



# THE BASESHEET

OUR MISSION IS YOUR SUCCESS

VOLUME 20, NUMBER 4 | FOURTH QUARTER, 2018



NRCA



WSRCA

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Letter from the President

Greetings Fellow ARCA Members:

**T**HE OLD ADAGE of “when it rains it pours” has certainly served us well this year as the yearly monsoon season actually deluged the state with that ever rare commodity in the desert — *water*. We even experienced a bit of hail in a few swatches of the state, which is always good for our industry in general. From conversations I had at our annual expo, it seems everyone is experiencing a significant backlog in work — in many cases jobs are scheduled out for 3-5 months.

We had a few hiccups at Expo this year and I want to thank all of you who attended for taking it in stride and rolling with the punches. The Expo committee works diligently to get every event detail right, but certain things fall outside their control, such as the quality of food at the resort, which was regrettably subpar. I think it is safe to say the experience soured many of us (no pun intended) on returning to the Prescott Resort anytime in the near future.

Next year we will be returning to Little America for our 50th Annual Expo. The last time we held our event there, about 35% of the rooms had been remodeled. Today, the entire complex is remodeled and the Expo Committee (under the leadership of Michelle Brown and new co-chair Pete Schmautz) will begin meeting in January to prepare for the September 19-21 events. Please mark your calendars per the ‘save the date’ flyer in this Basesheet and plan to join in the festivities.

Before moving on from Expo, once again I would like to express our heartfelt thanks to the Expo Committee for all their hard work, tireless diligence to details, and the comraderie always exhibited at our gathering. A lot of new folks chipping in this year and I know many of those contributors came from the NWiR and Young Pro ranks.

To switch gears a bit — our next great networking event will be the Annual Holiday Party at Camp Social. Last year, I joined over 100 other attendees to a well planned and fun-filled evening that closed out another successful year of ARCA events. Plan on joining me there on Thursday, December 13th.

By now you will have received your 2019 membership/sponsorship renewal packets in the mail. I would like to thank you in advance for positively considering your continued support of ARCA and/or increasing your level of sponsorship.

Sincerely,

RON GIBBONS, PIONEER ROOFING  
ARCA PRESIDENT

## Our Uncompromising Commitment To Quality And Dependability Is In Concrete

A reputation for listening to our customers and reacting quickly to satisfy their needs has made Eagle the preferred company to do business with in concrete roofing. From our customer input and close working relationships with the best professional color consultants and architects, we have created impressive products that are the envy of our competitors. Our passion for providing quality products, value-added customer service and our unrelenting efforts to earn your respect place Eagle in a class of its own. Call us today and watch your profits soar.

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## Welcome New ARCA Board Members

Elections held at the 49th Annual meeting on October 6, 2018 at the Prescott Resort resulted in six new board members joining the 2019 leadership team of your Association.

### NEW CONTRATOR REPRESENTATION:

Andy Clarke, Roofing Southwest  
Sally Liby Headlee, Headlee Roofing  
Eric Perry, Azul Roofing Solution

### NEW ASSOCIATE REPRESENTATION:

Patsy Hawke, Eagle Roofing Products  
Dave Metz, Tropical Roofing Products  
Alan Minker, GAF Materials Corporation



# 2018 ARCA ANNUAL AWARDS

## COMMITTEE CHAIRS OF THE YEAR

Jerry Brown, WRECORP (Education Committee)  
 Kim Scholten, Western Colloid (Expo Committee)

## VOLUNTEER OF THE YEAR

Michael Wadding

## ASSOCIATE OF THE YEAR

Elite Roofing Supply

## CONTRACTOR OF THE YEAR

Starkweather Roofing

## LIFE MEMBERSHIP

Ron Brown, JBS Roofing



# THURSDAY GOLF

## 1ST FLIGHT

### FIRST PLACE

Greg Marrs

### SECOND PLACE

Donald Crandall

### THIRD PLACE

Jim Fatseas

## 2ND FLIGHT

### FIRST PLACE (TIE)

Bryan Tambone

### SECOND PLACE (TIE)

Andy Clarke

### THIRD PLACE (TIE)

Steven Strick

## PROXY WINNERS

### CLOSEST TO THE PIN

Dave Eyer

### LONG DRIVE

Brad Quinet

### LONG PUT

Steve Kramer

# FRIDAY GOLF

## 1ST FLIGHT

### FIRST PLACE

Brad Quinet, Dave Skierkowski,  
 Donald Crandall

### SECOND PLACE

Glen Milum, Russ Hyman,  
 Dale Nelson, Dan Radney

### THIRD PLACE

Victor Rosas, Scott Aguilar,  
 Brian Tambone, George Keeley

## 2ND FLIGHT

### FIRST PLACE (TIE)

Bob Hoff, M Coakley,  
 Jeff DeWeese

### SECOND PLACE (TIE)

Kevin Harrigan, Sean McConnell,  
 Manny Barros, Steve Lynch

### THIRD PLACE (TIE)

René Lujan, Brian McShane,  
 Skip Henson, Tony Brown

## PROXY WINNERS

### LONG DRIVE

Dave Skierkowski

### LONG PUTT

René Lujan

### CLOSEST TO THE PIN — MEN

Brian Tambone

### CLOSEST TO THE PIN — WOMEN

Caily LaScala



# SPORTING CLAYS

## THURSDAY

### 1ST PLACE

Scott Brown, JBS Roofing

### 2ND PLACE

Ron Brown, JBS Roofing

### 3RD PLACE

Michael Wadding, General Coatings

## FRIDAY

### 1ST PLACE

Dave Metz, Tropical Roofing Products

### 2ND PLACE

Ron Brown, JBS Roofing

### 3RD PLACE

Josh Byrne, America Roofing

# POKER

### FIRST PLACE

John Nassivera

### SECOND PLACE

Conrad Lindo

### THIRD PLACE

Paul LaNue

# HORSESHOES

### FIRST PLACE

Russ Hyman  
Steve Ramirez

### SECOND PLACE

Scott Morgan  
Casey Campbell

# Despite Strong GDP, Low Unemployment Rate, We Should Prepare for Economic Disruption



By Bruce Yandle

**The GDP and unemployment rate are strong, but trade wars and foreign policy still threaten the US's economic future.**

UNTIL THE RECENT financial market sell-off raised questions about the [health of the economy](#), some who keep a close eye on fundamental data thought the United States was experiencing a Goldilocks economy where everything is just right. As Kimberly Amadeo wrote at the personal finance website The Balance, “The GDP growth rate is expected to remain between the 2 percent and 3 percent ideal range. Unemployment is forecast to continue at the natural rate. There isn’t much inflation or deflation. That’s a [Goldilocks economy](#).” A few days before Amadeo’s happy commentary, CNBC’s Art Cashin summarized Fed Chair Jerome Powell’s economic assessment this way: “Powell [‘pulled a Goldilocks’](#) and said policy is just right.”

All of this sounds good, but financial market gyrations remind us of the bear part of the story. Goldilocks, of course, stumbled into the home of the Three Bears, testing three chairs at the kitchen table, three cups of cooling porridge and three beds. In each case she found one too harsh for her tastes, one too weak and one just

right. Finally, with a porridge-filled tummy, Goldilocks decides to take a nap and off to sleep she goes.

But this isn’t where the story ends. Everything goes along smoothly until the “Three Bears” return and scare the heck out of Goldilocks. Suddenly, nothing is just right, and Goldilocks, fleeing for her life, rushes from the house and heads home.

Let’s prepare for economic disruptions. As America enjoys our economy’s good fortune and takes a nice respite from the turmoil of the last decade, let’s be more prepared than Goldilocks was for the eventual return of those three bears. As for us, the three bears astute financial investors may be worried about are: trade policy, monetary policy, and foreign policy.

[Trade disruptions and uncertainty](#) are bringing major disturbances to farming and parts of the manufacturing economy. Instead of laying plans to buy new combines, having lost some of their [Chinese market for soybeans](#) and grain, farmers are worried about paying for what they already own. Even now, manufacturers seem to be [hiring temporary workers](#) rather than permanent ones. An expanding trade war will surely [reduce GDP growth](#).

New policies have caused economic ambiguity

As for monetary policy, there is no way to know at this point if the Federal Reserve’s actions over the next 12 months

will be “just right.” [Interest rate increases](#) have already been promised. The question is how the economy will react. If those increases turn out to be too “hard” (i.e., heavy-handed), then the sectors that rely on long-term borrowing, like construction, will take a blow to the head. The economy will stumble, and slower growth will take hold.

Finally, foreign policy is [disrupting the flow of petroleum](#) in world markets and the flow of people across borders, creating uncertainty about energy prices and our [supply of high-tech workers](#). This ambiguity, and the higher prices that come with it, may also chill GDP growth.

Any one of these three bears will pose a threat to an otherwise happy situation. Two or three of them in tandem could push the economy into a mild recession.

Right now, [strong GDP growth](#), the [lowest unemployment rate in almost 50 years](#), and a [stable price level](#) are just right. Let’s make the most of it — part of which means keeping an eye on at least three known bears walking in the woods. Here’s hoping that their walk is a long one. 🏠

*Bruce Yandle is a distinguished adjunct fellow with the Mercatus Center at George Mason University, dean emeritus of the Clemson University College of Business and Behavioral Science, and coauthor of September’s [The Economic Situation](#) policy brief.*

# LEGISLATIVE UPDATE

## STATE OF ARIZONA

The misclassification of employees is getting a great deal of attention by the Department of Labor, the Registrar of Contractors, and (most recently) the Department of Revenue. Bills are being proposed with harsher penalties for violations. ARCA's statutory agent, **TIM DUCAR**, recently published an advisory to all members clarifying the issue. In a licensed trade — such as roofing — if an employee is involved in the primary mission of the organization (installation of roofing material), they must be an actual employee of the roofing company and cannot be on a 1099. Anyone needing the advisory resent to them should contact the ARCA office.

The Transaction Privilege Tax (TPT) summer study session is going well as ARCA and other subcontractors continue to get concessions that drive taxiing responsibilities to the ultimate goal of paying all taxes on material at “point of sale”. Legislation will be drafted incorporating all the summer committees work for the 2019 legislative session


Proportional Liability reform continues to gain traction in its summer study session as key legislators are signing on to the 2019 bill that basically would mirror language in the public contract sector and replicate that language for private contracts.

## FEDERAL

**U.S. reaches trade agreement with Canada and Mexico.** Facing a Sept. 30 deadline, the U.S., Mexico, and Canada reached agreement regarding a new trade deal, which updates the 25-year-old North American Free Trade Agreement (NAFTA). According to the U.S. Chamber of Commerce, the United States-Mexico-Canada (USMCA) agreement includes numerous wins for U.S. businesses in the areas of digital trade, intellectual property, financial services, and agriculture, but also moves in a more protectionist direction in other areas, such as automobiles, trucking, and labor policy. Some commentators have noted the new deal is similar to the Trans Pacific Partnership trade agreement negotiated by the Obama administration, which President Trump opposed upon taking office. The new deal does not include the removal of the Trump administration's tariffs on imported steel and aluminum and the retaliatory tariffs on these products imposed by Mexico and Canada on U.S. exports — it is unclear whether these tariffs will be removed anytime soon. The new agreement must be ratified by Congress, and although most observers are cautiously optimistic the deal will be approved by lawmakers, ratification is not assured. The USMCA comes as the U.S. is ramping up economic, diplomatic, and military pressure on China, which could result in more uncertainty for U.S. businesses as a new era in international trade relations unfolds.

**IRS releases guidance regarding tax law changes for small businesses.** The IRS released new comprehensive guidance designed to clarify changes in the tax code enacted in the Tax Cuts and Jobs Act at the end of 2017. The agency urges small businesses to learn about how these changes will affect their business. The IRS recently issued guidance spanning a range of issues from the new tax credit for employers who offer paid family and medical leave to clarification regarding the business expense deduction for meals and entertainment. This is part of the agency's initiative to highlight these changes so small businesses and self-employed individuals understand the new tax laws.

**Court temporarily blocks Trump administration immigration action.** A U.S. district court dealt a potential blow to President Trump's decision to rescind Temporary Protected Status (TPS) for hundreds of thousands of immigrants working in the U.S. legally. TPS is a legal designation that may be granted to immigrants who flee their native countries because of war and natural disasters. The Oct. 3 decision by District Court Judge Edward Chen in the Northern District of California to issue a nationwide injunction temporarily prohibiting the Trump administration from implementing its decision to rescind TPS status for individuals from El Salvador, Haiti, Nicaragua, and Sudan came in response to a lawsuit filed by immigrant advocates, which claims the administration's action was unlawful. The ruling effectively puts the issue on hold until the court makes a final determination regarding the underlying lawsuit. Many TPS recipients working legally in the roofing industry could lose their work permits and face deportation if the administration's TPS policy is carried out.

**Legislation to address workforce shortages.** The bill would establish an innovative, market-driven visa system, allowing potential immigrant workers to fill job openings for employers with year-round, non-farm positions. The new system is governed by market forces, protects U.S. workers, and enables job creators to legally obtain the workers needed to meet demand and grow their businesses and the economy. The bill is designed as a pilot program and would be available only to employers in counties or metropolitan areas where the unemployment rate is 5 percent or lower. Also, it will combat illegal immigration by requiring participating employers to use the E-Verify program to verify the work status of new hires in their companies. It is unlikely Congress will act on this legislation before the end of the 115th Congress. 

# Young Pros Committee Installs New Roof for Needy Mother



**R**ACHEL RIFF'S FIANCÉ Luke, was hit and killed by a drunk driver on 5/2/2015, just two weeks after they found out that she was pregnant with her 2nd child. Out of the death of Luke, she was able to secure their home at 202 W. Villa Rita in phoenix AZ. She has two kids, Levi (2) and Addison (5). The house was falling apart. Rachel works at Buddy Stubbs Harley Davidson in Phoenix but her cost for day care is often more than her pay check. She received no monetary assistance from the courts because she was not yet married when Logan was killed. Her roof needed to be replaced. First rain of the season a couple of months ago brought down drywall and required several tarps to be put on the roof. Rachel is just 24 years old, lost the love of her life in the middle of planning their wedding and is trying to provide the best she can for her two children. She was nominated for AZ Families surprise squad for help by her mother, Sandra. After send

a couple of emails to see who would like to help, the response was overwhelming.

First, the Young professionals went to Buddy stubbs wearing our YP shirts and hid in a back room while the news crew surprised her and we went up and met her to let her know the good news, a complete roof replacement valued at approximately \$12,000.00 completely free to her!! She also received 2 months of free daycare from her daycare providers.

We scheduled the work to begin 9/19/2018 and we completed it early on 9/21/2018. She was there the whole time and was continuously crying with excitement and appreciation.

The contributors and roles were as follows:

- **AZUL ROOFING SOLUTIONS** – Labor
- **LIFETIME ROOF SYSTEMS** – Labor
- **TECTA AMERICA** – Labor
- **STAR ROOFING** – Labor
- **EAGLEVIEW TECHNOLOGIES** – Measurement report

- **TAMKO BUILDING PRODUCTS** – Shingle roof material and underlayment
- **ELITE ROOFING SUPPLY** – accessory materials and roof loading
- **CHEMLINK** – sealants and caulking
- **KENNEDY SKYLIGHTS** – 1 solar attic fan and 2 solar reflective light tubes
- **LOMANCO VENTS** – Ridge vent attic ventilation system
- **SIERRA WASTE** – Dumpster for tearoff and jobsite trash
- **WRECORP** – Drywall repairs and support (and even pulled her weeds)
- **EAGLE ROOFING PRODUCTS** – support / signage coordination

In addition, we had other non ARCA members such as Hank with SkycamAZ who donated drone videos for ARCA use and to make a video for Rachel Riff as well as carpet donated and installed in Levi's room since it was ripped out due to drywall damage. 🏠





Join us for the first annual Arizona Roofing Industry Foundation golf tournament at the beautiful Arizona Biltmore Golf Club. The funds raised from this event will go directly to the ARIF Scholarship Fund. We look forward to seeing you on the greens!

*We're Golfing for*



**SCHOLARSHIPS**

**Friday, January 18, 2019**

11:00 AM Check-In | 12:00 PM Shotgun Start

**\$150**  
PER PLAYER

**Fees Include**

Foursome Format Tournament, Driving Range, Green Fees, Cart, Brown Bag Lunch, Dinner & Award Banquet, PLUS Drink Tickets Included for Golf and the Dinner Banquet (2 ea.)

**Arizona Biltmore Golf Club**

2400 E. Missouri Ave., Phoenix 85016

*Appropriate Golf Attire Required—Space is Limited!*

**\$150**

**TEE SPONSORSHIP**

**RSVP Deadline**  
**January 4**

**How to Register**

Online at [www.azroofing.org](http://www.azroofing.org) or  
Complete the form below

**GOLFERS**

Golfer 1 \_\_\_\_\_ Golfer 2 \_\_\_\_\_

Golfer 3 \_\_\_\_\_ Golfer 4 \_\_\_\_\_

Yes, I would like to be a tee sponsor!

\_\_\_\_\_  
*(company name)*

Yes, I would like provide an in-kind donation for the raffle.

**REGISTRATION**

- Check Enclosed – Payable to **Arizona Roofing Industry Foundation**, mailed to ARCA, 4745 N. 7th Street, Ste. 102, Phoenix, AZ 85014
- Credit Card – complete form below and fax to 602-335-0118, or scan and email to [arca@azroofing.org](mailto:arca@azroofing.org)

Credit Card #: \_\_\_\_\_ Exp. Date: \_\_\_\_\_ Billing Zip: \_\_\_\_\_ CCV: \_\_\_\_\_

Amount \$ \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

THIS IS A PAID ARIF EVENT. CANCELLATIONS AFTER JANUARY 4, 2019 WILL BE NON-REFUNDABLE, SUBSTITUTIONS ARE ALLOWED.

**T**HE NATIONAL WOMEN in Roofing Arizona Chapter is a board approved committee with the Arizona Roofing Contractors Association. Since our inaugural meeting on April 26, 2017 the National Women in Roofing Arizona Chapter consists of 70 members and is continuing to grow. The committee's focus for their monthly meetings include: educational moments, hands-on demonstrations, guest speakers, roundtable discussions, overall health, and more.

Our membership also includes and welcomes men who support the inclusion of women in the roofing industry. Working together, we are bringing the industry to a new level of excellence by supporting and promoting the contributions of women as an essential component to the future of roofing. To become a member visit the National Women in Roofing website at <https://nationalwomeninroofing.org/>,

click on 'Membership' in the menu and select 'Become a Member.'

We would like to say 'thank you' to the companies that have supported us in 2018 – **CARLISLE SYNTEC, EAGLE ROOFING PRODUCTS, ELITE ROOFING SUPPLY, GAF MATERIALS, JBS ROOFING, LYONS ROOFING, OWENS CORNING, RWC BUILDING PRODUCTS, SUNVEK ROOFING, and TILE ROOFING INSTITUTE.**

If you're not already a member, what are you waiting for? We look forward to you joining!



### Upcoming Events:

- Social Event - Friday, November 30 at 11:30 AM, ARCA Training Room
- Holiday Party - Thursday, December 13 at 4:00 PM, Camp Social (supporting ARCA's 6th Annual Holiday Party)
- Board & NWiR Meeting - Tuesday, January 15 (Details Coming Soon)
- Educational Moment with Tropical Roofing Products - Wednesday, February 20 at 11:30 AM, Elite Roofing Supply
- Board & NWiR Meeting - Wednesday, March 6 at 10:30 AM, Eagle Roofing Products
- Educational Moment with Eagle Roofing Products - Wednesday, March 6 at 11:30 AM, Eagle Roofing Products
- Educational Moment with IB Roof Systems - Details Coming Soon!

## Strengthening the Construction Workforce by Working Together

**I**N ARIZONA, THERE are more than 10,000 vacant construction trade positions. In a 2016 HomeAdvisor survey, 93% of industry respondents said the labor shortage is preventing their businesses from growing over the next year. This struggle to find qualified employees has real economic consequences for not only construction firms, but their customers and vendors as well. Talent gaps delay construction projects, meaning slower economic growth for Arizona.

**It's time to attract the talent that's going to help build Arizona's future.**

The Construction Workforce Collaborative — including commercial and residential contractors and subcontractors — focuses on attracting opportunity youth, women, veterans and other individuals to launch a career with growth potential and opportunities to earn while they learn.

Led by industry, the Greater Phoenix Chamber Foundation developed a three-pronged approach to strengthen the construction workforce pipeline:



### Current Focus: Career Awareness Campaign

In order to effectively attract and retain new talent, it's time to change the conversation and show people that construction and skilled trade positions are successful career pathways. By working with industry leaders, the Foundation is developing a career awareness campaign around the construction trades to illustrate the wealth of diverse career pathways in construction.

**When:** Pending investments from industry leaders, the Foundation will launch a campaign in early 2019.

**How:** Launch a marketing campaign that tells a story of dedicated, hard-working individuals building a life for themselves while also contributing to their local economy.

# CONSTRUCTION WORKFORCE COLLABORATIVE CAREER AWARENESS CAMPAIGN

In Arizona, there are more than 10,000 vacant construction positions. This struggle to find qualified employees has real economic consequences for not only construction firms, but your customers and vendors as well. Talent gaps delay construction projects, meaning slower economic growth for Arizona. The Construction Workforce Collaborative - including commercial and residential contractors and subcontractors – is launching a multi-faceted, multi-million dollar, multi-year career awareness campaign to promote the construction trades.

## INVESTOR BENEFITS:

Employers contributing to the marketing and brand effort will receive the following benefits based on their investment.

	Tradesman	Project Manager	Superintendent	Champion
Investment (3 year annual commitment)	\$5,000	\$10,000	\$25,000	\$50,000 +
Direct Access to Talent Through Online Job Postings	X	X	X	X
Company Recognition on Website	Listing	Listing	Logo	Scrolling Banner
Social Media Recognition	Quarterly	Monthly	Monthly	Weekly
Access to Career Awareness Opportunities–Guidance Counselors		X	X	X
Featured Placement for Job Postings		X	X	Top Billing
Opportunity to Guest Blog Re: Workforce			X	X
Project Highlight Demonstrating Economic Impact of Business			X	X
Potential Speaking Opportunities with Media and at Related Events			X	X
Sponsored Video Highlighting Career Opportunities				X
Steering Committee Participation				X

Thank you for your support! To confirm your commitment, please contact Jennifer Mellor at [jmellor@phoenixchamber.com](mailto:jmellor@phoenixchamber.com) or 602-495-6491.

# CONSTRUCTION WORKFORCE COLLABORATIVE CAREER AWARENESS CAMPAIGN

## COMMITMENT FORM

Company \_\_\_\_\_

Name \_\_\_\_\_

Billing Address \_\_\_\_\_

City, State and Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Current Employee Count \_\_\_\_\_

Number of Open Positions to Fill \_\_\_\_\_

Average Salary for Open Positions \_\_\_\_\_

Total Pledge Amount: \$\_\_\_\_\_/year for a minimum of 3 years.

Payment Options:  Annual Installments of \$\_\_\_\_\_/year.

Quarterly Installments of \$\_\_\_\_\_/quarter.

Payment Method:  Credit Card (payments via check are preferred in order to avoid processing fees)

Account #: \_\_\_\_\_ Exp. Date \_\_\_\_\_ CSV \_\_\_\_\_

Send me an invoice

ACH Payment (please include ACH form)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### PLEASE MAKE CHECKS PAYABLE TO:

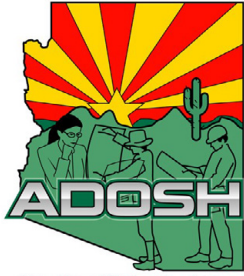
Greater Phoenix Chamber Foundation  
201 N. Central Ave., Ste. 2700  
Phoenix, AZ 85004  
Tax ID: 81-1367313  
Attn: Jennifer Mellor



GREATER PHOENIX CHAMBER FOUNDATION  
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WWW.PHOENIXCHAMBERFOUNDATION.COM

# Our Roofing Alliance is Looking for New Members!




Protection of life, health, safety and welfare of Arizona's most valuable assets.



## Working for Safety

*The Arizona Division of Occupational Safety and Health (State OSHA Program), is in an Alliance with 11 of the largest Roofing Companies working in the State.*

## Alliance members focus on:

- 
1. Training for employees
  2. Develop materials for fall protection awareness
  3. Communicate fall protection measures that work and best practices above the OSHA Standards
  4. Discuss current ADOSH Enforcement

## *If you are interested in joining...*

**Date of Meetings:** Third Week of Every Month — **Tuesdays**

**Location:** 800 West Washington Street., Phoenix, AZ 85007 — **Hearing Room O**

**Time:** 9:00 AM

**Cost:** *Free*

**Additional Information Call:** 602-542-1693

**Or Contact one of our Alliance Members directly:**



602-237-2478



602-997-0529



602-870-8322



602-595-8589



602-333-4338

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BUILDING PRODUCTS



# JOIN US FOR A CONTRACTOR EVENT

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—TUESDAY—  
**NOV 13, 2018**  
**11AM-2PM**

—WEDNESDAY—  
**NOV 14, 2018**  
**8AM-10AM**

- Save time & improve profitability
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- Hands-on training & installation techniques
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- Exclusive contractor programs
- Grow with TAMKO

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JUST DROP BY, OR RSVP TO: [tori\\_clark@tamko.com](mailto:tori_clark@tamko.com)

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**@** RICK\_THEROOFER

# 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*



# Issues to Consider When Using an

Independent Contractor

vs. Employee

By Tim Ducar

**D**UE TO LABOR shortages, many roofers have turned to employment agencies to secure personnel. This article will address the potential pitfalls in utilizing workers that the roofing company considers non-employees, or independent contractors.

In 2015, the Department of Labor issued an opinion that makes clear that the definition of employee was to be considered as broad as possible. It quoted language from case law that referred to the “striking breadth” of the definition. The opinion made clear that the former “control” test as to who should be considered an employee was out, and the “economic realities” test should be utilized. That goal of that test is to determine whether the worker is economically dependent on the employer (and thus is an employee) or whether the worker is really in business for himself (and thus is an independent contractor). Each factor needs to be weighed in relation to the other, and no one factor should be determinative. The economic reality test is as follows:

1. Is the work an integral part of the employer’s business? For roofers, this is a troubling factor. Courts have said that work performed by cake decorators are “obviously integral” to a business selling custom cakes. An example that the opinion gives is in a framing construction company, carpenters are integral to the framer’s business because the company is in business to frame homes, and carpentry is an integral part of providing that service. On the other hand, if the framer contracts with a software developer to create or track its bids, or schedule its projects and crews, that software developer is performing work that is not integral to the business of framing.
2. Does the worker’s managerial skill affect the worker’s opportunity for profit or a loss? In other words, if he/she

is in business, the worker has the possibility of making or losing money in dealing with company hiring him/her. Can he or she choose to hire, fire, rent office space, to, perhaps, make more money, at his/her risk of losing money? If so, he/she tends to be more of an independent contractor. On the other hand, if it’s the case that the worker works more, and so both the worker and the employer makes more, the worker is more likely looked at as an employee.

3. How does the workers’ relative investment compare to the employer’s investment? That is, if the worker buys tools, but the employer purchases significantly more tools, a court could find that the worker is an employee.
4. Does the work performed require special skill and initiative? That is, does the worker make his or her own decisions regarding the sequence of work, materials, and think about bidding on his next job, or is he/she simply told what work to perform where?
5. Is the relationship between the worker and employer permanent or indefinite? A permanent relationship indicates the worker is an employee.
6. What is the nature of the degree of the employer’s control? As with the other factors, this factor should be considered in light of determining whether the worker is economically dependent of the employer or is an independent businessperson.

Applying this to the roofing industry, if a roofing company is using temporary employees, or independent contractors, to perform roofing services, the workers will likely be considered employees for purposes of labor and tax laws, because roofing services are an “integral” part of a roofing company. This is not the dispositive factor; the other factors, listed above, should be considered. However, the fact that the employer is a roofer and the workers are roofing services is a strong one.


If the workers are not licensed, then the Arizona Registrar of Contractors' position is that hiring these workers is

1. aiding or abetting a licensed or unlicensed person to evade the licensing laws; and/or . failing to comply with the U.S. or Arizona labor laws; and/or . knowingly entering into a contractor with a contractor for work to be performed for which a license is required with a person not duly licensed in the required classification

The penalties that could be imposed by the Arizona Department of Labor would be bothersome. However, if the Arizona Registrar of Contractors finds that one or more of the three points listed above in the prior paragraph are violated, the Registrar could suspend or revoke the employer's contractor's license. Additionally, violation of one of those points is also a misdemeanor. It is important to note that no Arizona case law exists to support the Registrar's position that utilizing temporary employee/independent contractors can amount to the violations described in the three points in the prior paragraph. However, in my opinion, it makes sense that if one needs to be licensed, or to be working for a licensed entity, if that same work is contracted out, the contracting entity should be licensed.

If a roofing company is utilizing a Professional Employer Organization (a company that hires workers as employees and supplies them to contractors), the Registrar looks at that differently. A PEO must

1. be registered with the Arizona Secretary of State;
2. maintain a minimum of \$100,000 of financial security or net worth;
3. pay proper wages, withhold payroll related and unemployment taxes; and
4. is not a temp agency or someone who assigns employees to perform work for other organizations to cover employee absences, handle seasonal workloads, perform special projects, or who customarily attempts to reassign employees to other organizations when the individual completes each assignment

If a roofing company is utilizing a PEO, the worker is considered a dual employee of both the roofing company and the PEO. So, so long as the PEO satisfies the statutory requirements of the PEO scheme, it appears that the Registrar will allow that scheme. 

*Timothy D. Ducar is chair of ARCA's Registrar of Contractors' Committee. He is an attorney practicing who litigates business, construction, employment, ADOSH and Registrar of Contractor issues. He practices in Arizona, California, Nevada, Utah, Idaho, and Hawaii. He will provide you written materials that discuss increasing collections at no cost. If he cannot assist you with your particular legal matter, he will refer you to a competent attorney. He can be reached at (480) 502-2119 X3.*



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# NSC 2018: OSHA Announces Latest Top-10 Violation List



By [Emily Scace](#), Senior Editor, Safety

**A**T THE 2018 National Safety Council Congress & Expo in Houston, Texas, Patrick Kapust, deputy director of OSHA's Directorate of Enforcement Programs, presented the agency's top 10 violations for fiscal year (FY) 2018 to a standing-room-only crowd of safety professionals. While the list—particularly its top half—is largely familiar from previous years, one standard made an appearance for the first time.

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The data, which covers violations cited from October 1, 2017, through September 30, 2018, is preliminary, and as such, the precise numbers associated with each violation may change. However, the ranking is likely to remain consistent when OSHA releases the final numbers.

The top 10 violations of FY 2018 are:

1. **Duty to provide fall protection (29 CFR 1926.501):** 7,270 violations. The duty to provide fall protection has been OSHA's top citation for several years. According to Kapust, common violations under this standard included failure to provide fall protection near unprotected sides or edges and on both low-slope and steep roofs. Many of the citations were issued to roofing contractors, framing contractors, masonry contractors, and new single-family housing construction contractors.
2. **Hazard communication (29 CFR 1910.1200):** 4,552 violations. Hazard communication has been in the number-two spot for several years. Common deficiencies include lack of a written program, inadequate training, and failure to properly develop or maintain safety data sheets (SDSs). Auto repair facilities, hotels, and motels were among the industries that received many hazard communication citations.
3. **Scaffolds—general requirements (29 CFR 1926.451):** 3,336 violations. Common violations included lack of proper decking, failure to provide personal fall arrest systems and/or guardrails where required, and failure to ensure that supported scaffolds are adequately supported on a solid foundation. Masonry, siding, and framing contractors were particularly prone to scaffolding violations.
4. **Respiratory protection (29 CFR 1910.134):** 3,118 violations. Failure to establish a program, failure to perform required fit testing, and failure to provide medical evaluations were among the most frequently cited issues. Auto body refinishing, painting contractors, and wall covering contractors received many citations under this standard.
5. **Lockout/tagout (29 CFR 1910.147):** 2,944 violations. Many employers cited under this standard failed to establish an energy control procedure altogether, while others were cited for failing to provide adequate employee training, failure to develop machine-specific procedures, and failure to use lockout/tagout devices or equipment.
6. **Ladders (29 CFR 1926.1053):** 2,812 violations. Common deficiencies included failure to have siderails extend 3 feet (ft) beyond a landing surface, using ladders for unintended purposes, using the top step of a stepladder, and ladders with broken steps or rails. These

...continued

violations were common among roofing, framing, siding, and masonry contractors.

7. **Powered Industrial Trucks (29 CFR 1910.178):** 2,294 violations. Violations commonly addressed deficient or damaged forklifts that were not removed from service, operators who had not been trained or certified to operate a forklift, and failure to evaluate forklift drivers every 3 years as required. Forklift violations were widespread across a number of industries, but were particularly prevalent in warehousing and storage facilities, fabricated and structural metal manufacturing, and wood container and pallet manufacturing.
8. **Fall protection—training requirements (29 CFR 1926.503):** 1,982 violations. Commonly cited issues include failing to provide training to each person required to receive it, failure to certify training in writing, failing to ensure that training is provided by a competent person, and failing to train the proper use of guardrails and personal fall arrest systems.
9. **Machine guarding (29 CFR 1910.212):** 1,972

violations. Violations included failing to guard points of operation, failing to ensure that guards are securely attached to machinery, and failure to properly anchor fixed machinery. Machine guarding violations occur in many industries, but common targets include machine shops, fabricated metal manufacturing, and plastics manufacturing.

10. **Personal protective and lifesaving equipment—eye and face protection (29 CFR 1926.102):** 1,536 violations. The final violation is a newcomer to OSHA's top 10 list and replaces electrical wiring methods (29 CFR 1910.305), which took the number 10 spot for FY 2017. Commonly cited issues included failing to provide eye and face protection where employees are exposed to hazards from flying objects; failing to provide protection from caustic hazards, gases, and vapors; and allowing employees to wear combinations of prescription and safety eyewear that compromise the protective qualities. 🏠



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# How to Comply with the Silica Standard

**O**VER THE LAST year, ADOSH has provided articles related to Silica and how to prevent exposure to employees and employers. In addition to the articles, the ADOSH Consultation Department has been working with employers in the construction industry to identify silica exposures and sample worksites where employees used engineering controls and personal protective equipment. As of July 23, 2018, ADOSH received the written notification that the updated silica rule was adopted.

## WAYS TO COMPLY:

First — you and your team should discuss whether or not the standard applies to your employees. If it does not, no further action is needed. If it *does* apply, there are two options to consider. The first option is to use specified exposure control methods displayed in Table 1. The second option is to use alternative methods for compliance, which puts the onus on the employer to determine what additional requirements are needed to meet the standard based on the compliance method followed.

If an employer suspects Silica will be exposed to his or her

employees, then an exposure control plan must be developed. Many third-party consultants and employers have developed their own template although ADOSH encourages you to use the *free* plans provided on OSHA's website. The plans will help any construction or general industry employer meet the minimum requirements of the standard. The exposure control plans can be accessed visiting the following website:

<https://www.osha.gov/dsg/topics/silicacrystalline>

Finally, to help comply with the standard, OSHA developed a FAQ page. This website is a great source of information that we support at ADOSH. The FAQ page is located at <https://www.osha.gov/dsg/topics/silicacrystalline>

If you are an employer who may have employees exposed to Silica and would like *free* consultative help developing your plan, a professional site-visit to determine which (if any) hazards exist, or training on Silica, please contact one of our two offices:

**Phoenix: 602-542-1769 • Tucson: 520-628-5478**

Requirement	MUST THE EMPLOYER FOLLOW THIS REQUIREMENT?	
	If Fully and Properly implementing Table 1	If Following Alternate Exposure Controls
PEL	No	Yes
Exposure	No	Yes, when exposures are reasonably expected to be above the action level
Methods of Compliance	No	Yes
Respiratory Protection	Yes, if respirator use is required by Table 1	Yes, if respirator use is required to reduce exposures to the PEL
Housekeeping	Yes	Yes
Written Exposure Control Plan	Yes	Yes
Medical Surveillance	Yes, for employees who must wear a respirator under the silica standard for 30 or more days per year	
Communication of Hazards	Yes	Yes
Recordkeeping	Yes, for any employees who are getting medical examinations	Yes, for exposure assessments and for any employees who are getting medical examinations

# Registration is open!

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Visit [nrca.net/roofingday](http://nrca.net/roofingday) for more information and to register.



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JAN 18  
11A-12P

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## Save the Dates for Roofing Day in D.C. 2019

Mark your calendar and don't miss the second transformative Roofing Day in D.C. event. NRCA has announced Roofing Day in D.C. 2019 will be held April 3-4, 2019, at the Hyatt Regency Washington on Capitol Hill. All roofing professionals are urged to participate ---ARCA had 10 representatives at the inaugural Roofing Day held in March 2018 which was successful in bringing more than 400 participants from all segments of the industry to speak with "One Voice" on key government policy issues that unite our industry. Participants will travel to Washington, D.C., on Wednesday, April 3, for an afternoon program and networking reception. On Thursday, April 4, there will be a breakfast and day of meetings with lawmakers on Capitol Hill to discuss key industry priorities.



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\*Rhonda LaNue - Lyons Roofing

## Young Professionals Committee

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\*Jason Kill - America Roofing

## ARCA/ARIF COMMITTEES

### Charity Bowling Phoenix Committee

\*Ron Gibbons - Pioneer Roofing Company

Dave Carattini - AZ Tech Works  
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Email: david@aztechworks.com

### Charity Bowling Tucson Committee

\*Dave Metz, Tropical Roofing Products

### Sporting Clays Committee

Onnie Diaz - Elite Roofing Supply  
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*\* contact info can be found on ARCA Board of Directors list (previous page)*





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