



SHEAR BULL



Palm Beach County Roofing & Sheet Metal Contractors Association

Affiliate of FRSA and NRCA

June 2012 Volume 25 - 6

July Program

"Preparing for upcoming changes in Business Insurance and Workers Compensation"

July 25, 2011

Presenter: Rob Foote;
Frank Furman Insurance

6:00PM-7:00PM Networking
7:00PM Dinner Meeting

Holiday Inn
NEW LOCATION

1301 Belvedere Rd (At I95 Exit 69)
West Palm Beach, FL 33405

www.pbcroofers.com



<https://www.facebook.com/groups/269143749847473>

Inside

- p2. President's Message
- p3. Independent Contractors Cont'd
- Industry Websites
- p4. May 24 Member Meeting Photos
- p5. Working for Charity
- p6. Photos Cont'd
- p7. July Calendar



INDEPENDENT CONTRACTORS OR EMPLOYEES?

By Meghan Kennedy Riordan at Kerr, Russell & Weber, PLLC. (Attorney's for the SMRCA/RIPF).

The Immigration Reform and Control Act of 1986 (IRCA) legally mandates that United States employers verify the employment eligibility of every person one hires. Employers are charged with the affirmative duty to check identity documents of an employee to see if he/she has the authority to work in the United States. An "employee" is "an individual who provides services or labor for an employer for wages or other remuneration."

IRCA made it unlawful for employers to knowingly hire or continue to employ unauthorized workers and imposed penalties on employers for such practices. In response to IRCA, legacy Immigration and Naturalization Service created an Employment Eligibility Form (I-9) and required its accurate and timely completion by all U.S. employers and their employees. The I-9, Employment Eligibility Verification Form is used to verify the identity and employment authorization of individuals. The employer must review the employee's original identity and work authorization documents, selected from a list provided by the government, within three days of his/her start date.

While I-9 regulations do not require an employer to check identity and eligibility and complete I-9's for "independent contractors", the targeted workers must qualify under the law as independent contractors for the employer to escape liability. The mere designation of a worker as an "independent contractor" is not sufficient to insulate an employer from liability. Distinguishing an independent contractor from an employer can be problematic.

U.S. Immigration and Customs Enforcement (ICE) began a new initiative in April 2006 to target employers engaged in the use of unauthorized workers. This effort put the emphasis squarely on enforcement and punishment, instead of education and compliance. Whereas the former practice was to use administrative authorities to investigate and penalize violations, ICE began using criminal investigation techniques and charges far more widely.

For example on May 8th, 2006, ICE raided Fischer Homes, a Northern Kentucky construction developer. In this raid, ICE arrested seventy-six workers and four of the company's construction supervisors. The workers, mostly Hispanic, were charged with illegal entry and arraigned in the U.S. District court for the Eastern District of Kentucky in Covington. Four supervisors were charged with the felonies of conspiracy and harboring aliens not authorized to be in the United States. Two additional supervisors were indicted later.

The significant factor in the Fischer Homes case is that the undocumented workers were not paid employees" of the company. Rather, they were all employees of subcontractors used by Fischer Homes for the construction of Fischer's developments. The supervisors were charged with knowingly using subcontractors to shield Fischer homes from the requirement of I-9's and enabling the unauthorized workers to be employed on the jobsites. Fischer Homes took the position that there was never any knowing use of undocumented workers on their jobsites and that the undocumented

Continued on Page 3

2012 Officers & Board of Directors



Regina Reed
President

Daniel Stokes
Vice President

Joe Byrne
Secretary

Walt Millet
Treasurer/Past President

Ronald A. Frano MBA
Executive Director

BOARD MEMBERS

- Tom Stevens
- Jon Milanese
- John Mulleavey
- Michael Daley
- Dave Lalone
- Glenn Rimpela
- Mark Landis

Legal Counsel

Bob Marell of Glickman/Witters/Marell
561-478-1111

Program, Publication & Web

Joe Byrne (561) 471-8363

Palm Beach County Board Representatives:

Construction Industry Licensing Board
Mark Landis (561) 833-9704

Construction Board of Adjustment & Appeals
Peter Dzenutis (561) 844-0892

Building Code Advisory Board
Joe Byrne (561) 471-8363

Construction Industry Management Council
Joe Byrne (Chairman) (561) 471-8363

Message From the President

Welcome to Hurricane Season!

Our May meeting was a great start for preparation for the season, Steve Weagel, Chief Meteorologist for WPTV Channel 5 and Butch Truesdale PBC Senior Mitigation planner joined us to speak of the season to come.

Steve Weagel could not forecast a hurricane for us this season however he did inform us that West Palm Beach is 60 years overdue a major hurricane, which could be good and bad news for us. Butch Truesdale is very passionate about his role in the county as a mitigation planner and has our local contractors as a priority if we in fact do get a hurricane. For those of you that missed out on our meeting with Steve and Butch in our new location, you missed out as it was very informative and the dessert was by far the best we have ever had. Thank you to Steve Weagel and Butch Truesdale for joining us, we hope that they will join us again next year. I want to ask that our members please come to the meetings as our speakers do enjoy our questions and we like to make it worthwhile for them to return to speak again.

Do Not Forget the FRSA Convention is this month and we do not have a meeting, please join us July 25, at the Holiday Inn WPB our new meeting location, Rob Foote of Frank Furman insurance will be our speaker.

Regina Reed

President



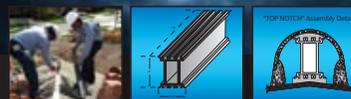
Tarco Call 800-365-4506
www.tarcoroofing.com

Professional Roof Consulting

BRI
CONSULTING CORP.
561-689-9166
briroofconsulting.com

Miami-Dade County Approved

Top Notch is a Top Performer!



We at Ridged Systems, LLC are proud bring you our unique ridge support m of recycled plastic for roof tile systems. provides superior wind storm performa and offers longevity to the roof.

- Superior Performance
- Corrosion Resistant
- No Penetrations
- Lightweight
- Ease of Application
- Dimensional Accuracy/Consistency



www.topnotchridge.com
561-276-9745



...continued from front page

INDEPENDENT CONTRACTORS OR EMPLOYEES?

By Meghan Kennedy Riordan at Kerr, Russell & Weber, PLC. (Attorney's for the SMRCA/RIPF).

workers were the responsibility of the subcontractors. This notion was rejected by ICE and later the court.

ICE has taken a rather broad view of the employer's constructive knowledge, and of the circumstances in which an employer is under an obligation to make further inquiry of the contractor and even of the workers as to the legality of their presence in the United States.

Using Internal Revenue Service (IRS) regulations as a guide, ICE relies on commonly accepted factors to determine if a worker is an independent contractor. Such factors can include whether the employer supplies the materials, is the sole employer for the independent contractor, directs the time and method of employment, and has authority to hire and discharge workers. Many other factors may come into play, such as providing housing and transportation for the workers. Even if a worker is properly classified as an independent contractor, the employer still has a duty not to use undocumented workers if the employer knows that a contractor has undocumented persons as workers on the employer's worksite.

Violations of the I-9 regulations are most often discovered through an internal audit, a third party audit conducted by a law firm, or pursuant to an investigation by Immigration and Customs Enforcement (ICE). Government investigations of employers or raids of business facilities are usually the result of a tip, the employer's history, the employer's

industry, or as a result of information-sharing with the Social Security Administration. Recently, ICE has stepped up its enforcement efforts and is randomly investigating all types of employers.

A determination that a company has knowingly hired, or continues to employ, individuals who are not authorized to work in the United States have severe consequences. These can range from fines of \$375 to \$14,000 per hire and/or criminal prosecution and state penalties. In recent years, large companies such as Chipotle, Tyson and Wal-Mart have made national headlines after I-9 audits and ICE raids resulted in the discovery that they employed individuals who were not permitted to work in the United States. In addition to the damage to their reputations, these companies were fined, and in some cases, criminally prosecuted. Don't let this happen to your company.

Any questions or comments regarding this article may be addressed to Meghan Kennedy Riordan at Kerr, Russell & Weber, PLC. (Attorney's for the SMRCA/RIPF). Printed with the permission of the CRSMCA.

Industry Websites

- ASTM - www.guidance-inc.com/~roofroof/
- American Consulting Engineers Council - acec.org
- American Institute of Architects - aia.org
- American Society of Civil Engineers - asce.org
- Building Officials Association of Palm Beach County - www.boapbc.org & www.boapbc.org/links
- Cedar Shake & Shingle Bureau - www.CEDARBUREAU.org
- Construction Industry Management Council (CIMC) - www.cimcpbc.com
- Construction Specifications Institute - <http://www.csinet.org>
- Copper Development Association - <http://www.copper.org>
- Division of Workers' Compensation - <http://www.wc.les.state.fl.us/DWC/>
- Florida Roofing, Sheet Metal & Air Conditioning Contractors Association - www.Floridarroof.com
- Galvalume Sheet Producers - www.steelroofing.com
- National Roofing Contractors Association (NRCA) - <http://www.nrca.net>
- National Society of Professional Engineers - nspe.org
- Roofing Contractors Association of South Florida (RCASF) - www.rcasf.org
- Roofing Industry Education Institute - <http://members.aol.com/RIEIROOF/classes.htm>
- Roof Tile Institute - www.rooftile.org
- Sheet Membrane and Component Suppliers to the Commercial Roofing Industry (SPRI) - www.SPRI.org
- Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) - <http://www.smacna.org>
- The Council of American Building Officials (CABO) - <http://www.cabo.org>



Information Only

FRSA CONVENTION & FLORIDA ROOFING & SHEET METAL EXPO

June 27-30, 2012

Location:

The Peabody Hotel &
the Orange County Convention
Center in Orlando, FL



Apply with confidence.



Standing: Sheridan Butch Truesdale, Senior Mitigation Planner, Palm Beach County



Left to Right: Speakers Sheridan Butch Truesdale and Steve Weagel, Executive Director Ron Frano



Left to Right: Vice President Danny Stokes, Advanced Roofing; Steve Weagel, Chief Meteorologist, WPTV, Channel5; President Regina Reed, Hanson Roof Tile



Networking



Photographer: Ingrid Phelan, Entegra Rooftile

May 23, 2012 Membership Meeting Continued...



*Come Out to the
Next Meeting-*

*Our speakers do enjoy
our questions and we
like to make it worth-
while for them to
return to speak again!*

*Photographer:
Ingrid Phelan, Entegra Rooftile*



Members Working for Charity

Willie J Jones is a WW II Veteran who is suffering from terminal cancer at the VA hospital. His wish is to spend his final days with his wife in their home. However, the home was not habitable and the VA would not release him to go home until it was a safe place for him. With the assistance of J. Ministries and a general contractor, the bulk of the work has been completed at no cost to Mr. Jones. Chief Building Official Peter Ringle of Riviera Beach contacted Joe Byrne, BRI Consulting to see if our association could help with a new roof. We put the call out to our members and the response was overwhelming. George Jacobazzi of Complete Roofing Solutions offered all labor and permits; Robert Borowski of Allied Roofing & Sheet Metal Contractors provided all sheet metal and debris removal. Robert Borowski's response was especially touching.

Born in Poland, Robert stated he would be honored to help a World War II veteran whose efforts during the war saved Poland from the German enemy, which in time resulted in he and his family being able to move to the United States. Bill Eiseman of Polyglass donated the flat roof material; Chris English from Bradco Supply offered the 30# felt & cement; Todd Fowler of Gulfeagel Supply donated the tin tags and roofing nails. Frank Iammarino of Willoughby Supply delivered materials donated by Polyglass. ABC Supply donated the fiberglass Dimensional Shingles.

This is another example of our association, an organization of professional roofers and suppliers, generously giving back to the community. Of special note is that this project took place during the Veterans memorial holidays.

PS: Upon completion of the job, Complete Roofing Solution's truck caught fire. It was a total loss. Even though Mr. Jacobazzi lost one of his trucks he never lost his faith in giving to the community.

More Photos on the Next Page





Generously giving back to the community...





July 2012

| Su | Mo | Tu | We | Th | Fr | Sa |
|----|----|----|----------------------------------|----|----|----|
| | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | CIMC 7:45 AM | | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| | | | BCAB 2:00PM | | | |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| | | | General Member Meeting - 6:30 PM | | | |
| 29 | 30 | 31 | | | | |
| | | | | | | |

DONT FORGET TO....

Join Our Group on Facebook!



<https://www.facebook.com/groups/269143749847473>

Check Our Facebook group page for Updates, Pictures from our past events, & Networking Opportunities!

PBCR & SMCA Office and Phones

2101 Vista Parkway
Suite 4001
West Palm Beach, FL 33411

.....
Tel: 561.655.5393

Fax: 561.688.8807

.....
www.pbcroofer.com

.....
Ronald A. Frano, MBA,
Executive Director
rfrano@comcast.net