announces risk evaluation for PVC under the Toxic Substances Control Act

On Dec. 14, the Environmental Protection Agency announced it is beginning the 12-month-long statutory process to prioritize five additional toxic chemicals—including vinyl chloride, which is used to make polyvinyl chloride—for risk evaluation under the Toxic Substances Control Act as part of the Biden administration's Cancer Moonshot mission.

Prioritization is the first step under EPA's authority to regulate existing chemicals currently on the market and in use to evaluate whether health and environmental protections are needed. If at the end of the risk evaluation process EPA determines a chemical presents an unreasonable risk to health or the environment, the agency must immediately start the risk management process to take action to eliminate these unreasonable risks.

EPA will accept public comments regarding these chemicals until March 18, 2024, at the Regulations page under docket [EPA-HQ-OPPT-2023-0601](#).

NRCA provided [comments](#) to ensure a recent petition for EPA to classify PVC as a hazardous waste under another law, the Resources Conservation and Recovery Act, was [tentatively denied](#). The administration is scheduled to make a final determination regarding this matter in spring 2024. Under this law, EPA stated: "The petition does not present evidence that discarded PVC presents a substantial present or potential hazard to human health or the environment when solid waste is improperly treated, stored, transported or disposed of, or otherwise managed."

Department of Labor announces proposed rule to enhance Registered Apprenticeships

On Dec. 14, the Department of Labor announced a Notice of Proposed Rulemaking, National Apprenticeship System Enhancements, which aims to modernize existing regulations that govern the operation of federal Registered Apprenticeships. According to DOL, the 779-page proposed rule would make numerous changes to Registered Apprenticeship programs, which have not been updated in decades. The major changes include strengthening labor standards; better defining roles for State Apprenticeship Agencies; promoting apprenticeship pathways; creating a new Registered Career and Technical Education Apprenticeship for high school and community college students; and updating accountability measures within the

system. There will be a 60-day public comment period beginning on the day the proposed rule is printed in the *Federal Register*, which is expected soon. NRCA will be reviewing the proposed rule and seeking input from members regarding provisions that may improve the Registered Apprenticeship system or may be of concern. View a [press release](#) with links to the full proposed rule, additional information and how to register for a Jan. 11, 2024, public webinar regarding the proposed rule.

House passes the Protect Small Business and Prevent Illicit Financial Activity Act

On Dec. 12, the House passed H.R. 5119, the Protect Small Business and Prevent Illicit Financial Activity Act, which would delay the implementation of the beneficial ownership requirement under the Corporate Transparency Act scheduled to take effect Jan. 1, 2024. Currently, the Department of Treasury's Financial Crimes Enforcement Network has provided unclear and vague definitions in the rule, and we believe additional time would be beneficial as the entirety of final regulations are released. NRCA supports these efforts and recently sent a [coalition letter](#) to congressional leadership supporting similar legislation. NRCA looks forward to the Senate taking up this measure in the new year.

NRCA submits comments to OSHA regarding potential heat illness standard

NRCA joined with members of the Construction Industry Safety Coalition to submit [comments](#) to the Occupational Safety and Health Administration's potential standard for Heat Injury and Illness Prevention in Outdoor Work Settings. This follows OSHA'S review of the final report from the Small Business Advocacy Review Panel, in which two NRCA members participated last fall. The letter stressed that if OSHA decides to move forward with a new regulatory standard regarding heat-related injury or illness, it must provide maximum flexibility and contain performance-based criteria if the standard is to effectively prevent heat illnesses. This included a recommendation that OSHA consider a separate regulatory approach for the construction industry given the unique characteristics of construction worksites. NRCA will continue working with agency officials to ensure any new regulatory standard is effective in protecting workers and not burdensome for employers, particularly small businesses.

IRS announces program to pay back erroneous Employee Retention Credits at a discounted rate

On Dec. 21, the IRS announced a [new program](#) that allows employers who received Employee Retention Credits to pay back the credit at a discounted rate if they may have received the credits in error. Interested employers must apply by March 22. Third-party marketing campaigns may have led some businesses to believe they were eligible when they were not. The disclosure program allows repayment of 80% of the claim received.

When properly claimed, the ERC is a refundable tax credit designed for businesses that continued paying employees during the COVID-19 pandemic while their business operations were either "fully or partially suspended due to a government order, or had a decline or significant decline in gross receipts during the eligibility periods."

The IRS also urges employers with pending claims to consider a separate program that allows them to remove a pending ERC claim with no interest or penalty. The IRS stated recently it already has received more than \$100 million in withdrawals as the agency continues audits of this program. Additionally, the IRS mailed out 20,000 denial letters to ERC claimants earlier this month. For more information about ERC eligibility, see the [ERC frequently asked questions](#) and [ERC Eligibility Checklist](#).

Department of Labor issues rule regarding project labor agreements in federal construction projects

On Dec. 22, the General Services Administration, Department of Defense and National Aeronautics and Space Administration issued a final [Federal Acquisition Regulation](#) that will require project labor agreements to be used for most large federal construction projects. Under the new regulation, which implements President Biden's Executive Order 14063, project labor agreements will be required on "large-scale construction contracts" - defined as projects costing \$35 million or more (an increase from the current threshold of \$25 million or more). The final regulation includes a series of exceptions that allow federal agency contracting officers to opt out of requiring a project labor agreement in limited circumstances. The effective date for the regulation generally is Dec. 22, 2023, though some portions will take effect Jan. 22.

Michigan Minimum Wage Increase January 1, 2024

On January 1, 2024, Michigan's minimum wage rate increased from \$10.10 to \$10.33 per hour as set by Michigan's Improved Workforce Opportunity Wage Act of 2018 which establishes the annual schedule of increases.

Effective January 1, 2024:

- The minimum hourly wage will increase to \$10.33 per hour.
- The 85% rate for minors aged 16 and 17 will increase to \$8.78 per hour.
- The tipped employee rate of hourly pay increases to \$3.93 per hour.
- The training wage of \$4.25 per hour for newly hired employees ages 16 to 19 for their first 90 calendar days of employment remains unchanged.

<https://www.michigan.gov/leo/bureaus-agencies/ber/wage-and-hour/minimum-wage-january-2024>

Cold, wet conditions affect self-retracting lifelines

When working properly, self-retracting lifelines can detect a sudden increase in speed—such as a fall—and a locking mechanism activates and stops the fall, according to the Ontario Ministry of Labour, Immigration, Training and Skills Development.

However, cold and wet environmental conditions can cause the locking mechanism to seize, resulting in the cable continuing to spool out and the lifeline not stopping the fall.

Safety+Health magazine offers tips for preventing this hazard:

- Rapidly pull the cable to verify the components of the locking mechanism are working properly. Do this before the self-retracting lifeline is used for any task and also throughout the day.
- Pull out the cable to ensure the locking mechanism inside the housing responds to a sudden tug on the cable. It should lock up as a seat belt does when a car comes to a sudden halt.
- If wet, self-retracting lifelines should be stored vertically to dry.

Workers should notify supervisors immediately and refrain from using a self-retracting lifeline if the locking mechanism is not working.

professionalroofing.net November 2023

IRS Issues Standard Mileage Rate for 2024

Beginning on January 1, 2024, the standard mileage rates for the use of a car, van, pickup or panel truck will be: 67 cents per mile for business miles driven and .21 cents per mile driven for medical or moving purposes for qualified active-duty members of the Armed Forces.

These rates apply to electric and hybrid-electric automobiles as well as gasoline and diesel-powered vehicles.

Birthday Wishes



Dan Casey - T.F. Beck Company
January 7

Chuck Rosa - Lifetime Member
February 16

Jim Bieszki - Architectural Building Specialties Inc.
March 6

Bill Borgiel - Lutz Roofing Company
April 25

JATC Training Center

The term for all Detroit Apprentices will be as follows:

Apprentice Two & Single Ply One	Mon., January 22, 2024
Apprentice One & Single Ply Two	Tues., January 23, 2024
BUR One & Steep Slope 1	Wed., January 24, 2024
BUR Two & Steep Slope 2	Thurs., January 25, 2024
Apprentice 7 & 8 Hands On + Safety & Health	Thurs., January 25, 2024

All classes begin at 6:30 pm.

Journeyworkers Upgrade Classes to improve your skills are available at no cost to all Detroit 149 members. Dues must be current in order to enter the Training Center.

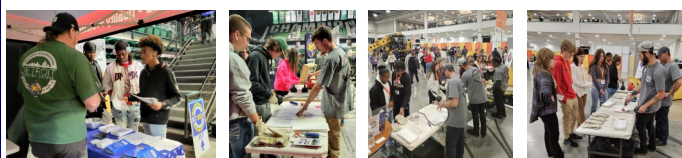
If you are interested in any of these classes or have questions, contact the Training Center Tom Jaranowski at 248-543-3847 or tjaranowski@Detroitroofers.org

CAREER EXPO's Fall 2023

The Roofers Union Local #149 and SMRCA participated in the Just Build It Career Expo on October 17, 2023 and the MI Career Quest on November 14, 2023.

The "Just Build It!" Construction Career Expo provides an opportunity for students, counselors and teachers to learn about skilled trade careers.

The MI Career Quest provides students, counselors and teachers an opportunity for career exploration in Advanced Manufacturing, Construction, Health Sciences and Information Technology.



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- 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.

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