



Los Angeles Painting & Finishing Contractors Association

August/September 2013

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LAP&FCA MEMBERSHIP MEETING

WEDNESDAY SEPTEMBER 11, 2013

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

**Paintcare California
Explains New Paint Recycling Law
and what you can do**

Guest Speakers

Caitlin Sanders, California Program Manager and
Brandon Zarrahy, Southern California Regional Coordinator

PaintCare Inc., a non-profit organization established by the American Coatings Association to implement California's Paint Stewardship Law is establishing hundreds of drop-off sites for postconsumer (leftover) paint at retailers and other sites throughout California.

Beckham Grill

77 W. Walnut Street in 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

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Paul Mazzeo (Mazzeo Painting), Victory Anaya (Anaya Painting and Decorating) Chapter President Rob Stewart of R.B. Stewart, and Nick Jin of 3M enjoying the July 9 Membership Meeting at the Beckham Grill.





President's Corner

I hope that you were able to join us for the July 9 LAP&FCA Membership Meeting which filled the Garden Room at the Beckham Grill in Pasadena. If you were unable to attend, I'd like to fill you in on what was discussed.

We were pleased to have the Business Manager of District Council 36, Grant Mitchell, speak on how we can become more competitive when bidding on jobs where there are one or more non-union contractors bidding for the same job. He fielded many questions from the audience and stayed until all questions were answered.

You may utilize the new IUPAT Commercial Market Recovery Agreement which offers a reduced wage and contribution package under certain circumstances. As stated in Article II Section 5 of the Agreement, an essential part is to recover work that has gone non-union, and to maintain work that is Union. To use this agreement, you must first get authorization from IUPAT.

Grant left the door open separate from the IUPAT agreement, for you to call him at the District Council 626-584-9925 to request relief when bidding work that has non-union competition.

Be sure to attend the next LAP&FCA Membership Meeting

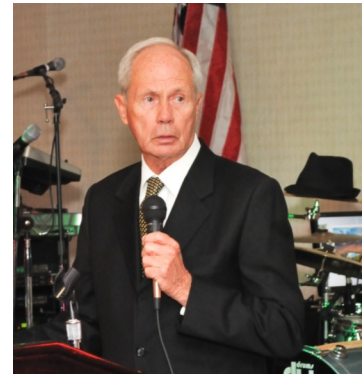
which will be held on Wednesday September 11 at the Beckham Grill. We will have another informative meeting featuring both the California and local representative from PaintCare, who will guide you in how to comply with the new State paint recycling law. Make note that the meeting will be held on Wednesday.

I would like to share an article with you I received regarding "The Youth of America".

We are all concerned about today's youth as they seem to lack the drive of the previous generations. The following are quotes taken from an article titled "For Young Men" by Bruce Findlay, former supervisor for the Los Angeles Board of Education. He makes some great points:

"What is the reaction of these idle young people upon seeing entertainment which depicts lavish parties and private yachts, squandering of personal fortunes on riotous living, glorifying gangsters and otherwise placing a premium on the sordid?"

Apparently the new theory that is developing in America is this: Those who cannot find employment privately will either be supported by government dole or will find employment publicly. In other words, those whom we cannot employ individually we must employ collectively.



Rob Stewart

It is stated reliably that the average age of the skilled laborer in building trades and the construction industries is beyond forty-five years. In many localities employers are seriously concerned over the future.

It is not my intent to paint a sordid, macabre picture. However, is it not better to recognize the situation while we can still do something about it? Youth will keep itself alive! America's young men will not forever be contented with a No Work Sign."

If you think no one writes like that anymore, you are correct. This was published in July of 1939. Yes 1939, the generation that fought and won World War II, made the United States the leading super power of the world and would later become labeled as "America's Greatest Generation".

CALENDAR

WHEN

WHAT

WHERE

September 11 11:30 a.m.	LAP&FCA Member Meeting	Beckham Grill Pasadena
September 11 10:45 a.m.	Associates Meeting	Beckham Grill
September 11 1:30 p.m.	Board of Directors Meeting	Beckham Grill
November 12	LAP&FCA Member Meeting	Beckham Grill Pasadena
December 8-11	Finishing Industry Forum	Mirage Las Vegas
December 14	LAP&FCA Holiday Event	Pechanga Resort & Casino
March 12-15	PDCA Expo 2014	Reno NV
April 23-26 2014	FCA International Leadership Council	Phoenix AZ
April 29-May 1	QCA National Issues Conference	Washington DC
Monday-Wednesday Saturday Ongoing	24 Hour Lead Training 7 Hour Lead Refresher RRP Training One day class	Apprenticeship School 2077 Yates Avenue Commerce, CA 90040 323-727-2811



LEGISLATIVE NEWS



STATE

Contractors State License Board 2012 Highlights

by Paul Schifino, Board Chair

Expanded national, state, and industry partnerships have resulted in a record year of cost savings and restitution to the public, achievement directly related to the CSLB's innovative efforts to maximize resources and protect consumers.

Much of the money collected was the result of revised laws that changed our working relationships with other state agencies - such as the Department of Industrial Relations, Secretary of State, Employment Department, and Franchise Tax Board - to share data that immediately identifies individuals who are violating state licensing, business, labor, and tax laws. The shared information, and CSLB's committed relationships with local prosecutors, helps return money to consumers that is stolen by unscrupulous contractors. Partnerships also identify fees and taxes that have not been paid to the state.

I also am pleased to report that CSLB's leadership and staff continue to streamline operations, yet maintain valuable services to the state's nearly 300,000 licensed contractors who struggle to maintain their financial footing because of illegal competition in the underground economy. CSLB, other state agencies, and dozens of construction trades and associations strengthened their partnerships to eradicate unlawful

The most essential factor is persistence - the determination never to allow your energy or enthusiasm to be dampened by the discouragement that must inevitably come

*James Whitcomb Riley
American Writer*

businesses that skirt state contracting and labor laws, and harm consumers and employees, through regular dialogue with the state's Administration.

CSLB gained national attention in June and September when it was joined by several other states that warned consumers about predatory online advertising used by unlicensed contractors on Internet bulletin board websites. A majority of sting operation leads now come from illegal online advertising.

CSLB obtained new peace officer positions this year that will further its ability to monitor and enforce state contracting laws and protect consumers and contractors. All of those who partner with or are served by CSLB can count on continued efficient, professional service.

Top Ten License Categories
General Building Contractor "B"
143,021
C-10 Electrical
32,693
General Engineering Contractor "A"
20,889

C-36 Plumbing
19,025
C-33 Painting and Decorating
18,864
C-20 Warm-Air Heating, ventilating & A/C 14,287
C-27 Landscaping
13,778
C-15 Flooring and Floor Covering
8,482
C-8 Concrete
7,930
C-5 Tile
7,315

San Diego Council Approves Ordinance Requiring Prevailing Wage on Public Projects

The San Diego City Council July 30 approved 5-4 an ordinance applying the California prevailing wage law to all municipal public works projects. The measure requires city contractors and subcontractors on projects classified as "public works" by the city of San Diego to comply with state prevailing wage requirements. This year, the city has signed 20 contracts under prevailing wage requirements totaling \$48 million. Another 93 contracts worth \$150 million without prevailing wage requirements have been executed.

San Diego is a charter city and, as such, does not have to pay prevailing wages on public works projects if the jobs are not tied to state and federal funds triggering the obligation. In recent years, cities in San Diego County such as Carlsbad have passed charters with the expressed goal of avoiding

prevailing wage requirements.

Source: *Bloomberg BNA Construction Labor Report*, August 6, 2013

Workers' Pay Should Not Fund ABC Sham Committees

by Robbie Hunter, President State Building Council

Article appeared in *Building Trades News*, June 2013

How's this for a racket?

Anti-union contractors deduct earnings from workers' paychecks. They use the money to fund committees that falsely claim to be about labor compliance, but actually exist solely to further the anti-union contractors' political interests. Then they claim that expense as a fringe benefit to the worker, which they use to reduce the amount they are legally required to pay the worker under California's prevailing wage law.

Unfortunately, a loophole in current law allows that deceptive and unfair scenario to happen. The Associate Builders and Contractors (ABC) and their friends are all too happy to exploit it. The good news is that State Building Trades' legislative advocates are hard at work in the state Capitol to put a stop to it. To that end, we are the sponsors of Senate Bill 776, authored by Senator Ellen Corbett, D-San Leandro. It would clarify the requirements of bona fide fringe benefits for workers on public works projects.

Contractors on public works projects are obligated to pay their employees the prevailing wage for the craft and locality in which the work is performed. A portion of that obligation can be satisfied by paying fringe benefits, which include payments to "monitor and enforce" workers protection laws. In the case of union contractors, those payments are made to joint labor management compliance committees, as defined in the federal Joint Labor Management Cooperation Act of 1978.

But the ABC and the anti-union crowd put their workers' money into so-called

"labor compliance" committees that are actually anything but.

Unlike joint labor management committees, these committees have no worker participation at all in setting them up, running them cooperatively or even using them to ensure labor compliance. Instead, they work to advance the employer's anti-worker agenda. In effect, workers' dollars are being taken to be used against their best interests and that of their families. SB 776 closes this unfair loophole by clarifying that contractor payments for monitoring and enforcing laws related to public works cannot count as a credit toward a contractor's obligation to pay prevailing wages, if those payments are not made to a joint program or committee established by the federal Joint Labor Management Cooperation Act of 1978.

ABC is none too happy about this bill, nor about the effectiveness with which our legislative advocates have moved it through the Senate and to the Assembly.

FEDERAL

Congressional Overview

Members of Congress left Washington D.C. on August 2 for the August Congressional Recess and are set to return on September 9. With only nine days remaining in the current legislative session Congress will have to move quickly in order to avoid a government shutdown as the current continuing resolution funding the federal government is set to expire September 30.

Union Leaders Send Open Letter Against the Affordable Care Act (Obama Care)

Union leaders James Hoffa (the Teamsters), Joseph Hansen (United Food and Commercial Workers International) and Donald Taylor (Unite-Here, a hotel and other services union), who together represent three million workers, sent an open letter that acknowledged they were once strong supporters of the Affordable Care Act, but now lament the law's "perverse incentives that are already creating nightmare scenarios".

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Kevin Bass (Assistant Political Director DC#36), Greg Quinn (Executive Director LAP&FCA) and Emad Aziz (Contract Compliance DC#36) attending the 11th Annual Q Award at the Pacific Design Center in which the all union built Red Building was honored

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Per the Union Leaders words:

"The law will destroy the very health and well being of our members along with millions of other hardworking Americans."

In 2009, Mr. Hoffa launched what he called an unprecedented effort to promote the Obama health program because health costs were burdening American workers. It was too important for the labor movement not to sit on the sidelines. Their first grievance is that the Affordable Care Act's employer mandate is leading businesses to hold worker hours below 30 hours a week to comply with the Administration's regulatory definition. Despite the one-year suspension of the mandate, many businesses that must provide insurance or pay a penalty are shifting to part-time labor, and fewer hours, which means less pay while also losing current health benefits.

Obama Care also has no special provisions for the multiemployer health insurance plans allowed under the Taft-Hartley Act of 1947. Companies can jointly contribute to nonprofit healthcare trusts under Taft-Hartley. These are especially useful for workers in low-income or intermittent industries like hospitality, because they can maintain continuous coverage during a period of joblessness.

Survey Reveals Pension Plans are Getting Healthier

TA survey conducted on June 20 revealed that pension plans have gotten

healthier since the depths of the financial crisis, but they are far from rebounding to their pre-recession levels. Sixty-one percent of calendar-year multiemployer plans in 2013 are in the Green Zone, the healthiest of the three levels, down slightly from 62 percent in 2012. That is far above the 39 percent reported in 2009 after the start of the crisis, but far below the 83 percent reported in January 2008. Twenty-eight percent of plans in 2013 are in the Red Zone, the lowest level, up from 27 percent in 2012. That is below the 32 percent in that zone in 2009, but far above the 7 percent reported in January 2008.

The average Pension Protection Act funded percentage for the plans in the survey is 85 percent, down from 86 percent in 2012, but much lower than 97 percent in January 2008. The survey data is based on certifications for more than 220 calendar-year multiemployer plans representing a variety of industries.

Immigration Reform Bills in the House

There was no indication that House leadership planned to unveil any immigration-reform legislation before the break for recess, but House Budget Committee Chairman Paul Ryan (R-WI), told a town hall crowd of about 200 people in Racine Wisconsin he tentatively expects votes in the House on five or six separate immigration-reform bills in October. He was described as mentioning measures dealing with border security, interior enforcement, and "legal immigration" to

be included in some of those five or six bills.

House Minority Leader Nancy Pelosi (D-CA) told reporters in Washington that she anticipated seeing the product of a House immigration task force of seven members (four Democrats and three Republicans) within a week or two.

Congress on Track to Pass the Lowest Total of Laws Since 1948

At this time in 2011, Congress had passed 23 laws on the way toward the lowest total since those numbers began being tracked in 1948; only 15 bills have been passed so far in 2013. Legislation, like new gun-safety measures has started in the Senate and has often floundered before it reached the House. Bills pushed by conservatives to restrict abortion and relax regulations to encourage oil and gas production have passed the House but have gone nowhere in the Senate. Legislation that has reached President Obama's desk this year has often been small and ceremonial, like the authorization of a commemorative coin bill.

Source for above articles: FCA Federal Connection, August 9, 2013

Senator Landrieu Urges Obama to Approve Keystone XL

On the day President Obama chose to visit with Democrats on Capitol Hill, Sen. Mary Landrieu (D-LA), began circulating a resolution (S. Con, Res 21) stating that the Keystone XL oil pipeline is in the national interest and should be approved.

Editorial Committee

President: Robert Stewart
Executive Director: Greg Quinn
Published by J.Q. Printing

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INFOLINE

Senators said later that the president was noncommittal in his response to Landrieu, observing that both sides have good arguments. Obama has managed to keep both proponents and opponents guessing as to what his final decision will be. The four-page concurrent resolution, sponsored by Landrieu and Sen. John Hoeven (R-ND), states that the \$7 billion private sector project to bring Canadian oil sands production to the Gulf Coast refineries is good for energy, security, job creation, and infrastructure investment.

All-Union Red Building Wins 11th Annual "Q" Award

The last of the Pacific Design Center's trio of buildings - a sleek structure in shimmering apple-red glass - instantly has become a landmark in West Hollywood and Los Angeles. On June 20, Cohen Brothers Realty Corp., owner of the Red Building, received the Alliance for Quality Construction's 11th Annual Q Award. The Alliance for Quality Construction (LAP&FCA has been an active member since its inception in 2002) promotes its members to General Contractors and End Users proclaiming "When you choose AQC member contractors and the craftsmen, you hire professionals who are steeped in the traditions of quality and craftsmanship.

Be it a tilt-up warehouse, a multi-story office building, a school or shopping center, be assured that the benefits of union construction are built in from the ground up."

Every year since 2002, AQC selects a winner from union-built projects completed the previous year based on quality and construction. Among the distinguished guests: Former U.S. Secretary of Labor, Hilda Solis, LA County Supervisor Zev Yaroslavsky, and Ron Miller, LA/OC Building & Construction Trades Council. Southern California LMCC reserved a table for the annual event.

Estimating the "Normal" Way

by Rich Vandegrift, FCA
International Board Member
RW Vandegrift Painting &
Decorating, Inc. Normal Ill

ESTIMATE: To judge tentatively or approximate the value, worth, or significance to produce a statement of the approximate cost. In other words, an educated guess.

That is what we do every day as contractors. Estimating is where the real risk comes into play in our businesses.

Watterson Commercial Painting, Inc. Joins LAP&FCA

We are pleased to announce our newest Contractor Member, Watterson Commercial Painting, Inc. , Contact Steve Watterson at: Watterson Commercial Painting, Inc. 23890 Copper Hill Drive, Suite 241 Valencia, CA 91354 Phone: 818-427-4139 E-Mail: wattersoncommercialpainting@gmail.com

Premier Industrial Painting Closes Doors

Jerry Watterson, long time Los Angeles Chapter Member, announced the closure of Premier Industrial Painting after many years of professional service. Jerry served the chapter in many capacities over the years including being on the Apprenticeship Committee and the LAP&FCA Board of Directors.

We wish Jerry the very best in his retirement years.

LAP&FCA Dodger Event Sells-Out

The annual LAP&FCA Dodger Event completely Sold-Out two weeks prior to the reception/game on August 10.

LAP&FCA Holiday-Charity Event

The date of Saturday evening December 14 is just four months away and planning is well under way to make the LAP&FCA 22nd Annual Holiday-Charity Event another spectacular evening. The truly outstanding 4-star Pechanga Resort & Casino and private luxurious Journey's End Restaurant will play host to LAP&FCA.

Further details on the event will be forthcoming



J.R. Grzeskowiak (The Blakely Co., Inc.), Raz Bronstein (Shapiro-Ben-Basat), and Robert Ricks (J.H. Bryant Jr. Contractors) at the July 9 LAP&FCA Membership Meeting in Pasadena.

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We can make changes in the field if we need to pick up the pace on the job site. We can negotiate with our suppliers for better pricing. Sure, we can go to the owner or general contractor if the scope of our work changes and ask for additional money, but if, in the judgment of those folks, it is not warranted, then you are stuck with your original price.

When we bid on work and send out quotes we need to weigh many factors before we type in our base bid. How busy are we? When will this new work fall into our schedule? Who is the competition in the bidding process? How timely does the owner or general contractor pay? Are there special circumstances such as, will the work need to be performed after normal working hours and cause you to incur overtime or shift differential costs?

These are the things that make a contractor wake up in the middle of the night and say, "Oh crap, did I miss something in my proposal?"

Another must is to read the specifications for not only your division of work

but any related work. One division in the specifications that you should consider is wood doors. Are they factory finished or do they need to be field finished? Windows and trim fall into the same category. Not too many years ago, the painting contractor finished all doors, door frames, windows, and running trim in the field. Now the trend is towards factory finished wood products because of the cost savings.

Many times individual items to be painted or finished by the painting contractor may show up on drawings in places other than where we are used to seeing them. You need to look at the civil, structural, mechanical and of course the architectural pages. Architects may include a note on any of these pages that may call out for painting.

I am probably not the first person to give you this advice, but sometimes we all need to be reminded, especially when a bid deadline looms and we rush to complete our proposal.

ASSOCIATES COLUMN

by Yolanda Jones of Glidden Professional

School is Back in Session

It is that time of year again and by following some simple safety tips we can all make sure children are safe going and coming from school.

Here's some safety tips that we as motorists and parents/grand parents can all benefit by

- Slow Down! Be especially careful when driving on neighborhood streets and around school zones, always expect the unexpected.
- Be alert for children walking to and from school as you back out of your driveway or leave your parking garage.
- Watch for children on bicycles, especially at intersections and driveways. Young bicyclists have a tendency to dart out of driveways without looking for traffic.
- Stop your car when you see lights flashing on a school bus. Red flashing lights indicate that the bus is stopped and students are getting on or off.
- Do not start driving until the red lights stop flashing. Be aware that a child may dash across the street.
- When you approach a school bus picking up a child, it is the law to Stop. When the flashing lights come on and the red stop sign extends from the bus, that means Stop!
- Allow yourself enough time to get to school and then to work. Leave earlier to avoid the tendency to "speed" in order to get to your destination on time.
- Make sure that your child/grand child is in their safety seat or restrained properly when you are taking them to school. Every person in the vehicle must buckle up.
- Pay extra attention at crosswalks. Take an extra look to be sure that no students are crossing.
- Obey all signs, safety patrol and officers in your school zone. They are there to make the drop-off and pick-ups run smoother.
- Drop children off as close to school as possible. If possible, avoid the need for children to cross the street.
- Follow all posted speed limits.



Terry and Vicky Osburn (center) and family enjoying the sold out LAP&FCA Dodger Day on August 10.