



Glass Facts

January – December 2010

SEGA Chairman's Message



Welcome from your Chairman on this bright and cool fall day. We all know that the holidays are just around the corner and as we approach that busy time of year, we must remember what these holidays mean. It is a time to relax with family and friends and a time to prepare for yet another New Year.

I'm not sure about the rest of you, but I have high expectations of 2011. I think that we will see a continued growth in the economy. Both residential and non-residential construction should start to see a continued, although slow, growth. Those of us who have survived this crazy time should be in better positions to take advantage of this growth.

My one regret as we emerge from this malaise is that the state certified glass and glazing license has not been made mandatory. There are still a few unscrupulous companies out there installing storefront and curtain wall improperly and putting plate glass where tempered should have been used. As this economy grows, this number of companies will grow as well. I know that it is a tough political climate in Tallahassee with the new administration, but SEGA

should continue to push this requirement at every opportunity.

I wish all well and to have a happy holiday season!

Sincerely,

*Fred L. Poyner
SEGA Chairman*



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, 2011.

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).

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Will Smith

Glazing Consultants International, LLC

Woody Watters

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SOUTHEAST GLASS ASSOCIATION 2011 CALENDAR OF EVENTS

March

TBA Board of Director's Meeting,
Conference Call

June

TBA Board of Director's Meeting,
Conference Call

September

7-9 (Wednesday-Friday) GlassBuild America:
The Glass, Window & Door Expo
Georgia World Congress Center, Atlanta, GA

October

TBA Board of Director's Meeting,
Conference Call

2012 CALENDAR OF EVENTS

September

12-14 (Wednesday-Friday) GlassBuild America:
The Glass, Window & Door Expo
Las Vegas Convention Center in Las Vegas, NV

SEGA OFFICE

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SEGA STAFF

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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.

Check Out What is New and Exciting with SEGA in 2011

The Southeast Glass Association (SEGA) is excited about the launching of an expanded website that will raise your company's profile by getting your name in front of potential customers.

SEGA will be offering more services and benefits to its members as we head into 2011. To kick things off, SEGA will be rolling out a new membership service on December 1, 2010. It will provide access to a website where consumers can find SEGA members for all their glazing and auto glass needs. SEGA will list the scope of work its members provide and whether its services are for residential and/or commercial.

SEGA is an affiliated chapter of the National Glass Association (NGA). By being a SEGA member, you can take advantage of all the exclusive members-only discounts offered by NGA. These exclusive discounts are offered on shipping, consulting services and credit card processing just to name a few.

The following is a list of some of the services and benefits currently offered by SEGA or is offered through NGA that you can take advantage of:

- Monitoring government regulations that affect the architectural and auto glass industries.
- Keeping members up-to-date and informed on industry issues.
- Up-to-date website, www.southeastglass.org.
- Publishing quarterly magazine, Glass Facts.
- Providing preparatory classes for the state certified Glass & Glazing License.
- Holding regional meetings throughout the state to discuss industry issues.
- Providing continuing education seminars for contractors licensed through the Department of Business & Professional Regulation.
- Consumer on-line access to members of SEGA (coming December 1).

Cost Cutting Member Services

- [American Equipment Finance](#)
\$300 discount on processing fee.
- [Consulting Collaborative – Consulting Services](#)
Exclusive 10% discount on services.
- [Contact Point – Customer Service and Sales Training](#)
A free customer service and sales call evaluation

through a mystery shopping offer.

- [Core Health Insurance](#)
Save money and gain access to medical insurance.
- [Creative Solutions Group](#)
Compelling company and employee benefits that can be passed to employees.
- [Electronic Data Payment Systems – Bankcard Processing Service](#)
No enrollment fees, no monthly minimums and a variety of low priced equipment.
- [FedEx® – Advantage Program](#)
Discounts up to 29% on select FedEx services and additional savings on FedEx Freight.
- [GlassInsure – National Insurance Program Management](#)
A selection of insurance coverages designed to meet the needs of the architectural and flat glass industry.
- [Marketing Pilgrim – Online Reputation Management](#)
An exclusive discount on all search engine optimization audits.
- [Staples Advantage](#)
Immediate access to over 30,000 products at prices negotiated for members.
- [Transworld Systems](#)
Access to debt recovery services.
- [UPS Freight](#)
A minimum of a 70% discount and will work with members to customize rates.
- [UPS](#)
Up to 26% off UPS Express air and international shipments.
- [YRC](#)
Competitive discounts on qualifying less-than-truckload (LTL) shipments.

Education, Training and Certification

- [MyGlassClass.com](#)
50% off non-member subscription prices for Auto, Flat and Window & Door courses.
- [Glass Management Institute](#)
\$600.00 off complete program or \$400.00 off individual modules.
- [NGA Certification](#)
Discount on all certification exams.
- [Educational Webinars](#)
50% off non-member registration fees.
- [Reference Manuals and Products](#)
50% off most items in the NGA store.

Resources available on [Glass.org](#)

- [Ask the Expert](#)
Ask an industry related question.
asktheexpert@glass.org.
- [Industry Tips & Tricks](#)
NGA staff and industry contributors share tips on how to improve your business and money

saving tricks.

- [Find a Member](#)
- [Find a Certified Technician](#)
- [Employment Center](#)

2011 SEGA Board of Directors

SEGA needs your help. We need members to volunteer to serve on the SEGA 2011 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 2011, please contact the SEGA office at (407) 831-7342.

Workers' Compensation Rates Going Up for 2011

For the first time since 2003, the rates Florida businesses pay for workers' compensation insurance will increase for new and renewal policies effective January 1, 2011. Even with this slight rate increase, workers' compensation rates are still down more than 60% over the last seven years, and Florida has the lowest rates in the southeast.

Florida Insurance Commissioner Kevin McCarty recently approved the rate filing to increase Florida's workers' compensation insurance rates by 7.8 percent. Commissioner McCarty's action is technically a denial of NCCI's recent rate filing that sought an 8.3 percent increase.

"The rate increase that has been justified would still give Florida the lowest rates in the southeast, and likely keep us in the top 10 states nationally for most affordable workers' compensation insurance," said Commissioner McCarty. "The NCCI's prior seven annual filings represent the largest consecutive cumulative decrease in rates in our state's history."

As a reminder, your workers' compensation premiums are determined by multiplying your payroll by the specific rate for the classification(s) for your business. The rate for your particular business may increase more or less than 7.8%; 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.

If you have any questions about the new rates and how they apply to your workers' compensation policy, you can call your local insurance agent or your workers' compensation carrier.

2010 Legislative Session Update

The 2010 Legislative Session ended on April 30.

The following is a summary of some of the bills that passed and were signed in to law by Governor Crist:

Chapter Law 2010-1 - Relating to Unemployment Compensation

For the business community at large, the severe increase in unemployment compensation rates that was effective January 1, 2010 was a major issue.

The increase was automatic after the number of unemployed spiked, but businesses complained that they weren't prepared for how steep the increase would be.

The legislature passed a bill, which became law when the Governor signed it on March 2, 2010. The minimum tax rate will be \$25.20, and the maximum tax rate will stay at \$378. The law also extended benefits for eight weeks. Due to the record level of

unemployment in Florida, the state UC Trust Fund has been paying out more for unemployment benefits than what it has been collecting from employers. The fund turned to red in August 2009; and since then, the state has received more than \$1.2 billion in federal advances in order to cover the benefits. The law requires the state to continue borrowing and repay the debt in several years.

Chapter Law 2010-111 - Relating to Local Government Prompt Payment Act

The law provides that a local governmental entity must identify the agent or employee of the local governmental entity, or the facility or office, to which the contractor may submit its payment request or invoice. This provision would result in having one receiving agent that would be identified in advance; Revises the definitions of "payment request" and "proper invoice" to provide that these requirements must be included in the contract for the project for which the payment is requested or for which the invoice is submitted, respectively; Provides that the applicable dispute resolution procedure prescribed in the construction contract or in any applicable ordinance must be referenced in the contract; Provides that the contract must provide for the development of a single punch list for the construction services purchased by the local governmental entity. The bill provides that the contract must specify a date for the delivery of the punch list, not to exceed five days after the punch list has been developed and reviewed; and is effective as of October 1, 2010.

Chapter Law 2010-138 - Sale of Tax Exempt Construction Materials

The law revises the sales tax procedure, which was given a "\$0" revenue impact by the Revenue Estimating Conference, creates a system of direct purchase that begins with the governmental entity certifying to the vendor that it is tax exempt and that all purchases they make for the project in question are exempt. It also requires the governmental entity to confirm that they will follow the rules of the department in making their purchases. With this certificate in hand, suppliers can sell materials to the governmental entity without tax. The second part of the new procedure shifts the burden for any taxes that are determined to be due to the governmental entity, making it clear that the vendor and the contractor are not responsible.

Chapter Law 2010-176 - Relating to Building Safety

Revises various laws regarding building safety, including elevator safety, home inspector and mold assessor licensure and regulation requirements, manufactured

buildings and fire prevention and safety.

Chapter Law 2010-106 - Relating to Department of Business and Professional Regulation

- Assigns certain programs to regulation by the Department of Business & Professional Regulation's (DBPR) Division of Professions
- specifies that DBPR is responsible for regulation of certain professions and administration of certain examinations;
- authorizes DHSMV to issue reproductions of driver's licenses to DBPR;
- revises certain licensing and continuing education requirements;
- authorizes temporary licensure of spouses of active duty service members;
- revises grounds for discipline of professional licensees;
- revises licensing requirements for home inspectors, mold assessors & mold remediators;
- deletes requirements for certificates of authorization for corporations or partnerships offering home inspection or mold-related services;
- exempts from punishment certain unlicensed activity occurring before specified date;
- extends time for licensure of home inspectors, mold assessors and mold remediators under certain grandfather provisions and revises such provisions;
- revises certain exemptions from veterinary regulations;
- revises licensing requirements for real estate brokers and sales associates and cosmetologists;
- revises membership of Florida Real Estate Appraisal Board;
- authorizes certain board members and certain members of Florida Real Estate Commission to offer, conduct and teach certain courses;
- assigns departmental unit responsible for regulation of carbon monoxide hazards in certain public lodging establishments;
- authorizes DBPR to issue & enforce notices to cease & desist violations of provisions regulating pugilistic exhibitions.
- Becomes effective July 1, 2010

Chapter Law 2010-131 - Relating to Uniform Commercial Code

Revises and provides provisions of Florida Uniform Commercial Code relating to electronic documents of title, warehouse receipts, bills of lading and other documents of title to conform to revised Article 7 of Uniform Commercial Code as prepared by National Conference of Commissioners on Uniform State Laws.

Chapter Law 2010-101 - Relating to Cost-

benefit/Return-on-investment/Dynamic Scoring

The law authorizes the President of the Senate or the Speaker of the House of Representatives to request special impact sessions of consensus estimating conferences to evaluate proposed legislation based on specified techniques. It also requires the Office of Economic and Demographic Research to develop protocols and procedures to be used by the consensus estimating conferences when evaluating proposed legislation, etc. Became effective May 26, 2010.

Federal Contractors and Subcontractors to Post Required Union Rights Signs (Again)

Effective June 21, all federal contractors and subcontractors are required to post a notice titled "Employee Rights Under the National Labor Relations Act" in conspicuous locations throughout their workplaces. The new requirement is the result of an Executive Order (EO) signed in January 2009, and applies to all federal contracts with a minimum value of \$100,000, and federal subcontracts valued at more than \$10,000. The notice informs employees of various rights under the NLRA, including the right to organize or join a union, bargain collectively to set wages, hours, benefits and other working conditions, and strike and picket. The notice also describes illegal activities by employers and unions under NLRB law. The notice also indicates that NLRB "may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law." It's important to note that contractors and subcontractors covered by this requirement will be subject to severe penalties for failing to comply, including contract cancellation and debarment from future contracts.

The requirement to post this sign is another example of the "ping pong" game played in Washington regarding labor regulations. During the Clinton Administration, similar notices were required at American work sites. When President Bush took office, the Executive Order rescinded the requirement. Days after President Obama took office, the sign was required again.

Play it safe – be sure to post this sign around your jobsites.

Health Care Tax Credit Available

Small businesses that pay at least half the cost of health insurance for their employees in 2010 may be eligible for a new credit on their 2010 tax return. The credit is available for employers with 25 or fewer employees and less than \$50,000.00 in average wages. For tax years 2010 to 2013, the maximum credit is 35% of premiums paid by eligible small businesses. The maximum credit goes to smaller employers – those with 10 or fewer full-time equivalent employees and paying annual average wages of \$25,000 or less.

For more information, go to the Internal Revenue Service's website at www.irs.gov, or consultant with your local tax professional.

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 locations, dates and times for future sessions.

December 9, 2010 – Tallahassee

Southwood Complex, Betty Easley Conference Center
4075 Esplanade Way, Room 180
Tallahassee, FL 32399

December 9, 2010 – Largo

Pinellas County Construction Licensing Board
12600 Belcher Road, Suite 102
Largo, FL 33773

December 17, 2010 – West Palm Beach

Central Career Center
1951 North Military Trail, Suite D
West Palm Beach, FL 33409

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@MyFlorida

CFO.com, call (813) 221-6518 or Fax (813) 233-3742.

OSHA 300-A Form – Summary of Work-Related Injuries and Illnesses – Must be Posted

This is a reminder that all companies are required to post the *Summary of Work-Related Injuries and Illnesses (Form 300-A)* — by February 1 of the year



following the year covered by the form and keep it posted until April 30 of that year.

The OSHA 300–A Form, along with OSHA Forms 300 and 301, is available on OSHA’s website at <http://www.osha.gov/recordkeeping>.

Employers must keep a Log of Work–Related Injuries and Illnesses and Summary for each establishment or site. If you have more than one establishment, you must keep a separate *Log* and *Summary* for each physical location that is expected to be in operation for one year or longer. Note: you can use a workers’ compensation or insurance form, if it contains the same information.

Note that your employees have the right to review your injury and illness records. You must keep the *Log* and *Summary* for five years following the year to which they pertain.

Federal Lead–Based Paint Abatement Program Update

The federal government’s Environmental Protection Agency (EPA) requires that businesses performing renovation, repair and painting projects that disturb lead–based paint in pre–1978 homes, child care facilities and schools be certified by the EPA, and that they use certified renovators who are trained by EPA–approved training providers to follow specific practices during renovation jobs to prevent lead contamination. Renovation firms are required to be certified, and their employees must be trained either as a certified renovator or on–the–job by a certified renovator. The deadline for renovation firms to apply for certification was October 1, 2010. Individual renovators have until December 31, 2010 to complete their training requirements.

Who Must Follow the Renovation, Repair and Painting Rule Requirements?

In general, anyone who is paid to perform work that disturbs paint in housing and child–occupied facilities that were built before 1978. This may include, but is not limited to:

- Residential rental property owners/managers
- General contractors

- Specialty contractors, including painters, plumbers, carpenters and electricians.

What Activities are Subject to the Rule?

Any activity that disturbs paint in pre–1978 housing and child–occupied facilities, such as:

- Remodeling and repair/maintenance
- Electrical work
- Plumbing
- Painting preparation
- Carpentry
- Window replacement

What Houses or Activities are Excluded and not Subject to the Rule?

- Housing built in 1978 or later
- Housing for elderly or disabled persons, unless children under six reside there
- Zero–bedroom dwellings (studio apartments, dorms, etc.)
- Housing or components that have been declared lead–free
- Minor repair and maintenance activities the disturb six square feet or less of paint per room inside or 20 square feet or less on the exterior of a home or building

What does the Rule Require Me to Do?

- Distribute the EPA’s lead pamphlet to the owner/occupants prior to starting the renovations.
- Post informational signs at the job site.
- All firms must be certified prior to starting work (even sole proprietors).



- Renovators must be trained.
- Follow lead-safe work practices.

What are the Responsibilities of a Certified Firm?

Individuals who are certified renovators are responsible for ensuring overall compliance with the lead-safe work practices at renovation jobs. A certified renovator:

- Must provide on-the-job training to other workers (who have not taken the certified renovator training course) on the work practices they will be using in performing their assigned jobs.
- Must be physically present at the work site when warning signs are posted, while the work area containment is being established and while the work area cleaning is performed.
- Must regularly direct work being performed by other individuals to ensure that the work practices are being followed, including ensuring that dust or debris does not spread beyond the work area.
- Must be available, either on-site or by phone, at all times renovations are being conducted.
- Must perform project cleaning verification.

For more information about the lead-based program or the rule requirements, please visit www.epa.gov/lead.

Minimum Wage Will Not Increase for 2011

The Florida minimum wage rate for calendar year 2011 will stay the same as the current minimum wage of \$7.25 an hour. This means for the second year in a row, both the Federal minimum wage and Florida minimum wage are the same rate. All Florida employers should continue paying their employees at least the minimum wage of \$7.25 per hour.

Even though the Federal minimum wage and Florida minimum wage are the exact same, Florida employers are still required to display two minimum wage posters: a federal poster and a state-specific poster.

Every time a new poster is required for Florida businesses, private poster companies will send you mail to scare you into buying expensive "compliance packages." Be very wary of these companies, and please do not spend any money until you fully

understand what you need and whatever you are buying.

Secretary of Labor Hilda L. Solis announces partnership with US Department of Transportation to combat distracted driving by workers *OSHA launching initiative to discourage texting while driving on the job*

Because motor vehicle crashes are a leading cause of worker fatalities, Secretary of Labor Hilda L. Solis today announced a partnership between the U.S. Department of Labor's Occupational Safety and Health Administration and the U.S. Department of Transportation to combat distracted driving.

"It is imperative that employers eliminate financial and other incentives that encourage workers to text while driving," said Secretary Solis. "It is well recognized that texting while driving dramatically increases the risk of a motor vehicle injury or fatality."

Prohibiting texting while driving is the subject of an executive order signed by President Barack Obama last year for federal employees and the subject of rulemaking by the Department of Transportation.

OSHA is launching a multi-pronged initiative that includes:

- An education campaign for employers, to be launched during "Drive Safely Work Week" in early October, will call on employers to prevent occupationally related distracted driving, with a special focus on prohibiting texting while driving.
- An open letter to employers to be posted on OSHA's website, <http://www.osha.gov> during

"Drive Safely Work Week." The website also will showcase model employer policies and encourage employer and labor associations to communicate OSHA's message.

- Alliances with the National Safety Council and other key organizations as outreach to employers, especially small employers, aimed at combating distracted driving and prohibit texting while driving.
- Special emphasis on reaching younger workers by coordinating with other Labor Department agencies as well as alliance partners and stakeholders.
- Investigate and issue citations and penalties where necessary to end the practice when OSHA receives a credible complaint that an employer requires texting while driving.

"We call upon all employers to prohibit any work policy or practice that requires or encourages workers to text while driving," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "The Occupational Safety and Health Act is clear; employers must provide a workplace free of recognized hazards."

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 assure 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>.

OSHA will hold informal public hearing on proposed rule to prevent worker injuries on walking-working surfaces

OSHA will hold an informal public **hearing** starting January 18, 2011, on the proposed rule revising the Walking-Working Surfaces and Personal Protective

Equipment (PPE) standards to improve worker protection from slip, trip, and fall hazards.

"These public hearings will provide an important opportunity for stakeholders who will be impacted by the rule to share their concerns and provide input on the proposal," said OSHA Assistant Secretary Dr. David Michaels.

The proposed rule, described in the May 24 **Federal Register**, will prevent annually about 20 workplace fatalities and more than 3,700 injuries that are serious enough to result in lost work days. "Injuries and fatalities from fall hazards are a leading cause of work-related injuries and we need to have the best rule possible to ensure that we effectively address this serious hazard," said Michaels.

Proposed revisions will include specific criteria for personal fall protection equipment that are consistent with industry voluntary consensus standards. Revisions will also better align OSHA's general industry walking-working surfaces standards with the Agency's construction and shipyard industry standards.

The hearing will begin at 9:30 a.m., at the U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. If necessary, the hearing will continue on subsequent days at the same time and location.

Individuals interested in testifying at the hearing must submit a notice of intent to appear by November 30. Only those persons submitting notices will be permitted to present testimony, questions witness and OSHA, and participate in the post-hearing comment period. Individuals who request to testify for more than 10 minutes or who intend to submit documentary evidence at the hearing must submit the full text of their testimony and evidence by December 21. See the hearing notice for submission details.

Technical questions and public hearing inquiries should be directed to Virginia Fitzner, Office of Safety Systems, at (202) 693-2052. Individuals requesting special accommodations to attend or testify at the hearing should contact Veneta Chatmon, Office of Communications, at (202) 693-1999.

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 assure 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>.