



Glass Facts

October – December 2011

SEGA Chairman's Message



Welcome from the SEGA Board of Directors as we wind down to the end of another year! It has been another tough year for many of SEGA's members that are involved in the construction and home repair industry.

Construction continues to be on a slow recovery in the Southeast. The key tourism markets, at least in the Panhandle, saw the busiest season in history! Many owners in this industry are seeing that maybe the world isn't coming to an end and are starting to spend money on new construction and major renovations. Let us hope that this continues into and through the new year.

One highlight of the year was Governor Scott's signing of HB 849 at the end of June. This bill established the Glass and Glazing License as a mandatory Division II Contractors License. A Certified Glass and Glazing Contractor license is now required to do any work involving glass both inside and outside of any residential or commercial building. Many in the construction industry welcome this important change. Building and Code Enforcement Departments across

the state are especially glad that this change has taken place. They see it as an important part of the building process in insuring only qualified people do the glass and glazing work and do it correctly per code. This new law caught many glass and glazing companies off guard. A review of the state licensing web site shows that many people in our trade now recognize this requirement and have taken steps to start the licensing process. We need to continue to interface with others (suppliers, contractors, and glaziers) involved in glass and glazing to promote the ability of SEGA to help its members through that process with the least pain possible. SEGA is here to help, and we need to continue to make people aware of that!

The SEGA Board of Directors wishes everyone who reads this newsletter a very Merry Christmas and a happy and prosperous New Year! We only ask that you pass this newsletter along to others whom might be interested.

Sincerely,

*Fred L. Poynor
SEGA Chairman and President of Area Glass, Inc.*



SEGA 2011 OFFICERS

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Fred Poynor
Area Glass, Inc.

Vice Chairman

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Architectural Glass Services

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Pensacola Glass Company

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YKK AP America, Inc.

SEGA 2011 DIRECTORS

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Lore L. Ltd.
Will Smith
Glazing Consultants International, LLC

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SOUTHEAST GLASS ASSOCIATION CALENDAR OF EVENTS

January

11-13 CILB Board of Director's and Committee
Meetings, Altamonte Springs
16 SEGA Board of Director's Meeting
Conference Call

February

8-10 CILB Board of Director's and Committee Meetings
21-22 Glass & Glazing Specialty License Exam
TBA Regional Meeting, Orlando

March

14-16 .. CILB Board of Director's and Committee Meetings

April

11-13 .. CILB Board of Director's and Committee Meetings
TBA Golf Tournament

May

9-11 CILB Board of Director's and Committee Meetings

June

13-15 .. CILB Board of Director's and Committee Meetings
19-20 Glass & Glazing Specialty License Exam
TBA SEGA Board of Director's Meeting
Conference Call
TBA Regional Meeting, Orlando

July

11-13 .. CILB Board of Director's and Committee Meetings

August

8-10 CILB Board of Director's and Committee Meetings

September

12-14 .. CILB Board of Director's and Committee Meetings
12-14 GlassBuild America:
The Glass, Window & Door Expo,
Las Vegas Convention Center in Las Vegas, NV
TBA Regional Meeting, Orlando

October

10-12 .. CILB Board of Director's and Committee Meetings
23-26 Glasstec, Dusseldorf, Germany
TBA SEGA Board of Director's Meeting
Conference Call

November

14-16 .. CILB Board of Director's and Committee Meetings

Please submit your news releases, articles and
comments for this publication to the SEGA office,
attention: Julie, 231 West Bay Avenue, Longwood,
FL 32750-4125. Advertising Space is also
available. Please call the SEGA office at (407) 831-
7342 for current rates and information.

Do You have your Glass & Glazing Contractor License?

During the 2011 Legislative Session, **HB 849, Chapter Law 2011-222**, was signed by Governor Rick Scott on June 24, 2011. The law established the glass and glazing contractor category as a Division II licensing category. All existing specialty glass and glazing contractors will be reclassified as Division II licensees. This also changed the license to a statute versus a rule, thus, making the Florida Certified Glass and Glazing Contractors License a requirement for anyone doing any type of glass and glazing work either inside or outside of any type of building.

The law took effective July 1, 2011. It is critical that all those who intend to do glass and glazing work anywhere in the State of Florida should have already started the process of getting their state certified license. It is a stringent process, but there is help available. The Southeast Glass Association (SEGA) can help guide its members through the requirements. SEGA has the means and experience to make this activity as pain free as possible.

[*Click here for more information on the Glass & Glazing examination.*](#)

The following is a list of exam dates and locations:

February 21-22, 2012

Tallahassee – National Guard Armory
Kissimmee – Gaylord Palms Resort & Convention Center
Miami – Doubletree Miami Mart Airport Hotel

June 19-20, 2012

Tallahassee – National Guard Armory
Kissimmee – Gaylord Palms Resort & Convention Center
Miami – Doubletree Miami Mart Airport Hotel

Please note: Per Florida State Statute, individuals must reserve their seat 30 days prior to the next available exam date. If you reserve your seat after the 30 days prior to the next available exam date, the system will automatically reserve you a seat at the next available exam date (i.e., If you reserve your seat after January 21, 2012 for the February 21-22, 2012 exam date, you will automatically reserve a seat for the June 19-20 exam date.).

Also, the link to the Florida Construction Industry Licensing Board (CILB) is www.myfloridalicense.com/dbpr/pro/cilb/index.html if you would like to obtain further information on the licensing process.

With all of the above in mind, SEGA asks that members of the association pass this information along to non-members who do work in the Florida market. This will help them become aware of this licensure requirement. Please encourage them to start the process immediately. SEGA is here to assist its members so that they can successfully navigate the licensing process.

Certified Contractor License Renewal Reminder

Just a reminder that the Certified Contractor licenses from the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2012. Current law requires licenseholders to obtain 14 hours of continuing education with at least one hour in workplace safety, one hour in workers' compensation, one hour in business practices, one hour in the advance building code module, one hour in laws and rules (Chapter 489) and one hour in wind mitigation (this requirement only affects general, residential, building, roofing and glass and glazing contractors). **Note: Individuals who obtain their license for the first time must complete the four hour building code core course provided online by the Florida Building Commission.**

Don't forget to notify the DBPR office of any address change. Section 489.124(2) gives sole responsibility to the licensee for notifying DBPR in writing of the licensee's current mailing address and phone number.

Failure to notify the department of a change of address shall constitute a violation of this section. In addition, if your address changes and you do not notify the department, you may not receive important mailings from the department such as your renewal notice.

Lawson: Don't Hire Unlicensed Professionals



The Department of Business and Professional Regulation wants consumers to check that professionals are licensed before hiring them. DBPR Secretary Ken Lawson on Tuesday rolled out a new public education campaign hoping to raise awareness of professional work that requires a license. Among the professions that require licenses are construction work, electrician work, cosmetology, cutting hair, selling real estate and appraising it, and doing public accounting. "The most effective way to stop unlicensed activity is to hire only licensed Florida professionals," Lawson said. Consumers can verify professional licenses online at www.myfloridalicense.com.

CILB Frequently Asked Questions

Loss of a Qualifying Agent

Do you know what to do if your company's qualifying agent dies? If your qualifying agent dies, you must notify the Construction Industry Licensing Board (CILB) office within 30 days, if not immediately. You can request a temporary, nonrenewable license that will allow you to continue any jobs contracted prior to the qualifying agent's death, regardless of whether a permit had already been obtained.

Do you know what to do if your company's qualifying agent resigns or has been fired? When a qualifying agent resigns or is fired, the company must obtain another qualifying agent within 60 days. The company can request a temporary, nonrenewable license that will allow it to continue working for up to 60 days to complete any existing contracts.

Do you know how to obtain a temporary, nonrenewable license? You must send a request in writing to the Executive Director of the Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039.

Do you know what the qualifications are to request a temporary, nonrenewable license? If the qualifying agent dies, you have to demonstrate that you have personal knowledge of the projects, along with the ability to complete them. If the qualifying agent resigns

or is fired, you must indicate that you are an officer or partner of the company, and must state that you will assume all the responsibility of a primary qualifying agent.

Do you know if there is an expiration date on the temporary, nonrenewable license? If the qualifying agent dies, the temporary, nonrenewable license is good until all projects are finished. If the qualifying agent resigns or is fired, the temporary, nonrenewable license is good for 60 days and cannot be extended.

Do you know what to do if you, as the qualifying agent, resign or are fired from a company? You must file a change of status application. You may access the application online at www.MyFloridaLicense.com > Apply For/Update Licenses.

Special Board Issues Advertising

Do you know when you, as a contractor, are required to display your license number? Each certified contractor must include his or her license number on any application for building permit; offer of service; business proposal; bid; contract; advertisement; sign; vehicle that displays the name of the contractor or qualified business; or vehicle that displays graphics or text that would lead a reasonable person to believe the vehicle is being used for construction purposes.

Do you know what the term "advertise" includes for license number purposes? The term "advertise" applies to business cards, business proposals, contracts, construction site signs, newspaper ads, airwave transmissions, electronic media including Internet sites, phone directories and other media. Other media includes handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufacturer's "authorized dealer" listings, and signs on vehicles. The term does not apply to balloons, pencils, pens, hats, shirts, and articles of clothing or other promotional novelties.

Do you know who is responsible for mailing address changes with DBPR? Section 489.124(2) gives sole responsibility to the licensee for notifying DBPR in writing or through its website of the licensee's current mailing address and phone number.

Failure to notify the department of a change of address shall constitute a violation of this section. In addition, if your address changes and you do not notify the department, you may not receive important mailings from the department such as your renewal notice.

If you have any additional questions regarding Florida Statute 489 or Rule 61G4 which pertain to your

certified glass and glazing license, please do not hesitate to contact the SEGA office at (407) 831-7342.

CILB Board Increases Time Limit to Pass All of Examination Parts

The Construction Industry Licensing Board (CILB) has amended Rule 61G4-16.009, Florida Administrative Code, to grant candidates more time to complete all portions of the initial licensure examination. Beginning November 1, 2011, examination candidates will be permitted four years from the date he or she initially sat for the initial licensure examination to pass all portions of the examination and will not be limited in the number of times they may re-take a test during the four year period.

If you have any question regarding the Board's change, you may visit www.myfloridalicense.com/dbpr/pro/cilb/index.html or call (850) 487-1395 for more information.

State Licensing Agency Announces First Free iPhone App

DBPR unveils iPhone, Android apps to promote consumer access to license information

The Florida Department of Business and Professional Regulation (DBPR) announced in March 2011 that it had developed the first free smartphone apps for a Florida state agency. The iPhone and Android apps for DBPR will allow consumers to search for state licenses by name or license number, enabling people to check instantaneously whether an individual has a business or professional license in the State of Florida.

In addition to licensing information, both apps will also feature the department's weekly newsletter, which includes a message from the department's Secretary and important announcements from the department

and its divisions. A second version with additional consumer tools is already in development.

The iPhone app is available in the Apple iTunes marketplace, online at: <http://itunes.apple.com/us/app/dbpr-mobile/id421389533?mt=8>.

The Android app is available in the Android marketplace, online at: https://market.android.com/details?id=us.fl.state.dbpr&feature=search_result.

The Department of Business and Professional Regulation's mission is to license efficiently and regulate fairly. The department licenses more than one million businesses and professionals ranging from real estate agents, veterinarians, and accountants to contractors and cosmetologists. More information about the department and its divisions is available online at <http://www.MyFloridaLicense.com>.

Not a Member of SEGA?

Are you receiving the *Glass Facts* but are not a member of SEGA? Need help with the glass and glazing licensing process? Join SEGA today for as low as \$225 per year.

To take advantage of this pricing today and join the southeast's premier glass and glazing trade association, [please click here for a SEGA Membership Application](#) or contact the association office at (407) 831-7342 and request a membership application.

Welcome New Members!

SEGA extends a hearty welcome to the following new members. We thank them for joining our association and look forward to their participation in helping this association achieve its goals.

City Glass Company

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Fort Walton Beach, FL 32549
Phone: (850) 243-8167
FAX: (850) 243-8995
E-mail: cw@cityglassco.com
Website: www.cityglassco.com
Glass & Glazing Contractor; Auto Glass

Diamond Glass Company, Inc.

Bill Bryan
305 South Palmetto Avenue
Sanford, FL 32771
Phone: (407) 330-4738
FAX: (407) 330-1502
E-mail: bbryan@diamondglasscompany.com
Glass & Glazing Contractor

Dothan Glass Company, Inc.

Earl "Buddy" G. Pitman, Jr.
P. O. Box 1308
Dothan, AL 36302
Phone: (334) 793-1161
FAX: (334) 793-6267
E-mail: dgc.buddy@dothanglass.com
Website: www.dothanglass.com
Glass & Glazing Contractor; Auto Glass

2012 SEGA Board of Directors

SEGA needs your help. We need members to volunteer to serve on the SEGA Board of Directors. By serving on the board of directors, you can develop self-satisfaction; get an insight into how the organization is run; sharpen your leadership abilities; build prestige for you and your company; network with other peers; share various responsibilities; have an opportunity to give something back to the industry as well as help the industry; and develop a sense of accomplishment.

Term:

- The term of the office for a member of the Board of Directors is one year starting on January 1.

Responsibilities:

- Board of Directors shall be responsible for the entire management of the association and of the income and property thereof, including authority to issue debentures or borrow money for corporate purposes.
- The Board of Directors shall establish all rules and regulations necessary to conduct its business and may change the same from time to time.
- Attend three Board of Director's Meetings yearly.

If you are interested in serving on the board or a becoming a committee member for 2012, please contact the SEGA office at (407) 831-7342.

2012 Membership Investment Dues

On October 15, 2011, SEGA mailed out 2012 Membership Investment Dues invoices. Please address your dues responsibility promptly. SEGA depends upon your dues to provide the services that you have come to expect.

If you have any questions or need additional information, please contact the SEGA office at (407) 831-7342 **as soon as possible**.

SEGA is Connected through LinkedIn

SEGA has set up a link on its home page for LinkedIn. What is LinkedIn? It is the world's largest professional network with over 100 million members and growing rapidly. LinkedIn connects you to your trusted contacts and helps you exchange knowledge, ideas, and opportunities with a broader network of professionals.

SEGA is now an open group on LinkedIn. We are available for open discussion group. All future discussions will be fully visible, searchable and shareable on the web. All past discussions are now closed in a members-only archive. Your network is full of industry experts willing to share advice. Have a question? Just ask.

We look forward to our future discussions now joining the broader conversation of the wider web. Join today by going to the SEGA website at www.southeastglass.org and click on the LinkedIn logo.

President Signs 3 Percent Withholding Tax Repeal

More than five years after the Tax Increase Prevention and Reconciliation Act of 2005 (TIPRA) was enacted, President Barack Obama signed a bill into law Monday, November 21 that repeals the 3 percent withholding

requirement contained in section 511.

The bill, H.R. 674, was passed in a 422–0 vote by the U.S. House of Representatives on November 16 and was approved a week earlier by a unanimous vote in the Senate. H.R. 674 amends the Internal Revenue Code to repeal the 3 percent withholding tax for government contractors.

The withholding mandate, hidden in the fine print of TIPRA, would have required 3 percent to be withheld on all payments for goods and services made by federal, state and local governments with total expenditures of \$100 million or more beginning January 1, 2013. Implementation of the provision had been subject to annual delays by Congress and regulators, respectively, until bipartisan support for repeal coalesced during the recent focus on jobs legislation.

Minimum Wage Update

Starting January 1, 2012, the Florida minimum wage for calendar year 2012 will go up to \$7.67 an hour. This is an increase of 36 cents over the current Florida minimum wage of \$7.31 an hour.

Because the minimum wage for Florida is going up for 2012, this means there will be a new minimum wage poster for 2012. On January 1, you should replace your current Florida-specific minimum wage poster with a new one for 2012.

Workers Compensation Rates Going Up for 2012

The rates Florida businesses pay for workers' compensation insurance will increase an average of 8.9% for new and renewal policies effective January 1, 2012. Even with this rate increase, workers' compensation rates are still down almost 60% over the last seven years, and Florida continues to have the lowest rates of any state in the Southeast.

The average rate increase broken down by industry group is as follows:

- Manufacturing: +9.6% (down 54.0% since 2003)
- Contracting: +8.7% (down 61.5% since 2003)
- Office and Clerical: +7.0% (down 59.9% since 2003)
- Goods and Services: +9.9% (down 57.2% since 2003)
- Miscellaneous: +8.5% (down 56.5% since 2003)

The workers' compensation premium for your business is determined by multiplying your total payroll by the specific rate for the classification(s) for your business. The rate for your particular business may increase more or less than 8.9%; this figure is an average rate increase for all job classes in the state of Florida. The rate increase for your individual business may be higher or lower.

Unemployment Tax Update

Florida employers are required by law to pay unemployment taxes on their company's payroll. There are two components to this tax: there is a federal unemployment tax imposed by and paid directly to the Federal Government (often called "FUTA" for Federal Unemployment Tax), and there is a Florida Tax (often called "SUTA" for State Unemployment Tax), which is paid to the state and used to fund unemployment benefits paid from the Florida Unemployment Compensation Trust Fund.

Federal Unemployment Tax

Beginning July 1, 2011, the federal unemployment tax rate has been reduced from 6.2% to 6.0% and is paid on a wage base for each employee of \$7,000. Employers in good standing receive a 5.4% credit against this tax. Because Florida still has loans from the federal government that we haven't paid back, employers will start to lose this credit in .3% increments. Therefore, tax owed on wages paid from January through June will be taxed at the effective rate of 1.1% (\$77) if the workers was paid \$7,000 during the first six months of the year. If tax is still owed on wages paid during the second half of the year, the effective rate of 0.9% (\$63 on \$7,000) would apply.

State of Florida Unemployment Tax

The state calculates unemployment taxes differently than the federal government. New businesses pay a fixed tax rate of 2.7% for the first several years of their existence. Otherwise, businesses pay a rate that is determined in large part by their own experience. The maximum tax rate is capped by state law at 5.4%. Because there continues to be unprecedented demand

on the Trust Fund, employers' state unemployment tax rates for calendar year 2012 are again set to increase dramatically. The tax rate for employers at the minimum tax rate was \$72.10 per employee; it is predicted to be over \$170 per employee for calendar year 2012.

In addition to this increase of around \$100 per employee, Florida employers will again pay a special assessment of approximately \$13 per employee to make payments on the interest owed to the federal government for money loaned to the Florida Trust Fund.

The state will be mailing tax notices to employers in mid December. The notifications of the interest payments will be sent in February 2012. The first quarterly unemployment tax payment will be due April 30. The special interest assessment will be due June 30.

We will again be asking the Florida Legislature to stop this unemployment tax increase on businesses during the upcoming legislative session that starts in January 1, and will keep you updated on the situation.

Poster Update

The National Labor Relations Board (NLRB) has postponed its new requirement that all private businesses to post a notice of their employee's right to unionize.

Originally, this new poster requirement was scheduled to become effective on November 14, 2011; however, the NLRB has pushed this date back to January 31, 2012. A lawsuit trying to get the new poster requirement thrown out is still proceeding.

Division of Workers' Compensation Offers Free Classes

The Florida Department of Financial Services, Division of Workers' Compensation, is offering free classes regarding Florida's workers' compensation laws and workplace safety to business owners, licensed contractors and employers.

Workers' compensation topics covered include:

- Review of Key Statutory Definitions
- Contractor Responsibilities
- Exemptions

- Insurance Coverage Requirements
- Enforcement Provisions

Workplace safety topics presented by OSHA (U.S. Dept. of Labor, Occupational Safety and Health Administration) include:

- Direct and Indirect Costs
- Inspections
- Florida Fatalities

The following is a list of class dates and times for future sessions.

January 9, 2012

Port St. Lucie
9:00 a.m. – 12:00 noon EST
St. Lucie County Workforce Solutions
584 N.W. University Boulevard, Suite 300
Port St. Lucie, FL 34986

January 11, 2012

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

January 12, 2012

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

January 18, 2012

Miami
9:00 a.m. – 12:00 noon EST
State Office Building
401 N.W. 2nd Avenue, North Tower, Room 423
Miami, FL 33128

January 19, 2012

Fort Myers
9:00 a.m. – 12:00 noon EST
State of Florida Office Building
2295 Victoria Avenue, Room 165
Fort Myers, FL 33901

January 19, 2012

Jacksonville
9:00 a.m. – 12:00 noon EST
Florida Department of Law Enforcement
921 North Davis Street, Building E, Room A
Jacksonville, FL 32209

February 8, 2012

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

February 9, 2012

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

February 7, 2012

Pensacola
9:00 a.m. – 12:00 noon EST
Alabama Associated General Contractors, Northwest
Florida Section
201 South F Street
Pensacola, FL 32502

February 10, 2012

Pompano Beach
9:00 a.m. – 12:00 noon EST
Workforce One
2301 West Sample Road, Building 4, Conference
Room C
Pompano Beach, FL 33073

February 16, 2012

Tampa
9:00 a.m. – 12:00 noon EST
State Office Building
1313 North Tampa Street, Suite 605
Tampa, FL 33603

March 7, 2012

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

March 8, 2012

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

March 14, 2012

Tallahassee
9:00 a.m. – 12:00 noon EST
Southwood Complex, Betty Easley Conference Center
4075 Esplanade Way, Room 178
Tallahassee, FL 32399

March 20, 2012

West Palm Beach
9:00 a.m. – 12:00 noon EST
Central Career Center
1951 North Military Trail
West Palm Beach, FL 33409

March 27, 2012

Orlando
9:00 a.m. – 12:00 noon EST
State Office Building, Hurston Complex
400 West Robinson Street, South Tower, Conference
Room A & B
Orlando, FL 32801

April 11, 2012

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

April 12, 2012

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

May 9, 2012

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

May 10, 2012

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

June 13, 2012

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

June 14, 2012

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

The Division of Workers' Compensation is an authorized provider (Provider Number: 0004354) for continuing education purposes through the CILB. Course Number: 0010118 – one hour satisfies the workers' compensation requirement and Course Number: 0010630 – one hour satisfies the workplace safety requirement.

Advanced registration is required. The form is available on the Division's website at www.myfloridacfo.com/WC. For additional information, e-mail bocseminars@MyFloridaCFO.com, or call (813) 221-6518.

Survey for Florida Businesses

In an effort to improve Florida's business climate, the Florida Legislature wants to hear from business owners about burdensome rules and regulations on their businesses. To accomplish this, they have set up an on-line survey called "Your Voice" that will collect feedback from Florida's businesses. You can access the survey at www.surveymonkey.com/s/FloridaRegReformSurvey. Information given in the survey is not confidential and is subject to Florida's Public records law.

IRS Announces 2012 Standard Mileage Rates, Most Rates Are the Same as in July

The Internal Revenue Service today issued the 2012 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2012, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 55.5 cents per mile for business miles driven
- 23 cents per mile driven for medical or moving purposes
- 14 cents per mile driven in service of charitable organizations

The rate for business miles driven is unchanged from the mid-year adjustment that became effective on July 1, 2011. The medical and moving rate has been reduced by 0.5 cents per mile.

The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs as determined by the same study. Independent contractor Runzheimer International conducted the study.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

A taxpayer may not use the business standard mileage rate for a vehicle after using any depreciation method under the Modified Accelerated Cost Recovery System (MACRS) or after claiming a Section 179 deduction for that vehicle. In addition, the business standard mileage rate cannot be used for more than four vehicles used simultaneously.

These and other requirements for a taxpayer to use a standard mileage rate to calculate the amount of a deductible business, moving, medical or charitable expense are in *Rev. Proc. 2010-51*.

Notice 2012-01 contains the standard mileage rates, the amount a taxpayer must use in calculating reductions to basis for depreciation taken under the business standard mileage rate, and the maximum standard automobile cost that a taxpayer may use in computing the allowance under a fixed and variable rate plan.

OSHA Update

OSHA Animated Educational Videos Show How to Protect Workers from Construction Hazards

The U.S. Department of Labor's Occupational Safety and Health Administration has released **12 educational videos** about potential hazards in the construction industry. The educational videos are easy to understand, short segments and geared to employers and workers. Each year, nearly 800 construction workers die on the job; one in every five workplace fatalities occurs within the construction industry. The videos are based on real-life incidents and include detailed depictions of hazards and the safety measures that would have prevented these injuries and fatalities.

"I urge anyone who works in the construction industry or operates a construction business to watch the videos. Share them with your co-workers and friends in the construction industry; organize screenings for your workers; and post them to your web pages," said Assistant Secretary of Labor for Occupational Health and Safety Dr. David Michaels. "Every step we take to educate workers about their rights and the safety measures employers must take to protect workers in construction helps us avoid preventable injuries and the tragic loss of life."

These videos cover falls in construction, workers who are struck by vehicles and heavy equipment, sprain

and strain injuries, trenching and excavation hazards, and carbon monoxide poisoning. These videos are written for workers and employers, including workers with limited English proficiency.

Most of the videos are two to four minutes in length, and all but one are animated. Each video is available in English and Spanish for Web viewing or downloading. All video scripts are also available online in English and Spanish. The videos are located at <http://www.osha.gov/dts/vtools/construction.html> (Spanish-language videos are available at http://www.osha.gov/dts/vtools/construction_sp.html). After selecting a video from this page, users may choose to watch the video online, download the videos for future screenings, or view the videos on the U.S. Department of Labor's [YouTube channel](#).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

Personal Protective Equipment

Personal protective equipment, or PPE, is designed to protect workers from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards. Besides face shields, safety glasses, hard hats, and safety shoes, protective equipment includes a variety of devices and garments such as goggles, coveralls, gloves, vests, earplugs, and respirators.

Employer Responsibilities

OSHA's primary personal protective equipment standards are in Title 29 of the Code of Federal Regulations (CFR), Part 1910 Subpart I, and equivalent regulations in states with OSHA approved state plans, but you can find protective equipment requirements elsewhere in the General Industry Standards. For example, 29 CFR 1910.156, OSHA's Fire Brigades Standard, has requirements for fire fighting gear. In addition, 29 CFR 1926.95–106 covers the construction industry. OSHA's general personal protective equipment requirements mandate that employers conduct a hazard assessment of their workplaces to determine what hazards are present that require the use of protective equipment, provide workers with appropriate protective equipment, and

require them to use and maintain it in sanitary and reliable condition.

Using personal protective equipment is often essential, but it is generally the last line of defense after engineering controls, work practices, and administrative controls. Engineering controls involve physically changing a machine or work environment. Administrative controls involve changing how or when workers do their jobs, such as scheduling work and rotating workers to reduce exposures. Work practices involve training workers how to perform tasks in ways that reduce their exposure to workplace hazards.

As an employer, you must assess your workplace to determine if hazards are present that require the use of personal protective equipment. If such hazards are present, you must select protective equipment and require workers to use it, communicate your protective equipment selection decisions to your workers, and select personal protective equipment that properly fits your workers.

You must also train workers who are required to wear personal protective equipment on how to do the following:

- Use protective equipment properly,
- Be aware of when personal protective equipment is necessary,
- Know what kind of protective equipment is necessary,
- Understand the limitations of personal protective equipment in protecting workers from injury,
- Put on, adjust, wear, and take off personal protective equipment, and
- Maintain protective equipment properly.

Protection from Head Injuries

Hard hats can protect your workers from head impact, penetration injuries, and electrical injuries such as those caused by falling or flying objects, fixed objects, or contact with electrical conductors. Also, OSHA regulations require employers to ensure that workers cover and protect long hair to prevent it from getting caught in machine parts such as belts and chains.

Protection from Foot and Leg Injuries

In addition to foot guards and safety shoes, leggings (e.g., leather, aluminized rayon, or other appropriate material) can help prevent injuries by protecting workers from hazards such as falling or rolling objects, sharp objects, wet and slippery surfaces, molten metals, hot surfaces, and electrical hazards.

Protection from Eye and Face Injuries

Besides spectacles and goggles, personal protective equipment such as special helmets or shields, spectacles with side shields, and faceshields can protect workers from the hazards of flying fragments, large chips, hot sparks, optical radiation, splashes from molten metals, as well as objects, particles, sand, dirt, mists, dusts, and glare.

Protection from Hearing Loss

Wearing earplugs or earmuffs can help prevent damage to hearing. Exposure to high noise levels can cause irreversible hearing loss or impairment as well as physical and psychological stress. Earplugs made from foam, waxed cotton, or fiberglass wool are self-forming and usually fit well. A professional should fit your workers individually for molded or preformed earplugs. Clean earplugs regularly, and replace those you cannot clean.

Protection from Hand Injuries

Workers exposed to harmful substances through skin absorption, severe cuts or lacerations, severe abrasions, chemical burns, thermal burns, and harmful temperature extremes will benefit from hand protection.

Protection from Body Injury

In some cases workers must shield most or all of their bodies against hazards in the workplace, such as exposure to heat and radiation as well as hot metals, scalding liquids, body fluids, hazardous materials or waste, and other hazards. In addition to fire-retardant wool and fire-retardant cotton, materials used in whole-body personal protective equipment include rubber, leather, synthetics, and plastic.

When to Wear Respiratory Protection

When engineering controls are not feasible, workers must use appropriate respirators to protect against adverse health effects caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors. Respirators generally cover the nose and mouth or the entire face or head and help prevent illness and injury. A proper fit is essential, however, for respirators to be effective. Required respirators must be NIOSH-approved and medical evaluation and training must be provided before use.

Additional Information

For additional information concerning protective equipment view the publication, *Assessing the Need for*

Personal Protective Equipment: A Guide for Small Business Employers (OSHA 3151) available on OSHA's web site at www.osha.gov. For more information about personal protective equipment in the construction industry, visit www.osha-slc.gov/SLTC/constructionppe/index.html.

Contacting OSHA

To report an emergency, file a complaint or seek OSHA advice, assistance or products, call (800) 321-OSHA or contact your nearest OSHA regional or area office.

Statement from Secretary of Labor Hilda L. Solis on Reported Decline in Workplace Injuries and Illnesses

The U.S. Department of Labor's Bureau of Labor Statistics **announced** that nonfatal workplace injuries and illnesses among private industry employers declined in 2010 to a rate of 3.5 cases per 100 equivalent full-time workers, down from a total case rate of 3.6 in 2009. Nearly 3.1 million injuries and illnesses were reported among private sector industry employers in 2010, down from 3.3 million reported in 2009. Secretary of Labor Hilda L. Solis issued the following statement:

"We are encouraged by the reported decline in incidence rates for workplace injuries and illnesses, which is reflective of the joint effort of government, business, unions and other organizations. Nevertheless, 3.1 million injuries and illnesses in the workplace is too high. Serious injuries and illnesses can knock a working family out of the middle class. Workers should not have to sacrifice their health and safety to earn a paycheck.

"We remain concerned that more workers are injured in the health care and social assistance industry sector than in any other, including construction and manufacturing, and this group of workers had one of the highest rates of injuries and illness at 5.2 cases for every 100 workers. The Department of Labor's Occupational Safety and Health Administration will continue to work with employers, workers and unions in this industry to reduce these risks.

"Illness and injury rates for public sector workers also continue to be alarmingly high at 5.7 cases for every 100 workers, which is more than 60 percent higher than the private sector rate. We must continue to work with state and local governments to ensure the safety of our public employees.

"A report like this also highlights the importance of accurate record keeping. Employers must know what injuries and illnesses are occurring in their workplaces in order to identify and correct systemic issues that put their workers at risk. We are concerned with poor record-keeping practices and programs that discourage workers from reporting injuries and illnesses. That's why OSHA is working hard to ensure the completeness and accuracy of these data, which are compiled by the nation's employers.

"As our economy continues to rebound and grow, we must ensure that safety and health are a part of that growth. Let's all remember that no job is a good job unless it is also a safe job."

U.S. Department of Labor Improves Enforcement Database

Updated site includes Increased Search Capabilities and Visual Enhancements

The U.S. Department of Labor announced enhancements to its online enforcement database designed to improve public access to and understanding of the department's enforcement actions. The updated website includes a number of new features, including map displays of inspection and violation data from the department's Occupational Safety and Health Administration (OSHA) and its Mine Safety and Health Administration, as well as the ability to view individual inspection records and the enforcement history of a particular company or mine.

"These improvements to our online enforcement database are part of our commitment to open, transparent enforcement," said Secretary of Labor Hilda L. Solis. "By making this information available and easy to use, we're helping to ensure a level playing field for employers who follow the law."

In addition to mapping capabilities, the updated site allows users to easily view important agency metrics; perform keyword searches; filter data by year, violations or penalties; and export search results or an entire data set into downloadable formats. A new "labs" feature allows users to create data visualizations and animations using several decades of MSHA data.

The Labor Department created the enforcement database, available at <http://ogesdw.dol.gov>, to increase transparency, participation and collaboration as part of the administration's Open Government Initiative.

U.S. Department of Labor's OSHA Releases Mobile App to Help Protect Workers From Heat-Related Illnesses

As part of continuing educational efforts by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) about the dangers of extreme heat, Secretary of Labor Hilda L. Solis announced a free application for mobile devices that will enable workers and supervisors to monitor the heat index at their work sites in order to prevent heat-related illnesses.

"Summer heat presents a serious issue that affects some of the most vulnerable workers in our country, and education is crucial to keeping them safe," said Secretary of Labor Hilda L. Solis. "Heat-related illnesses are preventable. This new app is just one way the Labor Department is getting that message out."

The app, available in English and Spanish, combines heat index data from the U.S. National Oceanic and Atmospheric Administration with the user's location to determine necessary protective measures. Based on the risk level of the heat index, the app provides users with information about precautions they make take such as drinking fluids, taking rest breaks and adjusting work operations. Users also can review the signs and symptoms of heat stroke, heat exhaustion and other heat-related illnesses, and learn about first aid steps to take in an emergency. Information for supervisors is also available through the app on how to gradually build up the workload for new workers as well as how to train employees on heat illness signs and symptoms. Additionally, users can contact OSHA directly through the app.

The app is designed for devices using an Android platform, and versions for BlackBerry and iPhone users will be released shortly. To download it, visit <http://go.usa.gov/KFE>.

More than 30 workers died from heat stroke in 2009. Thousands become ill from heat exhaustion and other heat illnesses every year. Some of the highest illness rates occur among construction workers, farmworkers, roofers, landscapers, baggage handlers and other air transportation workers.

Effective heat illness prevention requires simple planning. Employers are responsible for protecting workers by providing plenty of water, scheduling rest

breaks in the shade or air-conditioned spaces, planning heavy work early in the day, preparing for medical emergencies, training workers about heat and other job hazards, taking steps to help workers – especially those who are new to working outdoors or who have been away from work for a period of time – acclimatize to the heat, and gradually increasing workloads or allowing more frequent breaks during the first week of an outdoor project.

Information for employers about using the heat index to calculate and address risks posed to workers also is available through OSHA's new Web-based tool "Using the Heat Index: Employer Guidance," which is accessible at http://www.osha.gov/SLTC/heatillness/heat_index/index.html. OSHA's other educational and training tools about heat illnesses

prevention, available in English and Spanish, can be found at <http://www.osha.gov/SLTC/heatillness/index.html>.

"OSHA's prevention message is clear: Water. Rest. Shade. These are three little words that make a big difference for outdoor workers during the hot summer months," said Assistant Secretary of Labor for OSHA Dr. David Michaels.

Under the OSH Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

