

Glass Facts

April – June 2015

SEGA Chairman's Message



Birth of the Implied Request for Religious Accommodation

Several weeks ago the United States Supreme Court released an opinion that impacts the obligations of

employers to make accommodation for religious practices. With the opinion rendered by the Supreme Court, there now exists a test to determine if an employer has violated the religious discrimination prohibitions of Title VII. Apparently, it no longer matters whether an employer had actual knowledge of a conflict between its requirements and a prospective (or current) employee's

religious practices. The question is whether the employer has enough information to make it aware that there exists a conflict between the individual's religious beliefs or practices and a requirement for applying for or performing a job, according to the Supreme Court.

The bottom line regarding hiring practices with this new ruling issued by the Supreme Court is that the slope just got a lot slippery, and the employer is left to ponder what they should do in certain hiring practices. Rather than me ramble on about this situation, I am providing a link written by an attorney from the law firm that represents Pensacola Glass Company. He has written a complete overview of this decision, and I hope it will be of help down the road to some of you. Click on this link:

<https://goo.gl/o4NNZF>.

Until next time!

Woody Watters
SEGA Chairman

SEGA 2015 OFFICERS

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Woody Watters
Pensacola Glass Company

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SOUTHEAST GLASS ASSOCIATION CALENDAR OF EVENTS 2015

July

8-10 CILB Board of Director's and Committee
Meetings, One Ocean Resort & Spa, Atlantic Beach

August

12-14 CILB Board of Director's and Committee
Meetings, TBA
TBA SEGA Board of Director's Meeting
Conference Call

September

9-11 CILB Board of Director's and Committee
Meetings, Embassy Suites – Fort Lauderdale,
Fort Lauderdale
16-18 GlassBuild America: The Glass, Window &
Door Expo, Las Vegas Convention Center in
Las Vegas, NV

October

13-14 Glass & Glazing Specialty License Exam
14-16 CILB Board of Director's and Committee
Meetings, TBA

November

11-13 CILB Board of Director's and Committee
Meetings, Embassy Suites Orlando – North,
Altamonte Springs
TBA SEGA Board of Director's Meeting
Conference Call

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2016

February

16-17 Glass & Glazing Specialty License Exam

June

14-15 Glass & Glazing Specialty License Exam

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.

Court Upholds Assignments of Benefits

During the 2015 Legislative Session, Representative Tobia and Senator Hukill tried to pass **CS/CS/HB 669** and **CS/SB 1064**, Post Loss Assignment of Insurance Benefits. The bills would have addressed the abuses that have escalated in South Florida with over 9,000 cases reported in the last year where roofing and water remediation contractors are suing insurance carriers for loss repairs that have been assigned. An assignment of benefits, or AOB, is an agreement signed by a policyholder that gives a third party the right to recover for services rendered in connection with an insurance claim.

This was a contentious issue, and some SEGA members were very concerned about it. SEGA Lobbyist R. Bruce Kershner monitored the bill, worked on language that would be advantageous to SEGA members and opposed the bill as drafted in committee meetings. As drafted, the bill was ambiguous. It was never clear if the bill only applied to real property or if it included personal property as well. In the end, both bills died in committee.

On Monday, June 22, an appeals court rejected a property insurer's arguments on a controversial issue that involves homeowners signing over policy benefits to contractors. The 1st District Court of Appeal backed a decision by the state Office of Insurance Regulation, which turned down requests from Security First Insurance Co. to restrict the ability of policyholders to assign policy rights without the insurer's approval. The issue focuses on a practice known as "assignment of benefits," which often occurs when homeowners need repairs for problems such as water damage. In such cases, contractors pursue payments from insurance companies. The insurance industry argues that such assignment of benefits can lead to inflated costs and fraud, while contractors argue that the practice helps homeowners quickly hire contractors for emergency repairs. Security First filed the appeal after the Office of Insurance Regulation and a hearing officer denied the insurer's attempt to change policy language to require written approval before homeowners could assign benefits. A three-judge panel of the appeals court said state law has long allowed assignments of insurance benefits. "The gist of this dispute is whether policyholders might be misled by the proposed change to the policy language,

believing that Security First's consent was required for assignment of their post-loss rights, when Florida law holds to the contrary," said the five-page decision, written by Judge Scott Makar and joined by judges Stephanie Ray and Ross Bilbrey. "On this point we find an unbroken string of Florida cases over the past century holding that policyholders have the right to assign such claims without insurer consent." The ruling cited a decision last month by the 4th District Court of Appeal that also upheld assignments of benefits. In Monday's ruling, the three-judge panel reiterated that "the policy arguments and evidentiary basis for them put forth by Security First are more properly addressed to the Legislature."

Don't be surprised if the Legislature addresses this issue again in the 2016 Legislative Session.

Portions of the article is provided by The News Service of Florida.

2015 Legislative Bill Summaries

The 2015 Bill Summaries are reports created by committee staff that give brief explanations of legislation that passed this session in both the House and Senate. These summaries are created by committee staff and do not represent the opinion of any Senator, Senate Officer or Senate Office. [Click here](#) for the summary.

Download FL House for Your Smartphone and Tablet

The Florida House of Representatives has released the all new FL House Mobile App for your mobile devices.

FL House is now available for iOS and Android Devices. ([Link](#)).

Now Available: The 2013-14 Florida Handbook

The Florida Handbook is the leading guide to state government and its history.

To view a brief history of the handbook and to download the all-new 2014 edition, check out the following link: [The Florida Handbook](#).

Changes to Florida Building Code 5th Edition (2014) Effective June 30, 2015

The effective date of the 5th Edition (2014) of the Florida Codes (Building, Energy Conservation, Existing Building, Fuel Gas, Mechanical, Plumbing, & Residential) is June 30, 2015. For an analysis of changes between the 2010 and 2014 codes with comparison tables for each of the following codes, please [click here](#).

2016 Legislative Session Dates

Next year's Legislative Session will start earlier than the normal first Tuesday of March. The 2016 Legislative Session will start on January 12, 2016.

The following is a list of important dates for the Committee Meetings:

- September 16–18, 2015
- October 5–9, 2015
- October 19–23, 2015
- November 2–6, 2015
- November 16–20, 2015
- November 30–4, 2015

The following is a list of important dates for the 2016 Legislative Session:

- August 1, 2015 – Deadline for filing claim bills (Rule 4.81(2)).
- November 20, 2015 – 5:00 p.m., deadline for submitting requests for drafts of general bills and joint resolutions, including requests for companion bills.
- January 8, 2016 – 5:00 p.m., deadline for approving final drafts of general bills and joint resolutions, including companion bills.
- January 12, 2016 – Regular Session convenes

(Article III, section 3(b), Constitution) 12:00 noon, deadline for filing bills for introduction (Rule 3.7(1)).

- February 27, 2016 – All bills are immediately certified (Rule 6.8). Motion to reconsider made and considered the same day (Rule 6.4(4)).
- March 1, 2016 – 50th day—last day for regularly scheduled committee meetings (Rule 2.9(2)).
- March 11, 2016 – 60th day—last day of Regular Session (Article III, section 3(d), Constitution).

Heat Safety Tool

The logo for the Android Market app, featuring the text "Android Market" in white on a dark red background.The logo for the iPhone app, featuring the text "iPhone" in white on a dark red background.

When you're working in the heat, safety comes first. With the OSHA Heat Safety Tool, you have vital safety information available whenever and wherever you need it — right on your mobile phone.

The App allows workers and supervisors to calculate the **heat index** for their worksite, and, based on the heat index, displays a risk level to outdoor workers. Then, with a simple “click,” you can get reminders about the **protective measures** that should be taken at that **risk level** to protect workers from heat-related illness—reminders about drinking enough fluids, scheduling rest breaks, planning for and knowing what to do in an emergency, adjusting work operations, gradually building up the workload for new workers, training on heat illness signs and symptoms and monitoring each other for signs and symptoms of heat-related illness.

Working in full sunlight can increase heat index values by 15 degrees Fahrenheit. Keep this in mind and plan additional precautions for working in these conditions.

The OSHA Heat Tool is available in Spanish for Android and iPhone devices. To access the Spanish version on the iPhone, set the phone language setting to Spanish before downloading the app.

Stay informed and safe in the heat, check your risk level.

For more information about safety while working in the heat, see OSHA's [heat illness webpage](#), including new [online guidance](#) about using the heat index to protect workers.

The source code for this app is available for download:

Android: **English** (ZIP*) | **Spanish** (ZIP*)
iPhone: **All-in-One** (ZIP*)

As the Weather Heats Up, OSHA and NOAA Promote Summer Safety

Campaign Summer is here!

This is why the Occupational Safety and Health Administration and National Oceanic and Atmospheric Administration are joining forces to promote a **Summer Safety Campaign**.

OSHA provides resources for **workplace preparedness and response to severe weather** emergencies that can arise during summer, including: **hurricanes, wildfires** and **floods** as well as **severe heat**. OSHA and NOAA encourage employers to be aware of weather forecasts, train workers on severe weather plans and keep emergency supplies, including a battery-operated **weather radio**.

Some parts of the country have already experienced deadly and damaging flooding this season. And hurricane season began June 1 in the Atlantic and began in mid-May in the Pacific. Both high-hazard seasons run through November. Employers and workers need to be prepared with a **detailed plan** before these events occur to ensure that everyone stays safe.

And with temperatures rising, now is the best time for employers to prepare to protect workers outdoors. Workers in outdoor industries like agriculture, construction and transportation face serious hazards from working in the heat, including illness and death. One handy tool available for free to prevent these hazards is the OSHA Heat App that calculates the heat index (both temperature and humidity) at your worksite and provides recommendations for how best to protect workers based on the risk level. OSHA's heat app, recently updated for iPhone users, has been downloaded more than 193,000 times.

OSHA's Revised Hazard Communication Requirements in Effect as of June 1



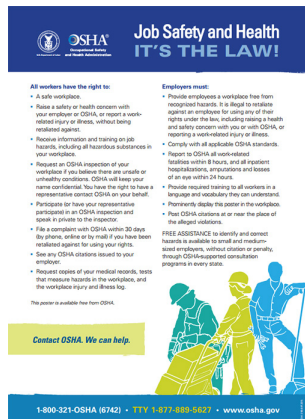
Examples of **label pictograms**.

Effective June 1, chemical manufacturers, importers, distributors and employers are required to provide a common approach to classifying chemicals and communicating hazard information on labels and safety data sheets. Chemical manufacturers and importers must provide a label that includes a signal word, **pictogram**, hazard statement, and precautionary statement for each hazard class and category. Beginning in December, distributors may only ship containers labeled by the chemical manufacturer or importer if the labels meet these requirements.

The June 1 deadline was established when OSHA aligned its **Hazard Communication Standard** in 2012 with the global standard for chemical product labeling. The provisions for labeling offer workers better protection from chemical hazards, while also reducing trade barriers and improving productivity for American businesses that regularly handle, store and use hazardous chemicals. The updated standard also provides cost savings for American businesses that periodically update safety data sheets and labels for chemicals covered under the standard, saving businesses millions of dollars each year.

The new format for **Safety Data Sheets** requires 16 specific sections to ensure consistency in presentation of important protection information. For more information, see OSHA's **Hazard Communication webpage**.

OSHA Unveils New “It’s The Law” Poster



To help ensure that workers have a voice in their workplaces and the protection they deserve, the Occupational Safety and Health Administration recently unveiled a new version of its “**Job Safety and Health – It’s The Law!**” poster. The poster informs workers of their rights and employers of their responsibilities.

“This poster emphasizes a very important principle when it comes to prevention – that every worker has a voice,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “Workers need to know their rights and be able to use their rights, without fear of retaliation, when they believe that their safety or health is at risk.”

The newly designed poster informs workers of their right to request an OSHA inspection of their workplaces, receive information and training on job hazards, report a work-related injury or illness and raise safety and health concerns with their employer or OSHA without being retaliated against.

The poster informs employers of their legal obligation to provide a safe workplace. In addition, it has been updated to include the new reporting obligations for employers, who must now report every fatality and every hospitalization, amputation and loss of an eye. It also informs employers of their responsibilities to train all workers in a language and vocabulary they can understand, comply with OSHA standards and post citations at or near the place of an alleged violation.

Over the agency’s 44-year history, there have been several versions of the official OSHA poster, with the last update published in 2007.

OSHA’s “It’s the Law” poster is **free** and can be downloaded. Employers must display the poster in a conspicuous place where workers can see it. Previous versions of the poster do not need to be replaced.

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 www.osha.gov.

Revisions to Whistleblower Investigations Manual Bring Clarity to Remedies and Settlements

OSHA has updated its **Whistleblower Investigations Manual** to increase uniformity and predictability in the settlement and damages aspects of whistleblower cases — a significant benefit for both employers and workers and their attorneys.

Revisions to Chapter 6 in the manual, “Remedies and Settlement Agreements,” lay out OSHA’s guidelines for ordering compensatory and punitive damages, including the factors that OSHA uses for calculating these damages. The chapter affirms that OSHA may award compound interest for out-of-pocket damages, such as credit card interest, annuity losses and job search expenses incurred by a worker as the result of unlawful retaliation by an employer. The revised chapter also clarifies the method OSHA follows to award attorneys’ fees under appropriate statutes.

OSHA enforces the **whistleblower protection provisions** of the OSH Act and 21 other statutes protecting workers who report violations of laws in various industries. In fiscal year 2014, OSHA helped award more than \$35 million to whistleblowers across the country – sending a powerful reminder to employers that workers have a right to speak up, without fear of retaliation, when they believe that their safety and health is at risk – including the right to **complain to OSHA**. The revisions to OSHA’s manual clarify how violating **workers’ rights** can have serious consequences.

U.S. Department of Labor news materials

are accessible at <http://www.dol.gov>. The department's Reasonable Accommodation Resource Center converts departmental information and documents into alternative formats, which include Braille and large print. For alternative format requests, please contact the department at (202) 693-7828 (voice) or (800) 877-8339 (federal relay).

Registered Contractor License Renewal Reminder

Just a reminder that the Registered Contractor licenses issued by the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2015.

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).

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 \$112.50 per year. SEGA is now offering half year dues.

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.

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 dates and times for future sessions.

July 8, 2015

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

July 9, 2015

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

July 15, 2015

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

July 21, 2015

Pensacola
9:00 a.m. – 12:00 noon
Division of Workers' Compensation
610 East Burgess Road
Pensacola, FL 32504

July 28, 2015

Jacksonville
9:00 a.m. – 12:00 noon
State of Florida Jacksonville Regional Service Center
921 North Davis Street, Building B, Room 350
Jacksonville, FL 32209

August 4, 2015

Tampa
9:00 a.m. – 12:00 noon
State of Florida Park Trammel Building
1313 North Tampa Street, Suite 605
Tampa, FL 33603

August 12, 2015

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

August 13, 2015

Miami
9:00 a.m. – 12:00 noon
State of Florida Rhode Building
401 N.W. 2nd Avenue, South Tower, Room S-123
Miami, FL 33128

August 13, 2015

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

September 9, 2015

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

September 10, 2015

Orlando
9:00 a.m. – 12:00 noon
State Office Building
Hurston Complex
400 West Robinson Street, North Tower, Conference
Room N-101
Orlando, FL 32801

September 10, 2015

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

September 15, 2015

Gainesville
9:00 a.m. – 12:00 noon
Alachua Regional Service Center
14101 Northwest Highway 441,
Conference Room 115
Alachua, FL 32615

September 21, 2015

Fort Lauderdale
9:00 a.m. – 12:00 noon
1400 West Commercial Boulevard, Suite 195
Fort Lauderdale, FL 33309

October 5, 2015

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

October 7, 2015

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

October 8, 2015

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

October 27, 2015

Jacksonville
9:00 a.m. – 12:00 noon
State of Florida Jacksonville Regional Service Center
921 North Davis Street, Building B, Room 350
Jacksonville, FL 32209

November 4, 2015

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

November 5, 2015

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

November 9, 2015

Tampa
9:00 a.m. – 12:00 noon
State of Florida Park Trammel Building
1313 North Tampa Street, Suite 605
Tampa, FL 33603

November 16, 2015

Miami
9:00 a.m. – 12:00 noon
State of Florida Rhode Building
401 N.W. 2nd Avenue, South Tower, Room S-123
Miami, FL 33128

December 2, 2015

Tallahassee
9:00 a.m. – 12:00 noon
Hartman Building
2012 Capital Circle SE, Room 102
Tallahassee, FL 32399

December 3, 2015

Orlando
9:00 a.m. – 12:00 noon
State Office Building
Hurston Complex
400 West Robinson Street, North Tower, Conference
Room N-101
Orlando, FL 32801

December 9, 2015

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

December 10, 2015

Lantana
9:00 a.m. – 12:00 noon
Gold Coast Schools
6216 South Congress Avenue, Classroom A
Lantana, FL 33462

December 10, 2015

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.

CILB Update
ADVERTISING: Signs to Social Media, License Numbers Required!

Advertising is important to Florida contractors and can make the difference between a great business year and just making ends meet. Florida contractors have many new ways of promoting their businesses with the increased use of internet websites and the advent of social media technologies. As advertising evolves, it is important for Florida contractors to remember that their license number must be included in all offers of service, bids, business proposals, contracts or advertisements, regardless of the medium. Pursuant to **Rule 61G4-12.011, F.A.C.**, advertisements include any electronic media including Internet sites. So please remember to include your license number on your websites, social media pages and other advertisements.

If you have any questions regarding advertising requirements please review the Construction Industry Licensing Board's **FAQs** or you may contact the Department's Customer Contact Center at (850) 487-1395.

