



OUR MISSION IS YOUR SUCCESS

VOLUME 21, NUMBER 2 | SECOND QUARTER, 2019

# THE BASESHEET



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Letter from the President

Greetings Fellow ARCA Members:

**W** E ALL EXPERIENCE moments in life that make us stop, think, and reflect. I had one such moment recently when informed about the untimely passing of **DEANNA MERGENER**. I had to read the announcement a second time because my mind told me there just had to be a mistake, this can't be true, she's much too young. Deanna has been such an instrumental part of ARCA for so long it is hard to believe we will be without her. She willingly gave of her time and energy, and whatever she was doing on our behalf you could count on being done well. Deanna will be remembered not just as a friend and colleague but someone who truly cared for others, and she will be deeply missed. The Phoenix Charity Bowling Committee has designated this year's event as the **Deanna Mergener Memorial Tournament**.

The Expo Committee just released official registration materials for this year's event. Our 50th Annual Expo and Trade Show will be held in Flagstaff at Little America September 19-21st. You read that right—*50th Annual*—no small achievement and one that few trade associations ever come close to reaching. The committee has been working hard on shaking up the tried and true itinerary and has really accomplished a fresh new format. Educational classes will be offered all three days of Expo. Sporting tournaments will be limited to one sporting clays event on Thursday and one golf event on Friday. The trade show has been moved from our usual Friday event now to Saturday, and for the first time we will have manufacturer demonstrations interspersed into the event. The Casino Night was such a hit the last time we were in Flagstaff that we are bringing it back and featuring fantastic raffle prizes. I know it is still four months away but I am urging all of you to sign up early; let's usher in our 51st year with a great time had by all.

The Membership and Marketing Committee has initiated work on a total revamp of the ARCA website. It's hard to believe it's been eight years since our last overhaul but technology is moving at a faster pace and the current site no longer meets our sponsors' or members' needs. They will be integrating a cleaner and less busy format with more consumer information and blog-type articles of interest that cannot wait for the quarterly publication of Basesheet. Rollout of the new site is tentatively scheduled for October 1st.

Member support of our association's annual social events is just over-the-top unprecedented. (I know that's a big word for a roofer to use—shucks.) Sporting clays had a record high number of participants, while the golf event sold out months in advance with 180 contestants. Our Spring Riders' Rally event was also widely attended and interest in more and bigger rides is growing. Phoenix's charity bowling tournament has been sold out, and there are only a few lanes available for Tucson's event. Lastly, we have a Diamondbacks networking game on July 19th when they'll go up against the Milwaukee Brewer's (last year we had over 200 attendees and expect to exceed that this year).

We traditionally bring our membership renewal to closure by May 1st, and I want to thank all of you for your continued and timely financial support. You can be assured your contributions of sponsorship and membership dues are going toward the ARCA programs and services that benefit *you*. Other roofing associations across the country are always amazed and envious to learn we are able to offer our education and safety classes FREE to all our members—we couldn't do this without *your* financial commitments. For this, we say sincerely—*thank you*.

Sincerely,

ARCA PRESIDENT RON GIBBONS, PIONEER ROOFING



## ***Celebrating 30 Years in Business, Eagle Roofing Products Marks Milestone Anniversary.***

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Since 1989, Eagle Roofing Products has provided our customers with durable roofing solutions that are beautiful, long-lasting and environmentally friendly; products that qualify for various LEED rating points.

We have earned a reputation these past 30 years of manufacturing the best, quality roofing material for any residential or commercial project while listening to our customers' needs. From traditional barrel to tile with clean, modern lines to products that emulate wood shake and slate, diversity in profiles as well as color ranges and blends are abundant.

*Our dedication to quality and lasting customer relationships has and always will be the core of our business.*

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*Hail/Impact Tested\**  
\*See website for details



*Freeze Thaw  
Protection\**

\*Excludes color bonded  
slurry tile

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# LEGISLATIVE UPDATE

## STATE OF ARIZONA

The AZ Legislative session continues to grind on and on. ARCA and our subcontractor partners (AZ State Contractors Coalition) had a very productive year and will close this session out with good will. We were successful in obtaining “Proportional Liability” passage in the consumer sector mirroring language that has been in place many years for government work. So as not to rest on our laurels, we have already begun drafting verbiage for next year’s session to extend this business priority to the commercial sector. ARCA will have a place at the table for the summer study sessions on both this issue and the final push to eliminate the Transaction Privilege Tax and go to a “point of sale” methodology of retail tax collection on material.

## FEDERAL

**IRS spotlights expanded tax benefits for depreciation and expensing.** During National Small Business Week, May 5-11, the IRS highlighted the updated depreciation and expensing rules established by the Tax Cuts and Jobs Act, the tax reform bill enacted into law in 2017. Under the TCJA, the thresholds for Section 179 expensing were doubled, and nonresidential roofs were included as qualifying property, allowing qualifying taxpayers to immediately write off the cost of the property rather than depreciating it over multiple years. Also, the bonus depreciation percentage now is 100% for qualified property acquired and placed in service after September 27, 2017 and before January 1, 2023.

**Legislation to address workforce shortages gains support.** NRCA continues working in support of legislation to provide a long-term solution to the chronic workforce shortages in the roofing industry. In March, Reps. Lloyd Smucker (R-Pa.) and Francis Rooney (R-Fla.) introduced the Workforce for an Expanding Economy Act (H.R. 1740), which would establish a market-driven visa system that matches willing employers with temporary foreign workers to meet the workforce needs of our

21st-century economy. The new system will be governed by market forces, protect U.S. workers, and enable job creators to obtain the workers needed to meet demand and grow their businesses and the economy. Since this legislation was a major focus during Roofing Day in D.C. 2019 in early April, the bill has gained bipartisan support.

**Expired tax provisions update.** The path forward remains uncertain for Congress to act regarding a package of tax provisions that expired at the end of 2017, including tax credits and deductions designed to incentivize energy-efficiency improvements to commercial and residential buildings. The House Committee on Ways and Means held a hearing to review the expired tax provisions, and witnesses pressed the committee to approve a two-year extension through the end of 2019. However, there is significant opposition from deficit hawks concerned about the negative effects on the federal budget of any extension of tax provisions that does not contain offsetting tax increases or spending cuts.

**Additional visas for H-2B seasonal guest worker program.** The Departments of Homeland Security and Labor published a rule to provide 30,000 additional visas for the H-2B seasonal guest worker program during the second half of fiscal year 2019—April through September. The measure comes after Congress—at the urging of NRCA and other business groups—provided the agencies with the authority to issue additional visas above the 33,000 statutory cap under current law. The new rule is different from rules issued during the past two years—which provided 15,000 additional visas—as the new visas are only available for “returning workers,” which is defined as someone who was granted H-2B status during one of the past three fiscal years. Also, businesses seeking the additional visas will be required to attest they will incur “irreparable harm” if they do not receive the workers, as was the case for the past two fiscal years. 🏠



## 🍎 WHAT WILL BE FORBIDDEN?

The new law will make it illegal to “physically hold” or “support with any part of the body” any cell phone or other portable wireless communication device while operating a motor vehicle. There was some debate — and no clear answer — on what constitutes “support” of a phone, and whether that means in the lap, in the pocket or elsewhere. But from a practical standpoint, if it’s in a lap, it is unlikely that a police officer would see it and pull someone over. The law bans not only chatting on the phone but writing, sending and reading text messages, emails, instant messages, or internet data.

## 👉 WHAT ARE THE KEY EXCEPTIONS?

Drivers can make calls if they use earpieces, headphones or any type of device worn on a wrist to conduct voice communications. Vehicles with built-in interfaces with cell phones also are exempt as long as they can be operated with minimal interactions,

meaning simply to press a button to activate or deactivate. People also can “read” texts if these are translated into voice. And they also can send texts if done through voice commands. A phone’s map and GPS are permitted if in a hands-free mode.

## 📍 WHAT ABOUT OTHER TYPES OF DEVICES?

The same restrictions on holding a cell phone also apply to any “stand-alone electronic device.” That means anything with stored audio or video.

## 👮 WHAT ABOUT WHEN I’M STOPPED?

It depends on where. Motorists who are parked are exempt and can call and text at will. Ditto if you’re at a stop light or waiting for a train to clear a railroad crossing. But a stop sign doesn’t count. Nor does being stopped for a school bus. 🏠

# ARCA SPRING GOLF WINNING TEAMS

## Flight 1

First Place	Second Place	Third Place
Andy Clarke	Dave Skierkowski	Steve Strick
Mike Laufer	Brad Quinet	Steve Kramer
John McCurry	Andy Coventry	Dave Eyer
Chris Hansen	Brian Swann	Russ Hyman

## Flight 2

First Place	Second Place	Third Place
Tony Licavoli	Paul LeFevre	Brian Day
Lexy Anderson	Jason Kill	Jacob Shrock
Regan Anderson	Tom Sheppard	Scott Timmons
Mark Raines	Walt DeWitt	Dave Spice



# ARCA SPRING GOLF CONTEST HOLES

## White

Closest to the Pin	Longest Drive	Longest Put
Stephen Ramirez	Tony Panella (m)	Tab Barth
	Patsy Hawk (w)	

## Gold

Closest to the Pin	Longest Drive	Longest Put
Jason Orio (m)	Luis Rodriguez (m)	Dale Nelson
Jennifer George (w)	Lexy Anderson (w)	

## Blue

Closest to the Pin	Longest Drive	Longest Put
Brian Broderick	Bryan Hill (m)	Seth Winters
	Valorie Miller (w)	



## Creating Winning Company Cultures in the Trades

By Jef McCurdy, Master Roofing Trainer

**E**VERY COMPANY HAS a culture. Top performing companies have winning cultures that encourage quality, respect, accountability and more. These values help to create an environment where clients feel confident in the value of the services or products delivered. However, culture is an often-overlooked aspect of the trades. So, let me ask you this. Why would anyone want to start work with you and your company? More importantly, why would they want to continue working with you and your company?

If the answer is, “They need a job, and I’ve got work”, prepare yourself to be constantly hiring and training new employees. Companies with weak cultures will have retention issues. Because they do nothing to create loyalty, their employees are easily poached. Because they are constantly training new employees on the basics, they never develop skilled labor and struggle to meet client quality demands.

On the other hand, if you intentionally create an environment where your employees feel appreciated, and trust that you are doing everything to look out for them and their best interests, you may look forward to great longevity with your employees as they continue to grow and bring more value to your company.

A common myth is that working in the trades is naturally stressful. Wrong! Hard work is normal, but bad managers create the undue stress that is exceedingly common in tradespeople. Have you ever noticed that the bosses who yell the most, explain the least? I was on a job site a while back where another trade was also doing work. As I set up for my day, I noticed two of the guys arrive. They waited

around for about 45 minutes until their boss finally arrived. He then berated them for at least 15 minutes for being lazy good-for-nothings for having not started working before his arrival. Their explanation that they did not know what he wanted them to do and were unable to get a hold of their boss fell on deaf ears.

The following day, the guys again arrived before their boss. Fearful of being humiliated in front of everyone on the job site again, they found work to busy themselves. On this day, their boss was an hour late and again upset with his crew. Calling them names and yelling, he said that they were idiots and if they knew anything, they would have known that what they were doing for the past hour was a waste of time.

Luckily, my portion of the project was a small one, and I was soon off to a different project. However, the few days I spent on the same site with the yelling boss were very uncomfortable, even though I didn’t have to work with him. I could only imagine how little his employees cared about the quality of their work given the circumstances.

While this was an extreme example, there are plenty of things managers in the trades may do to create a negative work culture that are not as obvious. Employees will thrive in consistency. Mixed signals and chaos create uncertainty. Organization and planning create clarity. Creating a positive company culture is intentional and begins with a plan. Laborers and office staff alike prefer to have clear expectations and a good idea of what success looks like. Feedback is vital in creating trust with employees. And, it goes both ways. You should encourage your employees to

voice their opinions. They are your eyes and ears in the field. As Andy Stanley said, “Leaders who don’t listen will eventually be surrounded by people who have nothing to say.”

Another key step in planning for productive company culture is investing in your employees. Ensuring they have the proper training and tools will not only increase productivity but will make employees feel secure. When a company invests in its people, it fosters a feeling of being a valued human resource rather than a disposable asset. As they develop more capabilities, they increase their efficiency. Rewarding those skills with promotions and raises is a bargain for the employer. Happy, efficient, and loyal employees with well-developed skill sets will be able to increase your profits. Advancing your employees careers will always be more cost-effective than constantly hiring, re-hiring, re-training, and dealing with the lower quality work of unskilled labor.

A final morale killing trap to consider: Many companies treat their office staff and labor very differently. I have seen signs on restrooms that read “office staff only”. As someone who has spent a lot of time in the office and on the roof, I get it. Roofing can be dirty work. Perhaps a better sign would read “It is everyone’s responsibility to keep restrooms clean”. I don’t like the implication that one group of employees is better or more valuable than another. The entire team is responsible for quality and leaving your customers with a positive impression.

That brings me to benefits. There exists in the trades a giant chasm between the benefits offered to office staff and those offered to field staff. Do tradespeople not also have families to care for? If they’re not worth investing in, is your company worth their skills, efforts, and loyalty? I recently spoke with a manager at a struggling roofing company who explained that his retention issues stem from tradespeople being willing to leave for 50 cents more per hour. If that were the case, the answer would be simple: offer 51 cents more per hour. When I asked if they were truly willing to reset their benefits for 50 cents, he explained that they do not offer benefits of any kind. Aha! I think I found part of the real problem.

As a side note, keep in mind that your company should not be shouldering the cost of benefits. Your clients should be. When you create an atmosphere of quality work, you do not compete on price and your clients happily pay enough to cover your overhead and provide healthy profits.

Creating a true team culture can benefit your labor and your office staff. I recommend that sales staff and installers have joint training and lunches. They can learn from each other. Field staff can teach sales what techniques work in the real world and ensure that they know what they need to create accurate quotes. Sales staff can benefit field staff by sharing customer service techniques. After all, they often end up interacting directly with the client more than anyone else.

A well-integrated team working toward common goals that benefit them all will work well together, to the benefit of the client, your company, and you. 🏠

## Doug Lewis Retires after 40 Years with RWC



This past week, RWC Building Products bid farewell to one of their longest tenured employees. On May 31st, Doug Lewis retired as branch manager of RWC Prescott, closing the chapter on a 40-year career with the family-owned building supply company. Originally an English major from Thiel College in Pennsylvania, Lewis found a home in the most unlikely of places, the building supply industry. After working as a partner with Kicey & Lewis Roofing Company, Lewis started his tenure with RWC Building Products in 1979, accepting a position as a counter salesperson at their Phoenix headquarters. This would begin a career spanning nearly a half-century – a career that saw him contribute to the company in a variety of ways, from sales to administrative work, and eventually management. With the departure, the company hopes to rely on their next generation of employees to continue the hard-working and dedicated approach to the business that Lewis leaves behind. RWC Building Products would like to thank Doug Lewis for his 40 years of commitment and wish him a relaxing and joy-filled retirement, he’s earned it. 🏠



# ARIF SPRING SPORTING CLAYS TOURNAMENT

## Womens

First Place	Second Place	Third Place
Jessica Rudd (74)	Jaime Schmitt (50)	Shelby Pyeatt (45)

## Flight A

First Place	Second Place	Third Place
Brian Hodson (93)	Gene Warner (93)	Lynn Harding (91)

## Flight B

First Place	Second Place	Third Place
Casey Campbell (68)	Joe Parenza (67)	Josh Byrne (67)

## Flight C

First Place	Second Place	Third Place
Trevor Nally (57)	Mark Dunne (57)	Tom Knudson (57)

## Flight D

First Place	Second Place	Third Place
Sean Gibbons (20)	George Smith (16)	Chris Walker (19)

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—TUESDAY—  
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—WEDNESDAY—  
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8AM-10AM

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🐦 RICK\_THEROOFER

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# SAVE THE DATE

SEP 19-21, 2019



2019 ROOFING EXPO

LITTLE AMERICA, FLAGSTAFF

## ARCA

### AMERICAN ROOFER TRIBUTE RIFLE RAFFLE

*SPECIAL EDITION MARLIN 1895G IN CALIBER 45-70*

**TICKETS**

One (1) for \$20.00

Six (6) for \$100.00



Limited Production  
Tribute Rifle is #32 of  
201 Produced  
Donated by Star Roofing, Inc.

*Must be 18 years old to enter | Winner Need Not be Present*

*Drawing will take place Saturday, September 21, 2019 in conjunction with the  
50th Arizona Roofing Expo Annual Award Banquet in Flagstaff, AZ*



## WELCOME NEW MEMBERS

### C&C Roofing

Dino Ray Butterfield, 602 273-6443

### Coast to Coast Trophies, LLC

Kellie Colley, 602 565-1998

### Copper Ridge Roofing LLC

Mike Corella, 520 337-7500

### Cross Country Roofing, LLC

Jasmine Campbell, ccarizona@gmail.com

### Insulfoam

Jessica Gonzalez, 480 276-2077

### Payne Roofing

Steven Payne, 480-988-9250

### TSM Roofing LLC

Sheldon Murphy, sheldonmurphy@tsmroofs.com



## Heat Exhaustion

**H**EAT EXHAUSTION IS most likely the culprit when a worker experiences an excessive loss of water and salt and is sweating profusely.

Among those most prone to heat exhaustion are employees who work in a hot environment, such as bakeries, laundries or outdoors, who have high blood pressure or who are elderly. Heat exhaustion symptoms include:

- Nausea
- Heavy sweating
- Muscle cramps
- Dizziness, confusion
- Clammy, moist skin
- Pale or flushed complexion
- Fast and shallow breathing
- Extreme weakness or fatigue
- Slightly elevated body temperature

According to the Arizona Department of Health Statistics, nearly 1,400 people in Arizona died between 2003 and 2012 from exposure to excessive natural heat due to weather conditions.

Employees working in hot environments should be trained in first-aid treatment of heat exhaustion.

### WHEN WORKERS SUCCUMB TO HEAT EXHAUSTION:

- Place them in a cool, shaded or air-conditioned area to rest.
- Help them drink plenty of water or other cool, nonalcoholic, noncaffeinated beverages.

- If possible, have them take a cool shower, bath, or sponge bath.

Also see the “Sun Protection” injury prevention card or visit [copperpoint.com](http://copperpoint.com) to view “Heat Stress,” a free online training video.

## MYTHS ABOUT HEAT STRESS

- **Medications and health conditions don't affect one's ability to work safely in the heat** — Health and medication can affect how the body handles working in high temperatures. Workers at risk in high temperatures include those who are obese and/or have diabetes or cardiovascular disease. Medications to control these ailments can affect a body's ability to cool down.
- **Unlike heat exhaustion, there is no sweating with heat stroke** — Workers suffering from heat stroke may continue to produce sweat, as well as to show symptoms of confusion, loss of consciousness, seizures and high body temperature. Heat stroke is life-threatening and must be dealt with immediately: give first-aid treatment and call 911 for medical help.
- **Using salt tablets will restore electrolytes lost to sweating** — Do not use salt tablets unless a doctor approves their use. Workers should drink small amounts of water (1 cup per 15-20 minutes) to maintain good hydration. Eating regular meals and snacks provides enough salt and electrolytes to replace those lost through sweating, as long as enough water is consumed. However, drinking extreme amounts of water is harmful; workers should generally not drink more than 12 quarts (48 cups) in a 24-hour period.
- **Taking a work break in an air-conditioned area will ruin workers' acclimatization** — Air-conditioned break areas offer an effective way to cool down. 🏠

# Piece Work: Pay Your Employees by the Task — Legally

*Compensating your workers based on piece work and productivity can be good for you and for them – if you are as diligent in recording hours worked as you are in monitoring tasks completed.*

By Mike Thal, Lang & Klain, P.C.

**I**N THE CONSTRUCTION industry, it is common for companies to pay their “non-exempt” (i.e., hourly) workers on a “piece rate” (i.e., measurable work completed) instead of by the hour. The purpose of this method of compensation, which is perfectly legal if properly executed and documented, is to motivate employees to heighten their productivity beyond what a mere hourly wage would yield.

Piece work is well-suited to industries such as construction, manufacturing, transportation, etc. – virtually any type of business where the work content can be predicted. Piece-based compensation is attractive because it can benefit both the worker and the employer: The worker has the opportunity to increase their income in return for extraordinary productivity; meanwhile, the employer can more accurately tie labor costs to output and capacity (e.g., slabs poured, roofs completed, sinks installed, houses built), and tie budgeted labor costs to what is actually paid out.

Unfortunately for many contractors and subcontractors, in the fall of 2011 the U.S. Department of Labor’s Wage & Hour Division decided to investigate major homebuilders, and the companies with which they contract, to root out suspected minimum wage and overtime violations. This summer, Wage & Hour officials announced locally that electrical contractors are among the industry groups that the Labor Department is targeting for investigation of “rampant” violations. The trickle-down effect of the government’s investigation has exposed poor record-keeping and payment practices of many members of the construction industry, resulting in substantial assessments and penalties related to payment for piece work.

Where many construction companies and other payers of piece-based compensation get in trouble is that they neglect to record and observe actual hours worked, which can put them squarely at odds with the Fair Labor Standards Act (FLSA). Piece rates require legitimately keeping “two sets of books”: one set that records hours worked, the other set that records work completed. Reconciling those sets of records with actual compensation paid

allows you to demonstrate to workers and government agencies that, while you paid by the task, the amount paid complied with minimum wage and overtime requirements.

## CONSEQUENCES

Failure to keep track of worker hours and to pay them according to the rules leaves you open (and largely defenseless) to worker claims that you did not pay them (a) the minimum wage, (b) overtime or (c) both. Those claims will likely spark an audit by an investigator from the Wage & Hour Division, an experience that leaves many employers yearning for the peace and tranquility of an IRS examination.

While your first reaction to learning that one of your workers has reported you to the Department of Labor is to seek vengeance on them, please note the folly of that course of action: If you fire or otherwise willfully discriminate against an employee for filing an FLSA complaint or for participating in a legal proceeding against you, you are subject to criminal prosecution, a first-offense fine of up to \$10,000, and imprisonment for repeat offenses.

That would be in addition to civil penalties of up to \$1,100 – per violation – for willfully or repeatedly violating the minimum wage or overtime pay requirements, and in addition to liability for back wages.

If that doesn’t seem sufficiently harsh, any undeposited payroll taxes that are associated with the back wages are subject to further penalties and interest, and any employee of your company who could have deposited those payroll taxes can be held *personally liable* for them.

More on that: When you pay an employee – whether salary, hourly wage or piece rate – and withhold taxes from their paycheck, you become a trustee for the federal government. Withheld payroll taxes are called “trust fund taxes” and, in the eyes of the IRS, belong to the government. When you fail to pay withheld payroll taxes to the government, IRC Section 6672(a) imposes a penalty equal to the entire amount of the trust fund taxes on every “responsible person” who “willfully” fails to see that the taxes are paid. The IRS can assess the penalty against any or all responsible persons, without first trying to collect from the company.

## PAYING FOR THE PIECE-WORK THE RIGHT WAY

If, at this point in your reading, you have decided to recommit to doing things right, you are probably more receptive than you were a few minutes ago to a few practical pointers.

On its website, the Wage & Hour Division offers some insight into paying workers on a piece rate, which is defined as the “regular rate of pay for an employee paid on a piece work basis ... obtained by dividing the total weekly earnings by the total number of hours worked in that week.”

Our Wage & Hour friends use this example: One of your workers, who is paid on a piece work basis, earns \$675 in a particular week. In that week, he worked 45 hours. The regular rate of pay for that week equals \$15 (\$675 divided by 45 hours). In addition to the straight-time pay, the worker is entitled to \$7.50 (half the regular rate) for each hour worked over 40 – an additional \$37.50 for the five overtime hours – for a total of \$712.50. While the temptation may be great to “adjust” the number of hours worked to get your worker back down to a gross pay of \$675, don’t do it. For employees subject to minimum wage and overtime, hours worked are hours worked.

The Wage & Hour Division offers this alternative method of complying with overtime rules while paying by the “piece”: If you and your worker agree to this arrangement before the work is performed, you may pay 1.5 times the piece rate for each piece produced during the overtime hours. The piece rate must be the one actually paid during non-overtime hours and must be enough to yield at least the minimum wage per hour.

The recurring theme here is that you must keep track of the worker’s hours. The FLSA requires that you retain for two years “records on which wage computations are based.” This includes time cards, piece work tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages.” However, for purposes of satisfying the Department of Labor, payroll registers should be kept for a minimum of three years.

Remaining vigilant about keeping accurate time records and using approved methods to calculate wages will allow you and your workers to realize the benefits of piece work, while staying out of the cross-hairs of Wage & Hour Division investigators.

*Mike Thal is a construction attorney at Lang & Klain, P.C., in Scottsdale (480-947-1911 or [mthal@lang-klain.com](mailto:mthal@lang-klain.com)).*

<https://www.lang-klain.com/blog/piece-work>

[\[https://www.lang-klain.com/attorneys/thal](https://www.lang-klain.com/attorneys/thal)

# UPCOMING EVENTS

JUN 11  
12:00–1:00 PM

**CPR AND FIRST AID - TUCSON, AZ (ENGLISH)**  
THE MAHONEY GROUP  
5330 N. LA CHOLLA BLVD., TUCSON

JUN 14  
7:00 AM–3:00 PM

**ARCA EDUCATION CLASS - ARIZONA TILE COURSE**  
ARCA TRAINING ROOM  
4745 N. 7TH ST., STE. 103 PHOENIX

JUN 22  
11:00 AM–4:00 PM

**2019 PHOENIX BOWLING TOURNAMENT**  
LET IT ROLL BOWLING & ENTERTAINMENT  
8925 N. 12TH STREET, PHOENIX

JUN 28  
12:00 AM–3:00 PM

**ARCA EDUCATION CLASS - MODIFIED BITUMEN**  
ARCA TRAINING ROOM  
4745 N. 7TH ST., STE. 103 PHOENIX

JUN 29  
7:00 AM–4:00 PM

**2019 TUCSON BOWLING TOURNAMENT**  
FIESTA LANES, 501 W. RIVER ROAD, TUCSON

JUL 12  
7:00 AM–3:00 PM

**ARCA EDUCATION CLASS - DECK COATING**  
ARCA TRAINING ROOM  
4745 N. 7TH ST., STE. 103 PHOENIX

JUL 19  
7:00 AM–3:00 PM

**ARCA EDUCATION CLASS - BUR & EQUIPMENT**  
ARCA TRAINING ROOM  
4745 N. 7TH ST., STE. 103 PHOENIX

JUL 19  
5:00 PM–5:00 PM

**DIAMONDBACKS VS BREWERS SOCIAL EVENT**  
CHASE FIELDS, 401 E. JEFFERSON STREET

AUG 9  
7:00 AM–3:00 PM

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SEP 6  
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**ARCA EDUCATION CLASS - SINGLE PLY & EQUIPMENT**  
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SEP 13  
7:00 AM–3:00 PM

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# Labor Department Proposes Higher Overtime Exemption Levels

**T**HE 50% INCREASE in salary level would make more administrative workers eligible for overtime. In March, the U.S. Department of Labor (DOL) proposed amendments to the Fair Labor Standards Act that, if implemented as expected, will increase by nearly 50% the minimum salary requirement for overtime-exempt employees.

See: Notice of Proposed Rulemaking: Overtime Update

Under the current rules, the minimum salary level to qualify for the overtime exemption is 455 per week (23,660 per year). After the new regulations kick in (probably in early 2020), the minimum salary level for qualifying for the exemption will increase to 679 per week or 35,308 per year. Above that pay level, eligibility for overtime will vary based on job duties.

While substantial, the proposed hike is roughly half the increase that the DOL proposed in 2015. That proposal was blocked by a federal court ruling.

The proposed regulation would also increase, from 100,000 per year to 147,414, the minimum salary for “highly compensated employees.”

In both instances, the minimum salary will be reviewed periodically for updating.

The proposed increases can have a significant impact on companies that have managers, professionals and administrators who are truly exempt under the current regulations but are making between 23,660 and 35,308 per year.

Example. You have an office worker, Bob, to whom you pay a \$500 weekly salary. In an average week, he works 50 hours and is exempt from overtime pay.

Under the new regulation, Bob’s 500 weekly salary will be 179 below the 679 per week minimum to qualify for the overtime exemption. If he continues to work 50 hours a week, he will earn 18.75 per hour for 10 hours of overtime pay. His total pay would go from 500 under the current rules to 687.50 under the new rules.

## What’s Behind the New Rules

It has been reported that the Labor Department suspects that 85% of all white-collar workers who are classified as overtime-exempt pass the “salary test” but fail the “duties test” and should not be exempt. (In other words, their job duties do not meet the standards for “Executive, Administrative and Professional” positions for which the overtime exemption was originally intended.) Thus, the DOL decided to increase the objective salary requirements in an effort to more strictly apply overtime exemptions.

## What to Do

While you are waiting for the new rules to go into effect, you should consult with your accountant or payroll service to explore ways to cut your losses. (It should be noted that the new rules are not final, and the proposed limit could be lowered as a result of the public comment process.)

- Audit your exempt employees’ workloads to determine your likely overtime exposure.
- Recognize which employees’ work weeks can be capped at 40 hours.
- To avoid excessive overtime for reclassified positions, consider the cost of additional full-time or part-time employees.
- Consider whether current exempt positions are accurately classified.
- Review your exempt job descriptions to make sure they accurately describe the duties performed and discretion used.

The new regulations do not require that employees earning a salary of less than \$35,308 per year be paid on an hourly basis. Employees may continue to be paid on a salary basis, but the employer will be required to pay overtime on the salary if the employee works over 40 hours per week. Companies should consult their employment attorney regarding overtime requirements and methods of calculating overtime for nonexempt salaried employees. 🏠



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## Riders Rally Partners With Sundt Construction

**A** GREAT TIME WAS had by all at ARCA's Riders Rally Spring event on April 13th. The bikers traveled the roads encompassing Apache Junction, Superior, Globe, Roosevelt, and Jakes Corner.

In addition to being a fun ride, this was also a charitable endeavor, with funds being raised for a worthy cause. It's that time of year when the needy living on our streets face especially dire odds, their access to ample drinking water suddenly elevated to a criticality level of life-or-death. To aid in this cause, ARCA has partnered with the Sundt Construction Thirst Aid campaign to provide over 450 pallets of water to be distributed by St. Joseph the Worker organization to the various non-profits that support the homeless and transient population. 🏠





# SB1271

# PASSED

**F**OR YEARS, ARIZONA law has allowed for liability to be shared by all the contractors working on a construction project. When one trade makes a mistake, all the contractors on the job can pay the price – regardless of fault. This unfair practice just adds to the existing complexities associated with running a construction business in Arizona. Unfair risk transfer laws unnecessarily drive up costs, reduce safety on the job site, lead to frivolous lawsuits, and require contractors to purchase more liability insurance than is needed for a particular project.

On April 10, 2019 Governor Ducey signed into law SB 1271 which put an end to overreaching clauses that hold contractors responsible for the negligence of others. The changes in proportional liability currently is only applicable to residential work but ARCA and the subcontractor coalition will continue to pursue passage to include commercial jobs. This single change will now ensure that responsible parties each pay their respective share of any loss, and that each share will be based on the extent of fault attributable to the party. 🏠



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## Valorie Miller Elected to Western States Roofing Contractors Association Board

**N**WIR / AZ Chair Val Miller will take oath of office at the June 9-11 Expo in Las Vegas. Val is a Vice President and third generation roofer at JBS Roofing in Glendale. She has learned the roofing industry from the ground up and for years was singled out as “The Girl on the Roof” She has served ARCA with distinction as Past Chair of the Expo Committee and Past Chair of the Membership & Marketing Committee. In 2009 she was recognized as Volunteer of the Year and in 2015 Chairperson of the Year.

She will join Andy Clarke from Roofing Southwest, Chuck Chapman from Tecta America AZ and Pete Schmautz from Star Roofing as Arizona representatives on WSRCA Board. 🏠

## NWiR Arizona Chapter Charity Roof and Diaper Drive

**T**HE NWiR GOAL is one in-kind roof per year, focusing on women’s and/or children’s facilities or homes. This year, they selected a group home / children’s shelter. There is a tremendous need for foster homes and the demand far exceeds the supply. The facility currently houses 17 children waiting for long-term placement. In addition to having a roof over their head and food on the table, other resources — such as teaching the children life skills, laundry, how to use tools, how to apply for a job, and how to play sports — are provided, promoting social skills, self-esteem, and team work.

While the state of Arizona does provide some monetary support, it is not enough to make capital improvements to the group home. After verifying the need and evaluating the premises, NWiR Arizona Chapter has decided to step in and donate a whole roof replacement. With help from several of our members, material, labor, and time has been donated to provide a new roof. In addition to the roof, there was an urgent need for diapers, and, once again, ARCA members stepped up, passed the hat around, and contributed hundreds of dollars of diapers. 🏠



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Bryan Hill — WRECORP  
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