SEGAs Chairman’s Message

Never in Your Wildest Dreams

Commercial Glazing projects located in most parts of Florida now require many more specialized performance requirements than other areas or surrounding states. Ever since the early nineties, Florida has been modifying and revising building codes to reflect better performance to specific elements and conditions. It all started with the hurricane impact requirements, then military DOD requirements have mandated impact and blast together on military projects. The latest codes now require lower energy numbers for complete assemblies in lieu of center of glass numbers. Certain projects have specific requirements calling for Bird Glass on certain elevations and now we have Cyber Glass used to protect private conversations, boardroom discussions and trade secret documents from electronic eavesdropping. This glass has been specifically engineered to reduce the transmission of radio frequency (RF) electromagnetic radiation, also known as RF Shielding. This provides protection from hackers and their ability to gain secret and confidential information. Throw in a couple more calling for protection from flood and tornados and glass and glass systems have become the common product used to protect human life from the acts of Mother Nature and those that wish to steal private and confidential information.

The commercial glass business has evolved from its infancy years ago of being simply tube and stop with a single piece of glass to a complicated and complex design of systems, as described above, engineered to deliver various protections from peril and deliver performance values that meet today’s requirements. Where will it stop? Who knows, but this old boy has had a great ride!

Until next time!

Woody Watters
SEGA Chairman
SEGA 2016 OFFICERS

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Woody Watters
Pensacola Glass Company

Vice Chairman
Vacant

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SEGA 2016 CALENDAR OF EVENTS

October
11............ Florida Building Commission Meeting, TBA
12–14......... CILB Board of Director’s and Committee Meetings, Hilton Melbourne Beach Oceanfront, Melbourne
19–21.. GlassBuild America: The Glass, Window & Door Expo, Las Vegas Convention Center, Las Vegas, NV
20–23.................................................. Glasstec, Düsseldorf, Germany

November
9–11......... CILB Board of Director’s and Committee Meetings, Embassy Suites Orlando – North, Altamonte Springs
24–26.................................................. Glasstech Asia, Ho Chi Minh City, Vietnam

December
13............ Florida Building Commission Meeting, TBA

2017

February
21–22......... Glass & Glazing Specialty License Exam

June
13–14......... Glass & Glazing Specialty License Exam

September
12–14......... GlassBuild America: The Glass, Window & Door Expo, Georgia World Congress, Atlanta, GA

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.
2017 House and Senate Committee Schedule

Recently, the House and Senate published their 2017 schedule for interim committee meetings. Both chambers are holding committee meetings the same weeks except for one week in December. The schedule is as follows:

**House – 2016**
- Monday, December 5 – Friday, December 9

**Senate – 2016**
- Monday, December 12 – Friday, December 16

**Senate and House – 2017**
- Monday, January 9 – Friday, January 13
- Monday, January 23 – Friday, January 27
- Monday, February 6 – Friday, February 10
- Monday, February 13 – Friday, February 17
- Monday, February 20 – Friday, February 24

The Regular Session will convene on Tuesday, March 7, 2017 and end on Friday, May 5, 2017.

National Council on Compensation Insurance (NCCI) Public Rate Hearing

On August 16, 2016, the Florida Office of Insurance Regulation (Office) conducted a public hearing at the 412 Knott Building, 404 South Monroe Street, Florida Capitol Complex, Tallahassee, FL. The purpose of the public hearing was to discuss NCCI’s proposed overall average statewide rate increase of 19.6% for workers’ compensation insurance. NCCI, who files on behalf of Florida’s workers’ compensation insurance companies, submitted the rate filing as a result of recent Florida Supreme Court decisions on *Westphal v. City of St. Petersburg* and *Castellanos v. Next Door Company*, as well as, impacts from updates to the Florida Workers’ Compensation Health Care Provider Reimbursement Manual per Senate Bill 1402. The manual went into effect on July 1, 2016.

Individual projected rate impacts for all three recent legal changes include the following:
- A 2.2% projected rate increase for the June 9th Florida Supreme Court decision in the case of *Westphal v. City of St. Petersburg*, in which the Florida Supreme Court found the 104–week statutory limitation on temporary total disability benefits in Section 440.15(2)(a), Florida Statutes, unconstitutional because it causes a statutory gap in benefits in violation of an injured worker’s constitutional right of access to courts. The Supreme Court reinstated the 260–week limitation in effect prior to the 1994 law change.
- A 15% projected rate increase for the April 28th Florida Supreme Court decision in the case of *Castellanos v. Next Door Company*, which found the mandatory attorney fee schedule in Section 440.34, Florida Statutes, unconstitutional as a violation of due process under both the Florida and United States Constitutions.
- A 1.8% projected rate increase related to updates within the Florida Workers’ Compensation Health Care Provider Reimbursement Manual per Senate Bill 1402. The law change is also proposing the 19.6% rate increase apply to all workers’ compensation policies in effect as of October 1, 2016 on a pro-rata basis for the remainder of each policy’s term.

Are You Ready for the New Overtime Rules?

The deadline for the Department of Labor’s (DOL’s) new final overtime rule is December 1, 2016. While CFOs at most large U.S. companies have been working overtime themselves to prepare for the changes, many small and midsize firms haven’t been as quick to react.

**Current Overtime Rule**

The Fair Labor Standards Act (FLSA) is the federal law that controls overtime pay. It requires employers to pay employees 1.5 times their regular pay rate for overtime above 40 hours a week, unless specifically
exempted. The FLSA “white collar” exemptions exclude from the federal overtime rules certain executive, administrative and professional (EAP) employees and outside salespeople.

The DOL requires each of the following three tests to be met for employees to be covered by the EAP exemption and, therefore, ineligible for overtime pay:

1. **Salary basis test.** The employee must be paid a predetermined and fixed salary that isn’t subject to reduction because of variations in the quality or quantity of work performed.

2. **Salary level test.** The amount of salary paid must meet a minimum specified amount. Currently, this figure is $455 per week for EAP employees. (This is the equivalent of $23,660 annually for a full-year employee.)

3. **Duties test.** The employee’s job duties must primarily involve executive, administrative or professional duties as defined by the DOL regulations. In addition, the regulations include a relaxed duties test for certain highly compensated employees (HCEs) who receive total annual compensation of $100,000 or more and are paid at least $455 per week under current levels.

The DOL released updated guidance in May that makes significant changes to the overtime regs. Prior to those changes, the DOL regulations on overtime pay — which date back to 1940 — hadn’t been updated since 2004.

**New Overtime Rule**

The new final rule makes several significant changes related to overtime pay. Here are the highlights:

**Salary level test.** The standard salary level used to determine whether EAP employees are exempt from overtime will increase from $455 per week ($23,660 per year) to $913 per week ($47,476 per year) for full-time workers.

Employers aren’t necessarily in compliance with the new standard salary level threshold if an employee’s pay meets the $47,476 annual threshold. An employee’s eligibility to receive overtime is determined on a weekly basis. What’s more, this limit will be adjusted every three years, beginning January 1, 2020.

**Bonuses and incentive payments.** For the first time ever, employers will be permitted to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10% of the standard salary level. These payments may include, for example, nondiscretionary incentive bonuses tied to productivity and profitability. For employers to credit nondiscretionary bonuses and incentive payments toward a portion of the standard salary level test, payments must be made at least on a quarterly basis, although employers can still make “catch-up” payments.

**HCEs.** The total annual compensation threshold for an HCE will increase from $100,000 to $134,004. The final rule makes no changes to the requirement that HCEs receive at least the full standard salary amount each pay period on a salary or fee basis without regard to nondiscretionary bonuses and incentive payments.

Thus, if employees earn at least $913 per week and pass the standard duties test for an EAP employee, they won’t be affected by the increase in the annual threshold. If they pass only the relaxed duties test for an HCE, the employer must raise the compensation to the new $134,004 threshold to retain the exempt status.

While HCEs must receive 100% of the $913 weekly threshold on a salary or fee basis, nondiscretionary bonuses and incentive payments (including commissions) may be used to satisfy the remainder of the $134,004 total annual compensation requirement.

**Duties test.** The final rule doesn’t make any changes to the existing EAP job duty requirements to qualify for exemption from overtime.

**Outside salespeople.** These employees aren’t subject to the salary basis or salary level requirements. Therefore, they aren’t affected by the rule changes.

**Salaries for nonexempt employees.** “Salaried status” and “exempt status” are separate concepts. So, employees entitled to overtime pay may still be paid on a salary basis as long as they receive overtime pay for working over 40 hours in a workweek.

**Seasonal employers.** A seasonal employer must comply with these rules during the period the employer is open for business. For example, if a seasonal employer is open during eight months of the year, the employer must guarantee that at least $913 per week is paid to an employee during that eight-month period for the employee to be exempt from
overtime.

**Job classifications.** Employees with the same job classification don’t all have to be classified as either eligible or exempt from overtime. The determination is made on an employee–by–employee basis.

**Compliance Options for Employers**

Faced with the fast–approaching implementation date, employers have several options to comply with the new rule:

1. **Increase salaries of employees who are paid near the salary level threshold to maintain their exempt status (assuming they also meet the EAP duties test).** The DOL says that this option works best for employees who have salaries close to the new salary level and regularly work overtime. But it may be only a short–term fix, because the salary level threshold will be increased again, beginning in 2020.

2. **Pay overtime in addition to the employee’s current salary when necessary.** Employers can also continue to pay their newly overtime–eligible employees the same salary and pay them overtime whenever they work more than 40 hours in a week.

   The DOL says that this approach may be preferable for companies with employees who work 40 hours or fewer in a typical workweek, but they have occasional spikes that require overtime. Thus, the employer can plan and budget for the extra pay. The DOL also notes that there’s no requirement to convert employees from salaried to hourly for overtime pay calculations.

3. **Limit workers’ hours to 40 hours per week.** Under this option, employers must ensure that workload distribution, time and staffing levels are managed appropriately for EAP workers earning below the salary threshold. Employers might hire additional workers to achieve this goal.

   There’s no “wrong” or “right” answer for employers. The optimal approach for your company will depend on the particular facts and circumstances. It also will require a balancing act between meeting the company’s needs and being fair to employees. Employers already operating on slim profit margins may seek to cut costs in other ways, including making better use of technology.

   At the very least, employers need to review how they manage payroll before December 1. For instance, you may want workers who never had to “punch in” in the past to start reporting their hours worked. Employers will need to think about the nuts–and–bolts of how they want employees to track their time.

**Act Now**

The time to address the new final overtime rule is growing short. Is your company ready? If not, consult with your financial and legal advisors to ensure you’ll be in full compliance when the rule goes into effect. These outside professionals can help analyze your payroll systems and determine the best approach for your company.

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**Federal Law Posters are Changing**

Under a new federal law that took effect August 1, 2016, civil penalties that the federal government charges businesses for violations of federal wage and hour laws, as well as for OSHA violations, are going up. As a result, the federal government is revising its Minimum Wage poster.

The new **Federal Minimum Wage** poster reflects updated enforcement rules under the Fair Labor Standards Act, which include:

- The consequences of incorrectly classifying workers as independent contractors
- The rights of nursing mothers
- Revised information relating to tip credits

The new **Employee Polygraph Protection Act** poster has been updated to reflect changes to the contact information for the Department of Labor and to remove references to the penalty for violation of the law.
Bad Check Update
If your business takes payments from customers in the form of checks, EFT payments or debit cards, you are entitled to charge a service charge if the payment bounces or does not go through due to insufficient funds. Under Florida law, you are entitled to collect:

- $25 if payment is less than $50
- $30 if the payment is more than $50 but less than $300, or
- $40 if the payment is more than $300, or 5% of the amount of the payment, whichever is greater.

These fees use to apply only to bounced checks, but because technology is allowing customers to pay in different ways, the law has been broadened to include bad payments made via Electronic Funds Transfer (EFT) and debit cards (NOT credit cards).

In addition to the service charges above, a business is also entitled to collect from the customer any fees that the bank has charged the business for the bad payment/bounced check. This amount varies depending on your bank.

If the customer has paid with a debit card or via Electronic Funds Transfer (EFT), you can run the original payment again and add the appropriate service charges and bank charges. If the customer has paid with a check, you should contact the customer to provide you a replacement payment for the original transaction amount, plus the service charges and bank charges.

OSHA Penalty Adjustments Took Effect on August 1, 2016
In November 2015, Congress enacted legislation requiring federal agencies to adjust their civil penalties to account for inflation. The Department of Labor is adjusting penalties for its agencies, including the Occupational Safety and Health Administration (OSHA).

OSHA’s maximum penalties, which were last adjusted in 1990, increased by 78%. Going forward, the agency will continue to adjust its penalties for inflation each year based on the Consumer Price Index. The new penalties took effect after August 1, 2016. Any citations issued by OSHA on or after that date will be subject to the new penalties if the related violations occurred after November 2, 2015.

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<thead>
<tr>
<th>Type of Violation</th>
<th>Current Maximum Penalty</th>
<th>New Maximum Penalty</th>
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<tbody>
<tr>
<td>Serious Other–Than–Serious</td>
<td>$7,000 per violation</td>
<td>$12,471 per violation</td>
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Posting Requirements

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<tr>
<th>Failure to Abate</th>
<th>Current Maximum Penalty</th>
<th>New Maximum Penalty</th>
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<tbody>
<tr>
<td></td>
<td>$7,000 per day</td>
<td>$12,471 per day</td>
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<tr>
<td></td>
<td>beyond the abatement</td>
<td>beyond the abatement</td>
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<tr>
<th>Willful or Repeated</th>
<th>Current Maximum Penalty</th>
<th>New Maximum Penalty</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>$70,000 per violation</td>
<td>$124,709 per violation</td>
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</table>

Adjustments to Penalties
To provide guidance to field staff on the implementation of the new penalties, OSHA issued revisions to its Field Operations Manual prior to August 1. To address the impact of these penalty increases on smaller businesses, OSHA will continue to provide penalty reductions based on the size of the employer and other factors.

State Plan States
States that operate their own Occupational Safety and Health Plans are required to adopt maximum penalty levels that are at least as effective as Federal OSHA’s.

Workers’ Rights
Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- Receive information and training (in a language and vocabulary the worker understands) about workplace hazards, methods to prevent them and the OSHA standards that apply to their workplace.
- Review records of work-related injuries and illnesses.
• File a complaint asking OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA’s rules. OSHA will keep all identities confidential.
• Exercise their rights under the law without retaliation, including reporting an injury or raising health and safety concerns with their employer or OSHA. If a worker has been retaliated against for using their rights, they must file a complaint with OSHA as soon as possible, but no later than 30 days.

For more information, see OSHA’s Workers page.

How to Contact OSHA
For questions or to get information or advice, to report an emergency, fatality, inpatient hospitalization, amputation, or loss of an eye, or to file a confidential complaint, contact your nearest OSHA office, visit www.osha.gov or call OSHA at (800) 321–OSHA (6742), TTY (877) 889–5627.

OSHA Announces New Requirements for Reporting Severe Injuries and Updates List of Industries Exempt from Recordkeeping Requirements
The U.S. Department of Labor’s Occupational Safety and Health Administration recently announced a final rule requiring employers to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye. The rule, which also updates the list of employers partially exempt from OSHA record-keeping requirements, will go into effect on Jan. 1, 2015, for workplaces under federal OSHA jurisdiction.


Census of Fatal Occupational Injuries.
“Today, the Bureau of Labor Statistics reported that 4,405 workers were killed on the job in 2013. We can and must do more to keep America’s workers safe and healthy,” said U.S. Secretary of Labor Thomas E. Perez. “Workplace injuries and fatalities are absolutely preventable, and these new requirements will help OSHA focus its resources and hold employers accountable for preventing them.”

Under the revised rule, employers will be required to notify OSHA of work-related fatalities within eight hours, and work-related in-patient hospitalizations, amputations or losses of an eye within 24 hours. Previously, OSHA’s regulations required an employer to report only work-related fatalities and in-patient hospitalizations of three or more employees. Reporting single hospitalizations, amputations or loss of an eye was not required under the previous rule.

All employers covered by the Occupational Safety and Health Act, even those who are exempt from maintaining injury and illness records, are required to comply with OSHA’s new severe injury and illness reporting requirements. To assist employers in fulfilling these requirements, OSHA is developing a Web portal for employers to report incidents electronically, in addition to the phone reporting options.

“Hospitalizations and amputations are sentinel events, indicating that serious hazards are likely to be present at a workplace and that an intervention is warranted to protect the other workers at the establishment,” said Dr. David Michaels, assistant secretary of labor for occupational safety and health.

In addition to the new reporting requirements, OSHA has also updated the list of industries that, due to relatively low occupational injury and illness rates, are exempt from the requirement to routinely keep injury and illness records. The previous list of exempt industries was based on the old Standard Industrial Classification system and the new rule uses the North American Industry Classification System to classify establishments by industry. The new list is based on updated injury and illness data from the Bureau of Labor Statistics. The new rule maintains the exemption for any employer with 10 or fewer employees, regardless of their industry classification, from the requirement to routinely keep records of worker injuries and illnesses.
OSHA Issues New Guidance on Settlement Approval in Whistleblower Cases

The Occupational Safety and Health Administration has published new guidelines for approving settlements between employers and employees in whistleblower cases to ensure that settlements do not contain terms that could be interpreted to restrict future whistleblowing. The guidelines, issued September 9, make clear that OSHA will not approve a whistleblower settlement agreement that contains provisions that may discourage whistleblowing without outright prohibiting it, such as:

- Provisions that require employees to waive the right to receive a monetary award from a government-administered whistleblower award for providing information to a government agency about violations of the law.

- Provisions that require the employee to advise the employer before voluntarily communicating with the government or to affirm that the employee is not a whistleblower.

OSHA also reserves the right not to approve settlements with liquidated damages provisions that it believes are excessive. The new guidance responds to a March 2015 petition for rulemaking from the Government Accountability Project.

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.

OSHA and NOAA Provide Guidance to Protect Outdoor Workers from Lightning Strikes

OSHA and the National Oceanic and Atmospheric Administration have released a Lightning Safety When Working Outdoors Fact Sheet that provides employers and workers with information about lightning hazards and protective measures that can be taken to ensure workers’ safety. Often overlooked as an occupational hazard, lightning strikes can severely injure or kill workers in occupations such as construction, logging, utility repair, agriculture, telecommunications, lawn services, airport ground operations and pool and beach lifeguarding.

OSHA Amplifies Efforts to Limit Construction Workers’ Noise Exposures

The U.S. Occupational Safety and Health Administration (OSHA) has commenced the process for creating a potential Noise in Construction standard. The potential standard was included on OSHA’s regulatory agenda, published last month. The agency plans to issue a request for information in November to discern the effectiveness and feasibility of such a standard. Ideally, the new standard would give construction workers the protection from hearing loss already available to general industry workers through the OSHA Hearing Conservation Amendment, which specifically excludes the construction sector. Currently, the agency has set the permissible exposure limit for construction noise at 90 A-weighted decibels over an eight-hour period. However, the National Institute for Occupational Safety and Health’s suggested exposure level is 85 A-weighted decibels over the same period. “The OSHA rule of 90 decibels is very, very old, and it does not protect the average construction worker,” said Richard Gleason, a senior lecturer at the University of Washington Department of Environmental and Occupational Health Sciences’ School of Public Health.

For more information about the new rule, visit OSHA’s website at http://www.osha.gov/recordkeeping2014.
Health and Community Medicine. Gleason recommends that OSHA lower the threshold to mandate hearing protection to 85 decibels, institute baseline and annual audiometric tests and require initial and annual retraining of employees on noise hazards and hearing protections. Others say OSHA could bas a proposed standard on a voluntary American National Standards Institute standard that links the exposure to particular tasks instead of a worker’s average exposure over an eight–hour day.

OSHA Delays Effective Date for Enforcing Anti–Retaliation Section of Injury Tracking Rule

OSHA is delaying enforcement of the anti–retaliation provisions in its new injury and illness tracking rule to conduct additional outreach and provide educational materials and guidance for employers. Originally scheduled to begin August 10, 2016, enforcement will now begin November 1, 2016. Under the rule, employers are required to inform workers of their right to report work–related injuries and illnesses without fear of retaliation; implement procedures for reporting injuries and illnesses that are reasonable and do not deter workers from reporting; and employers are prohibited from retaliating against workers for reporting injuries and illnesses.

How to Protect Workers from Zika Exposure

The outbreak of Zika that has spread through Central and South America, Mexico, and parts of the Caribbean has reached the United States mainland, with four locally–transmitted cases reported in Florida on Friday.

Now that we know the virus is here, OSHA reminds employers and workers to take steps to prevent or minimize the risk of Zika infection, especially for those working outdoors. OSHA has resources to help workers and employers avoid Zika and stay healthy, including interim guidance to protect workers who are outdoors, involved in mosquito control operations, in affected health care facilities and laboratories, or travel to Zika–affected areas. Developed in partnership with the National Institute for Occupational Safety and Health, the guidance also links to the most up–to–date CDC information on potential health effects and reproductive outcomes associated with Zika infection.

Tips for preventing Zika and other mosquito–borne diseases include:

- When working outdoors, wear clothing that covers the hands, arms, legs, and other exposed skin. Wear a hat with mosquito netting to protect the face and neck. Lightweight, loose–fitting clothing may be best in warm weather to help avoid heat illness.
- Use insect repellent with an EPA–registered active ingredient, and always follow label precautions and manufacturer instructions for use.
- Get rid of sources of standing water (tires, buckets, cans, bottles, barrels) whenever possible to reduce or eliminate mosquito breeding areas.
- Talk to your supervisor(s) about any outdoor work assignment(s) if you are or your sexual partner is pregnant or may become pregnant. Such workers should be familiar with CDC information on Zika virus and pregnancy.

OSHA’s website also provides a Spanish version of the interim guidance, and a QuickCard for outdoor workers in English and Spanish.

Although Zika virus is generally spread by the bites of infected mosquitoes, exposure to an infected person’s blood or other body fluids may also result in transmission. Evidence suggests that about one out of five people infected with the virus develops symptoms that can start 2–7 days after the bite of an infected mosquito. Zika symptoms are typically mild and can last 2–7 days with the most common symptoms including fever, rash, joint pain and red or pink eyes. Other symptoms include muscle pain and headache.

See your health care provider if you develop symptoms of Zika, particularly if you live or work in an area with active Zika transmission or have recently visited an area where Zika is found.
OSHA is Now on Twitter!

OSHA now has its own Twitter account. Follow @OSHA_DOL for the agency’s latest activities and to learn about coming events, resources and regulations.

NCCI Rate Filings Now Available via the I–File System

The National Council on Compensation Insurance (NCCI), which files on behalf of Florida workers’ compensation insurers, is now providing unrestricted access to its filings via the office’s I–File Form and Rate Filing Search System. All current filings and those going back to 2001 are now accessible. Please click here for letter from NCCI to the Office.

NCCI manuals as well as rate, rule and form filings submitted by the NCCI are copyright protected. Copyright materials cannot be copied, reproduced or adapted without the permission of the copyright owner. Section 119.01(2)(d), Florida Statutes, indicates that copyright laws must be considered when providing access to public records.

If you would like to review the NCCI rate filing received on May 27, 2016 (amended on July 1, 2016), which will also be discussed at a public hearing scheduled for August 16, 2016, enter File Log 316–12500 using the “Quick Search Tab” and select the filing when it appears in the drop down listing. To download specific documents or the entire filing, select the “Filing Actions” icon (looks like multiple pages) and follow the instructions provided. For more information regarding the upcoming NCCI rate hearing, please visit the website at http://floir.com/Sections/PandC/NCCIHearing.aspx.

Workplace Dress Code: A Delicate Balance

When it comes to workplace dress standards, you can be formal or casual depending on your organization’s personality. “In general, an employer may establish a dress code which applies to all employees or employees within certain job categories,” according to the U.S. Equal Employment Opportunity Commission (EEOC).

The two key takeaways from this statement:

1. It’s okay to have different dress codes for different departments.
2. The policy must be administered consistently.

Naturally, there are exceptions to the EEOC’s dress code statement.
Staying on Track
Keeping an EEOC–compliant dress code on track begins with deciding whether a dress code is needed in the first place. It’s not always necessary. Make sure there is sufficient buy–in to having a dress code from the key decision–makers in your organization.

Still, it’s generally helpful to have a basic policy in your employee handbook to point to if a problem arises down the road. However, giving it great emphasis in the absence of any violations could trigger needless employee resentment.

Also, making a dress code too prescriptive (for example, setting a knee–length limit on dresses and skirts) may put you in a box. That’s because it robs you and supervisors of the ability to exercise discretion.

Also, an overly nitpicking policy can place you in the undesirable position of monitoring compliance in ways that might waste time and seem degrading to employees — like measuring skirt length with a ruler.

Finally, it’s critical that support for enforcing the policy, whether detailed or general, is both strong and visible to employees. If employees who are inclined to step over the line believe the policy won’t be upheld, they’re likely to violate it and it could be seen by others as a sham.

Religion and Dress
The basic way you can get into legal trouble with a dress code (besides inconsistent enforcement) is if it violates employee religious beliefs or ethnic traditions. You aren’t required to make exceptions based on ethnic dress, but, as the EEOC articulates the rules, “a dress code must not treat some employees less favorably [than others] because of their national origin.”

Here’s an EEOC example: “A dress code that prohibits certain kinds of ethnic dress, such as traditional African or East Indian attire, but otherwise permits casual dress, would treat some employees less favorably because of their national origin.”

The EEOC adds: “An employer may require all workers to follow a uniform dress code even if the dress code conflicts with some workers’ ethnic beliefs or practices. However, if the dress code conflicts with religious practices, the employer must modify the dress code unless doing so would result in undue hardship.”

Undue Hardship?
So the issue becomes the standard for “undue hardship.” This is a general statement from the EEOC on the matter: “Some courts have concluded that it would pose an undue hardship if an employer was required to accommodate a religious dress or grooming practice that conflicts with the public image the employer wishes to convey to customers.”

While acknowledging that may be true in some cases, “an employer’s reliance on the broad rubric of ‘image’ to deny a requested religious accommodation may amount to relying on customer religious bias, [sometimes called ‘customer preference’] in violation of [the Civil Rights Act].” The EEOC has taken the view that blanket bans on head scarves traditionally worn by Muslim women come under that heading, as well as beard–length limits affecting Muslim men.

In one case, an employer settled a case with the EEOC that involved employees wearing a certain color shirt on Fridays to show support for the U.S. military. A Jehovah’s Witness employee objected because he felt his religion didn’t allow him to express opinions about government matters, including military affairs. Despite this, the employee was reprimanded for not complying with the Friday dress code and was eventually fired. The employer paid $21,500 to the former employee to settle the religious discrimination lawsuit.

In addition to accommodating religious beliefs and national origin practices, if an employee requests an accommodation to the dress code because of his or her disability, the employer must modify the dress code unless doing so results in undue hardship.

The bottom line: Have your HR adviser and employment attorney review any new dress code provisions you’re thinking of putting in place.

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.

**October 5, 2016**
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

**October 6, 2016**
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

**October 11, 2016**
Pensacola
9:00 a.m. – 12:00 noon
Division of Workers’ Compensation
610 East Burgess Road
Pensacola, FL 32504

**October 11, 2016**
Fort Lauderdale
9:00 a.m. – 12:00 noon
1400 West Commercial Boulevard, Suite 195
Fort Lauderdale, FL 33309

**October 26, 2016**
Jacksonville
9:00 a.m. – 12:00 noon
City of Jacksonville, Building Inspection Services,
Training Room
214 North Hogan Street
Jacksonville, FL 32202

**November 9, 2016**
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

**November 10, 2016**
2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

**November 10, 2016**
Miami
9:00 a.m. – 12:00 noon
State of Florida Rhode Building
401 N.W. 2nd Avenue, South Tower, Room N-423
Miami, FL 33128

**November 16, 2016**
Tampa
9:00 a.m. – 12:00 noon
State of Florida Park Trammel Building
1313 North Tampa Street, Suite 605
Tampa, FL 33603

**December 6, 2016**
Orlando
9:00 a.m. – 12:00 noon
State Office Florida Hurston Building
400 West Robinson Street, North Tower, N-101
Orlando, FL 32801

**December 6, 2016**
West Palm Beach
9:00 a.m. – 12:00 noon
State of Florida
400 North Congress Avenue, Room 200
West Palm Beach FL 33411

**December 7, 2016**
2:00 p.m. – 3:00 p.m. EST
Workers’ Compensation
WEB Based class

**December 8, 2016**
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](http://www.myfloridacfo).
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, 2017.

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).

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 DBPR’s Customer Contact Center at (850) 487–1395.

Welcome New SEGA 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.

Auto Glass America
Chuck Isaly
8552 East San Alberto Drive
Scottsdale, AZ 85258
Phone: (602) 272–2533
FAX: (480) 772–4873
E-mail: isalyc@msn.com
Website: www.auto–glassamerica.com
Auto Glass
Morse Industries, Inc.
Jeremy Nolan
2004 Van Buren Avenue
Indian Trail, NC  28079
Phone: (800) 325–7513
FAX: (800) 411–8226
E–mail:  jeremym@morseindustries.com
Website:  www.morseindustries.com
Commercial Sales

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.

WE WILL NEVER FORGET

GlassBuild AMERICA
OCTOBER 19-21, 2016
Las Vegas, Nevada