



Los Angeles Painting & Finishing Contractors Association

April/May 2013

1106 Colorado Blvd., Los Angeles, California 90041 Phone: (323)258-8136 Fax: (323)258-2279 Website: www.lapfca.org

LAP&FCA MEMBERSHIP MEETING

TUESDAY, MAY 14, 2013

11:30 A.M. to 1:00 P.M.

Fall Protection - Ranks #1 in OSHA Violations

Leading cause of death in construction industry is from falls

Harold Gidish

Board member and past president of Scaffolding & Access Industry Association (SAIA) who conducts seminars around the country will be speaking on this critical safety topic

Beckham Grill

77 W. Walnut Street, Pasadena, CA 91103
 Associates Meeting 10:50 A.M. to 11:30 A.M.
 Social: 11:30 A.M. to 12 Noon
 Lunch at 12 Noon followed by Program

11th Annual "Q" Award to be Presented on June 20

The Alliance for Quality Construction (AQC) in which LAP&FCA has been a member since its inception, will present the 2013 "Q" Award to the Cohen Brothers Realty Corporation for the Red Building at the Pacific Design Center on June 20. Of note, is that LAP&FCA member Duggan & Associates did the painting.

The criteria for the prestigious Q Award is as follows:

- Exhibits quality craftsmanship
- Built with union labor
- Excellent labor-management relations
- Maintained an exemplary safety record
- Proficient use of apprentices
- Completed and occupied in the previous year
- Located in Los Angeles or Orange counties

Continued on Page 7

INDEX

| | |
|-----------------------------|------------|
| President's Corner | 2 |
| Calendar | 3 |
| Legislative News | 4-5 |
| INFOLINE | 7 |
| FCA Int'l Leadership | 8 |



Bob Weaver, FCA International Vice President Eastern Region, LAP&FCA Chapter President Robert Stewart and board member Tom Unsell in St. Louis attending the Union Contractor Program as part of the 2013 PDCA Expo.





President's Corner

Thanks to our Associate Members and to everyone who was involved in making our annual Day At The Races on April 6 another very successful event. The weather was perfect, the buffet was delicious, attendance was a sellout, and everyone seemed to have a great time. Can't ask for more than that, well maybe picking the right horse in the right race but you can't have everything. The Raffle which is held to offset chapter expenses in holding the event, was the most successful ever due in large part to a greater number of prizes being donated. Allie Corey (Chair of our Associates Committee) coordinated this effort. Roger Rivas and Harold Gidish shared emcee duties with Allie, and John Tripp, Kevin Mayer, Tom Parks and Yolanda Jones are all well deserving of a special thanks!

We have a couple of informative Chapter Memberships coming up with our May 14th meeting featuring the highly important topic of "Fall Protection" which is at the top of the list on OSHA's Top 10 safety violations for 2012 with falls being the leading cause of deaths in the construction industry as a whole. Looking ahead to our July 9 Membership Meeting, we are pleased to have David Wimmer, who has consistently been named as one of the best lawyers in America in the specialty of Labor and Employment, and will be providing you with some ways on how to contest and appeal CAL/OSHA citations if you are so cited.

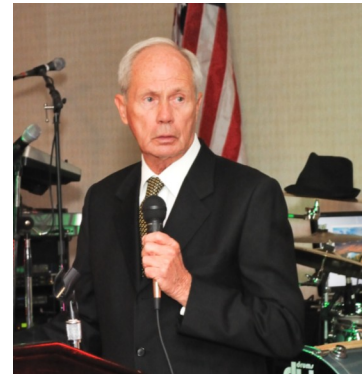
Plan on attending both meetings which will be held at the Beckham Grill in Pasadena.

Your chapter has always been involved in championing/opposing legislative issues/bills that are important to our members at both the state and national level. There is no better way in doing this than meeting your legislators face to face and we will be doing this on April 24th when four LAP&FCA board members and executive director will be attending the California Subcontractors Legislative Conference in Sacramento. There is an old saying, "if your senator or assemblyman doesn't hear from you than they are going to hear from someone else who may not hold your opinion".

Since I am talking about Sacramento and our chapter's involvement on legislative issues, I think that it would be a good time to look at the California Legislative and what exactly it is.

The California Legislature is composed of an Assembly and a Senate, consisting of 80 and 40 members, respectively. Members of the Assembly are elected for two-year terms, while Senators are elected for four-year terms, with one-half of the Legislature elected every two years. Prior to their election, the Members of the Legislature must be over 18 years of age, United States citizens, inhabitants of California for three years, and of the district which they represent for one year.

Assembly and Senate districts are



Rob Stewart

apportioned on the basis of population. Out of 38+ million Californians, each Member of the Assembly represents approximately 475,000 people, and each Senator represents approximately 950,000 people. Elections for the Assembly and Senate are held on the first Tuesday after the first Monday in November of even-numbered years. Members-elect take the oath of office on the first Monday in December after the general election. Thereafter, officers are selected to lead each house and rules are adopted to govern the legislative process.

The presiding officer of the Assembly is the Speaker, who is elected by a majority vote of the Members. The Speaker is charged with the overall management and supervision of the Assembly. In this capacity, the Speaker has general direction of the Assembly Chamber, Members' offices, staff offices and the Assembly committee meeting rooms.

CALENDAR

WHEN

WHAT

WHERE

| | | |
|----------------------|---|---------------------------------------|
| May 14 11:30 a.m. | Chapter Membership Meeting | Beckham Grill Pasadena |
| May 14 10:45 a.m. | Associates Meeting | Beckham Grill |
| May 14 1:30 p.m. | Board of Directors Meeting | Beckham Grill |
| April 24 | California Subcontractors Legislative Conference | Sacramento |
| May 1-3 | Quality Construction Alliance Legislative Conference | Washington DC Renaissance Hotel |
| May 29-June 1 | FCA International Leadership Council | Philadelphia Hotel Monaco |
| June 20 | 2013 "Q" Award | Pacific Design Center Red Building |
| July 9 | Chapter Membership Meeting | Beckham Grill Pasadena |
| July 15-16 | PDCC Mid-Year Board Mtg. | Lake Tahoe MontBleu Resort&Casino |
| July 17 | PDCA Western Conference | MontBleu Resort&Casino |
| August 10 | LAP&FCA Dodger Event | Dodger Stadium |
| December 8-11 | Finishing Industry Forum | Mirage Las Vegas |
| December 14 | LAP&FCA Holiday Event | Pechanga Resort & Casino |



LEGISLATIVE NEWS



STATE

Build For Success - California Subcontractors Legislative Conference April 24, 2013 in Sacramento

You are invited to "Build For Success" in Sacramento, by participating in the California Subcontractors Legislative Conference on April 24. Subcontractors and suppliers and industry service providers will be gathering at the Hyatt Regency Sacramento across from the Capitol to discuss pending legislation that affects the construction industry. More than 2,000 bills will be introduced by then and dozens are expected to deal with payments, liability, remedies, bonds, contract rights and obligations, etc.

LAP&FCA is ensured of a strong presence at the conference with Don Vulich (Endurance Painting), Jon Claypool (CL Industrial Coatings), Tom Unsell (National Coating & Lining) J.R. and Nancy Grzeskowiak (The Blakely Co.) and Chapter Executive Director Greg Quinn attending.

CSLB Reviews 2013 Legislative, Licensing Enforcement Programs

The Contractors State License Board (CSLB) at its board meeting on February 26, reviewed progress in the Board's enforcement and licensing programs, and legislative proposals (now introduced as bills) in the California Legislature. The meeting also provided hints that the state's construction activity may reverse direction this

Even if you're on the right track,
you'll get run over if you
just sit there

Arthur Godfrey, American Entertainer

year after several years of economic down.

Senator Bill Monning (D-Carmel) and Assembly member Katcho Achadjian (R-San Luis Obispo) issued a joint press release February 19 to announce their partnership as co-authors of the first three bills below, aimed at assisting the CSLB and enforcement authorities in prosecuting contractors engaged in the underground economy.

SB 261 - Fraudulent Use of License

Fraudulent use of license: This bill would clarify activities and disciplinary actions in cases where a licensed contractor aids an unlicensed person to evade Contractors' State License Law by allowing the unlicensed person to use his or her license, and situations where a person willfully and intentionally uses a license number with intent to defraud.

SB 262 - License Qualifiers Supervision Requirements

This bill would provide that the failure of the qualifying individual on a contractor's license to exercise direct supervision and control in accordance with CSLB provisions and regulations shall constitute grounds for disciplinary action and be punishable as a mis-

demeanor by imprisonment in a county jail, by a minimum fine of \$3,000, but not to exceed \$5,000, or by both imprisonment and fine.

SB 263 - Definition of Unlicensed Activity

This bill would define and clarify the terms "unlicensed person," and "duly licensed" in respect to taking disciplinary actions against individuals who contract and perform work during periods in which their licenses were inactive, expired, revoked or under suspension.

Enforcement Update - CSLB Enforcement Chief David Fogt

CSLB Enforcement Chief David Fogt provided 2012 year totals for cases and cost recovery statistics for several enforcement operations. The CSLB's Intake and Mediation Centers' settled an average of 38 percent of license complaints during 2012, without requiring further and more costly investigations and legal remedies, that resulted in restitution settlements paid to injured parties in the amount of \$8.5 million.

CSLB's Construction Enhancement Project that partners with the Employment Development Department (EDD) to target contractors who intentionally evade payroll taxes, licensing, and workers' comp requirements conducted 1,490 investigations in 2012 to uncover an estimated \$68.3 million in unreported wages.

Another enforcement partnership program with EDD, Franchise Tax

Board and Department of Industrial Relations resulted in the suspension of 877 licenses and identified \$25.8 million in unpaid outstanding liabilities, for which \$108 million in penalties were recovered.

Fogt also announced CSLB will be seeking input from industry partners and contractor trade groups to identify and develop a "Top Ten List" of the most egregious contractors/violators within at least ten construction trade categories to develop a plan to investigate and prosecute these offenders.

Source: Indoor Comfort News, April 2013

FEDERAL

Congress returned from its Spring Recess to a stacked legislative agenda and with fights over taxes, spending and debt delayed until summer, the three-month period starting this week gives lawmakers the best chance to move landmark legislation on guns and immigration reform before the looming financial fights return.

AFL-CIO and U.S. Chamber of Commerce Reach Immigration Reform Agreement

Tentatively, the much-anticipated immigration reform proposal being worked on by a bi-partisan group of eight Senators is expected to be announced within a week, with the legislation's markup scheduled for May 6, 2013. On March 31, the AFL-CIO and U.S. Chamber of Commerce reached an agreement in principle concerning the flow of immigrants that is expected to be included in an immigration overhaul bill introduced in the Senate in the coming weeks.

Companies Pushing to Withdraw Workers from Teamster Pension Plan

On April 7, the Wall Street Journal reported some companies are pushing to withdraw their workers from the Teamsters pension plan that faces a deep funding shortfall and questions about its long-term viability. Investment losses during

the financial crisis and hard times for trucking companies that pay into the Teamsters' Central States Funds have depleted the fund of money it uses to pay promised benefits.

With just 60 cents of assets for every \$1 in obligations, the Teamsters pension fund is considered in critical status by the Pension Benefit Guaranty Corp. Central States has about \$18 billion in assets, ranking it the nation's second-largest multiemployer pension plan. The Teamsters pension fund pools money from about 1,900 companies, and its investments have been overseen by advisers jointly approved by representatives from both labor and management. Last week, Republic Services finalized deals with three local Teamster unions in Michigan to move out of Central States to a better-funded Teamster-run plan. Central States illustrates a potential nightmare scenario for workers across the United States - a pension plan that is at risk of running out of money, leading to possible benefit cuts and putting strain on the federal agency that would assume the pension's liabilities.

Source: FCA International Legislative Update, Week of April 8, 2013

FCA Finds Value during 2013 PDCA Expo

FCA found value at the 2013 PDCA EXPO held in St. Louis from March 3-6.

Motivational speaker John O'Leary talked about the near-fatal accident he suffered when he was 9 years old, which resulted in burns covering 100 percent of his body. His message revolved around three key points: the power of love, the power of why, and the power of more. O'Leary's story was a remarkable one. Several people played a key part in keeping him alive and eventually on the road to recovery with none more than the legendary announcer of the St. Louis Cardinals, Jack Buck. He stressed the importance of every job making a difference and the difference every job makes.

FCA participated in the Union Contractors Program hosted by the St. Louis Chapter. Bob Weaver, FCA Eastern Region Vice-President, was the guest speaker with the moderator being Dan Wienstroer Executive Director St. Louis Painting & Decorating Foundation.

Continued on Page 6



Larry Marshall of KC Barker (far right) with Emcees Allie Corey and Roger Rivas winning one of the many raffle gifts at the 21st Annual Day At The Races on April 6.

Continued from page 5 FEDERAL

Topics of discussion were the Affordable Care Act and its expected impact on businesses and a brief update on multiemployer pension plans. The program concluded with Bob providing an update on what FCA has accomplished and is planning to make its growing membership more competitive.

Additionally, FCA visited District Council #2 new, state-of-the-art training center which opened last year. The new training center is 75,000 sq. ft. and has 82 mock-up rooms and classrooms. The facility also features a full containment station for industrial coating students, full sandblasting and paint facilities for painting and wall covering students, and extensive drywall training for students that provides exposure to all facets of drywall finishing.

Furthermore, FCA discussed the interior systems guide, and will add the latest wall covering information received from our contractors to the document. The guide will be finalized for approval and posted on FCA's website in April. Finally, FCA walked the trade show and visited with most of the vendors, while strengthening relationships with industry partners, Sherwin-Williams. (LAP&FCA member) and Benjamin-Moore.

LAP&FCAs Chapter President Robert Stewart, Board Member Tom Unsell and Executive Director Greg Quinn attended the well attended EXPO.

Source: FCA International Update, April 1, 2013.

OSHA's Top Ten List - Documents You'll Want To Have On Hand

If OSHA arrives on your jobsite you will need to prove that your company and employees are serious about safety. The most important thing to remember before a compliance officer appears on your worksite is to be prepared. There is little you can do in way of documentation when OSHA is already in the job trailer. Being prepared is key!

These are the 10 documents and reports that are asked for most often when OSHA visits construction sites.

(1) Injury/Illness Records - Your OSHA 300 log and OSHA 300A or 300 Summary should be up to date and available or at least accessible from your home office. The 300 Summary is required to be posted February 1st through April 30th, so depending on the time of inspection, the compliance officer may inquire where the 300A is posted.

(2) Written Programs - Depending on the tasks being performed by your company at the jobsite, various written programs are required and may be requested. Hazard Communication is a program that is required by all employers who use chemicals/hazardous materials. Fall protection, Confined Space, Lockout Tag-Out are all examples of tasks that need written programs. These programs should contain the specific steps or procedures to complete the task(s) safely.

(3) Material Safety Data Sheets - Your company should have MSDS for every chemical/material onsite or be quickly accessible from your company office. Employee accessibility and the method of maintaining these sheets may be asked by the compliance officer. This information should be included in the hazard communication policy.

(4) Training/Certification Records - Depending on the jobsite and the tasks being performed on the job, the compliance officer may request proof of training for various types of work. This may cover hazard communication training to lockout Tag-Out, excavation and forklift training.

(5) Competent/Qualified Person Inspections - The inspections by competent/qualified persons required by some regulations should be accessible if requested by the compliance officer. Some tasks requiring competent/qualified persons are scaffolding, confined space entry, forklifts, elevated work platforms etc.

(6) Chemical Inventory - A list containing the names of all the chemicals/hazardous material used by the employers is required. This requirement is part of the hazard communication program and may be contained with the Material Safety Data Sheets or in the hazard communication policy.

(7) Hazard Assessment - A written hazard assessment identifying hazards/tasks that require the use of personal protective equipment may be

Continued on Next Page

Editorial Committee

President: Robert Stewart

Executive Director: Greg Quinn

Published by J.Q. Printing

LAP FCA Chapter News is printed bi-monthly by the Los Angeles Painting and Finishing Contractors Association Inc., 1106 Colorado Blvd. Los Angeles, CA 90041 (323)258-8136

While this newsletter is designed to provide accurate information and authoritative information on the subjects covered, the Association is not engaged in rendering legal, accounting or other professional or technical services. Accordingly, the Association cannot warrant the accuracy of the information contained in the newsletter and disclaims any and all liability, which may result from publication of, or reliance on the information provided herein. If legal advice or other expert assistance or advice is required, the services of a competent professional person should be sought.

requested to be reviewed. This may be covered in Job Safety Analysis or other similar documents.

(8) Emergency Action Plan - Written plans are required for each worksite to address what actions jobsite personnel should take in case of an emergency such as severe weather, earthquake, or fire. Your employees should know the procedures for each type of emergency and be able to follow these.

(9) Required Postings - The Department of Labor required postings should be located in an area that is accessible to employees and is easily visible.

(10) Jobsite Safety Documents - These documents may include required hot work or confined space permits. Other documents, such as a Daily Safety Plan or a daily Job Safety Analysis may be required for review.

One more point, while it's important to have the right information on hand, and to be responsive when the OSHA inspector asks for more detail or clarification, never feel compelled to volunteer information that the inspector hasn't requested.

Source: Panel Board, LA NECA April 2013

Continued from Front Page

The Pacific Design Center is located at 8687 Melrose Avenue West Hollywood.

11:00 am - Check In
11:30 am - Presentation
12:30 pm - Lunch
Cost is \$35 per person or \$350 per table (10).

Past recipients of the Q Award:

- 2003 Cathedral of Our Lady of the Angels
- 2004 Walt Disney Concert Hall
- 2005 The Home Depot Center
- 2006 The Getty Villa
- 2007 Orange County Performing Arts Center's Segerstrom Concert Hall
- 2008 Nokia Theater L.A. Live
- 2009 Los Angeles Unified School District Ramon C. Cortines School of the Visual and Performing Arts
- 2010 LAPD Police Administration Building
- 2011 Los Angeles Unified School District Robert F. Kennedy Community Schools
- 2012 Providence Holy Cross Hospital New South Wing

INFOLINE

LAP&FCA Dodger Event

The much anticipated annual LAP&FCA Dodger has been scheduled for Saturday evening August 10 at Dodger Stadium. Prior to the game there will be an all you can eat reception in Loge Terrace reserved for LAP&FCA attendees. Following the reception attendees will step down into their reserved loge seats to watch the Dodgers play Tampa Bay. More on the game, including times for reception and game will be forthcoming.

Dodger Stadium \$100 million Renovation - Blakely Co. Paints New Boards

Dodger Stadium underwent a \$100 million face-lift in 2013 with many upgrades and amenities including new HD Video boards in both left and right fields, message boards (The Blakely Co. did the painting of the boards), a new sound system, Wi-Fi availability, and new entry plaza. All of the restrooms were completely renovated and enlarged.

LAP&FCA Holiday-Charity Event

It's never too early to mark your calendar for the "feel good" event of the year. Saturday evening December 14 is the date with the 4-star Pechanga Resort & Casino being the exciting location for the 22nd edition of the annual LAP&FCA Holiday-Charity Event. The beautiful Journey's End restaurant, lounge and patio overlooking the golf course will be all LAP&FCA reserved, for what promises to be another spectacular event.

Continued on Page 8



Grant Miller, CPA Miller Kaplan & Arase, speaks at the LAP&FCA Membership Meeting in March and gave a timely talk on Tax Issues, distributing copies of "Breaking Down the Fiscal Cliff" to all attendees.

Continued from Page 7 INFOLINE

PDCA Announces New Board of Directors

Dave Ayala, United Pro Painting and active member of PDCC (California Council) has been re-elected to serve another term as Chair of the 15 member PDCA Board of Directors. Bill Shoning of Shoning Contracting in Las Vegas (attended union contractor program in St. Louis) was also named to the Board.

Paul Kortemeier Memorial Golf Tournament

The Tri-County Chapter PDCA has announced the date of Thursday, May 23rd for their annual Golf Tournament. It will be held at San Dimas Canyon Golf Course with the following times given.

11:30 to 12:30 - Check-in, Putting Contest

1:00 P.M. - Modified Shotgun

6:00 P.M. - Cocktails, dinner, awards & raffle prizes

Cost - Foursome for \$400 (\$100 per player). Entry fee includes green fees, cart, beverages on course, dinner, course games and prizes.

If you are interested call Nancy Peterson (Executive Director Tri-County PDCA) at 909-469-6445

2013 FCA International Leadership Council - May 29-June 1 in Philadelphia

Join FCA for the only event in North America where finishing contractors come together to network, share best practices and plan for the future.

Why Should I Attend & Participate?

1. Help guide your industry and ensure it's headed in the direction you want
2. Strengthen and expand your network of industry peers
3. Gain valuable information you can use by participating in plenary and breakout sessions as well as committee meetings.
4. Discover the FCA community and the value it provides your company
5. Exchange best practices with your peers in the finishing industry
6. Engage industry leaders and trendsetters on cutting-edge issues

James A. Williams Retirement Testimonial Dinner

James (Jimmy) Williams, General President IUPAT, will be honored at a retirement celebration on Saturday evening June 1st in Philadelphia. A very special evening is planned at the Philadelphia Convention Center with a reception at 6:00 p.m. in the historic Grand Hall with dinner scheduled at 7:30 p.m. in the Ballroom, followed by dancing. The event coincides with the FCA International Leadership Council which concludes on June 1st at the nearby Hotel Monaco.

10 Ways To Protect Your Organization Against Fraud

1. Carefully review your statements for unauthorized activity or missing deposits.
2. Closely scrutinize employee entitlements. Allow access to only those services necessary to perform the job. Separate employee duties whenever possible: for example, payables personnel should not be responsible for reconciling bank accounts.
3. Use security tokens for online sign-on. You can request tokens from your bank
4. Use IP address restrictions to limit online access to your bank information based on IP addresses you provide your bank.
5. Use dual control for making online payments.
6. Set up dedicated computers for online banking, keep the computers in a secure location and limit access.
7. Install a reputable vendor security software suite that includes firewall security, anti-virus, anti-spyware, and malware and adware detection. Keep it up to date and run periodic scans.
8. Routinely install new patches for your operating system and browser software and hardware, or use automatic update features.
9. Educate employees on good cyber security practices, such as not opening any attachments or clicking any links in an e-mail from unknown senders.
10. Engage a security expert to test your network or run security software to help close known vulnerabilities.

Source: Labor-Management Smart News, Union Bank, First Quarter 2013



Mr. and Mrs. Jon Claypool (CL Industrial Coatings and LAP&FCA board member) enjoying the April 6 Day At The Races at Santa Anita Park.