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The Magazine of Roofing and Waterproofing in Illinois and Beyond

Women on The Roof Worker Termination ABC's of Attic Ventilation Crane Rental—Important Tips



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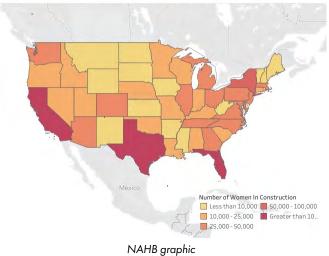
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# Women on the Roof

By CRCA Staff

here is no doubt that construction is a very maledominated industry. According to Dr. Na Zhao, Principal Economist of the National Association of Home Builders (NAHB), in 2022, around 1.29 million women worked in construction nationwide or 10.97% of the industry. In Illinois, this percentage was less at 8.59%. She also noted that women are more likely to be found in such construction occupations as office and administrative support management, business, and financial operations. Zhao stated, "Only 2.8% of women in construction work in actual trade roles."<sup>1</sup>





How does the roofing trade compare to construction overall in terms of female workers? While roofing is slightly ahead of other construction sectors (4.65% female roofers vs. 2% female insulators<sup>2</sup>), there is still a huge gender disparity within the industry.

This article will discuss some of the challenges of being a female roofer but more important, will discuss some of the advantages as well. CRCA Today interviewed three CRCA women roofers to help understand how they got involved in this industry, the challenges they face and also the benefits women roofers can offer to the trade.

### **CRCA Women Roofers Spotlighted**

Karla Figueroa works for Bennett & Brosseau Roofing Inc., a commercial, institutional, and industrial roofing contractor located in Romeoville, IL and has been a member of Roofers Local 11 for nine years. Her specialty is low-slope EPDM roof installation, hot asphalt, and torching.

Jennifer Grove is the President of Tori Construction LLC in Alsip, IL, also a Local 11 contractor, specializing in low and steep-slope installations. Grove is also a licensed general contractor and also includes masonry, electrical and landscaping as work specialties.

Anne Morrissey began her roofing career as a Local 11 apprentice in 2015 and has worked for Knickerbocker Roofing & Paving Co., Inc., for over nine years in Harvey, IL. While Knickerbocker is a full-service roofing contractor, with low and steep-slope installations, Morrissey specializes in slate, shingle, and tile.

Each found their way to the roofing industry as a means to economic stability. Figueroa was a single mother looking for a better way to make ends meet rather than a minimum wage job. Morrissey needed to step in and help cover her family of six's expenses after her husband was injured and other family medical costs needed addressing. Grove was also looking for a path to economic stability and chose construction, following in her family's footsteps.

### Challenges for Women on the Roof– Physical, Pay and Discrimination

Face it . . . women are physically different than men in some ways. Some women are shorter and the demands of lifting heavy roofing materials can present challenges. Grove stated "The hardest part is recognizing that not everything done by a man can be done exactly the same by a woman. In some cases, you just have to accept the difference and find ways to make it work."

Gender inequality also brings gender pay gaps. While the wage gap is narrower than in other sectors, women roofers earn approximately 94 cents for every dollar earned by their male counterparts. As more women enter the roofing workforce, this gap may lessen as the value of this pivotal worker segment is realized. Continued efforts



Karla Figueroa

need to be realized however, to document and promote this and ensure that the slide does not go in reverse.

Gender bias and discrimination is the most troubling challenge seen today and not always easy to address or quantify. Per the U.S. Equal Employment Opportunity Commission, Title VII of the Civil Rights Act prohibits an employer from treating you differently, or less favorably, because of your sex, which is defined to include pregnancy, sexual orientation, and gender identity.

The laws also prohibit sex harassment at work. Sex harassment includes conduct that is sexual in nature, such as sexual jokes, photos, or touching, or requests for sexual favors, and non-sexual conduct that is based on gender, such as comments that men or women don't belong in certain jobs, or comments questioning men's or women's skills or abilities. Harassment based on sexual orientation, pregnancy, or gender identity is also prohibited.

In general, sexual harassment is illegal if it is unwelcome (unwanted), and it is so frequent or serious that it creates a hostile work environment.<sup>3</sup>

The CRCA women interviewed for this article felt that gender bias definitely exists and more needs to be done to address it. Our industry needs to openly discuss discrimination and inequality and then develop strategies to overcome. Figueroa also commented that women roofers need to be sure to not lose their natural femininity due to the rough nature of the industry.

### Advantages To Being a Woman On The Roof

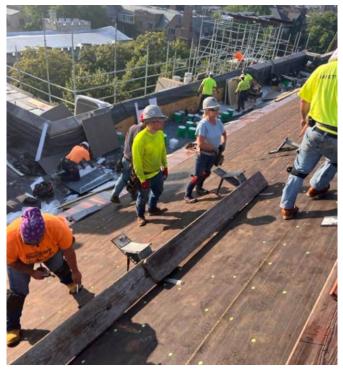
The roofing industry is facing a huge shortage of skilled labor. Per the AGC's September 2023 Autodesk Workforce Survey, 85% of firms had a hard time filling hourly craft positions. This shortage opens the door to new entries to the workforce, namely females.

The challenge is to attract young women to work in the roofing industry. According to the Office for National Statistics, the percentage of 22 to 29 year olds in construction and the building trades dropped from 3.1% in 2011 to 2.5% in 2017. One contributing factor is the persistent belief that a well-paid job requires a university degree. This mindset needs to change. Racking up huge amounts of college debt without being able to access a career to support this debt just doesn't work. Instead, promoting the trades as a great way for women to achieve success needs to be front and center.

Grove hit the nail on the head with how to make roofing a clear career choice. She stated "There is no rule book that says only males can be in the trades. Show up every day and bring your A-Game. Being in the roofing industry is an amazing accomplishment. Wear it proudly." Figueroa commented that roofing can provide job security to women. She encourages women who are stuck in a dead-end job, to give roofing a try as they will see the



Jennifer Grove



Anne Morrissey

rewards. Morrissey stated that the pay and benefits are a clear asset to being a roofer and a great way to support a family.

### Creating a Supportive Environment On The Roof

Fostering a supportive and inclusive environment is essential for encouraging more women to join the roofing profession. Roofing companies can play an important role in creating and implementing policies that promote diversity and prevent discrimination. This not only paves the way for more women to join the industry but also helps creative a positive work environment for the current workforce.

### **Take Pride in Your Work**

Each of the three CRCA women roofers interviewed were asked for their most memorable installation. This was an easy question for each to answer as they all take great pride in their work. For Figueroa, it was an installation at Chicago's historic Wrigley Field. For Morrissey, she had several including the National Museum of Puerto Rican Arts & Culture in Humboldt Park, the University of Chicago Zoology Building and the Lyons Township High School installation. Grove gets great gratification on historical renovations projects. She stated "It's a different type of satisfaction when you take something old, make it new and still keep the same overall feel. It's a lot of fun!"

### Mentors

When asked for advice to other women to join the roofing trade, while they varied, each had a unique perspective. Morrissey said that the variety of roofing systems in today's industry gives something for everyone. She also commented that "Roofing work keeps you in shape!" Grove encouraged women to jump in as "Being in the roofing industry is an amazing accomplishment . . . wear it proudly." Figueroa warned that roofing is one of the harder trades for women. She said "Be prepared. Don't be discouraged or afraid and pay attention. Don't let anyone make you feel you don't belong or that you can't do the job . . . because you can!" Mentoring is a key tool to encourage more women to join the trade. By promoting roofing as a career for women and showing others that our industry is not just for men, other women may join in.

### What Is Next?

As the three women roofers shared, there are many advantages for females in our industry. Roofing work offers a great way to provide for families with strong pay and benefits. It also offers a potential solution to filling the huge shortage of skilled labor plaguing our industry. Roofing contractor companies can't afford not to utilize this goldmine. There is a lot of work yet to do to make the roof a more favorable environment for women, however. Owners, supervisors, and other workers need to step up and eliminate gender bias and discrimination towards women roofers. Policies need to be developed and more important, implemented to remove the "male only" stigma from our industry, paving the way for younger women to join our trade. As these three CRCA women roofers have shown us, women can compete in the male-dominated industry in many ways and can succeed. Making the roof a favorable environment is a "win-win" for women roofers, potential women roofers, and the industry as a whole. 👬

### **Endnotes**

- https://eyeonhousing.org/2024/06/texascalifornia-and-florida-lead-in-hiring-femaleconstruction-workers/
- 2. www.fixr.com/articles/Zippia.com
- 3. https://www.eeoc.gov/youth/sex-discrimination

CRCA's Chicagoland Women in Roofing (CWIR) focuses on inspiring women to get involved in the roofing industry. Become a CRCA member today! Contact info@crca.org to learn more.

# OSHA Standard for Heat Exposure Are We Getting Closer . . . ?

By Frank Marino



Frank Marino

s we enter the summer, roofing contractors across the country are gearing up for a hazard that still has no dedicated OSHA Standard . . . working in the heat. But it appears we have just gotten one step closer to seeing a Standard to protect employees from the heat become a reality.

OSHA's proposed standard on protecting workers from excessive heat is undergoing a final review, according to the White House Office of Information and Regulatory Affairs website. The proposal was sent to OIRA on June 11. It's unclear how long the office will take to complete the review–one of the final steps in the regulatory process. In May, OSHA's Advisory Committee on Construction Safety and Health unanimously approved the proposed rule. The rule, focused on both indoor and outdoor work settings, was also examined by a Small Business Advocacy Review panel.

OSHA Administrator, Doug Parker, said in a press release. "Workers at risk of heat illness need a new rule to protect workers from heat hazards. OSHA is working aggressively to develop a new regulation that keeps workers safe from the dangers of heat." He went on to say, "As we move through the required regulatory process for creating these protections, OSHA will use all of its existing tools to hold employers responsible when they fail to protect workers from known hazards such as heat, including our authority to stop employers from exposing workers to conditions which pose an imminent danger." (Safety&Health, 2024).

Text of the proposal, sent Tuesday to the White House's Office of Information and Regulatory Affairs (OIRA), hasn't been made public. But the US Occupational Safety and Health Administration previously said protection mandates could kick in any time the heat index reaches 80 degrees Fahrenheit (Bloomberg, 2024). OIRA doesn't have a deadline to complete its review. After that office finishes review, OSHA will publish the proposal for a public comment period. After analyzing those comments, OSHA must send the final version of the rule to OIRA for a second review. If the Biden administration moves swiftly the requirements could be in place for the summer of 2025 (Bloomberg, 2024).

In the meantime, it's important to ensure we are providing roofers with training and tools they need to protect themselves from excessive heat. Drink plenty of fluids, take breaks in the shade when necessary, and keep an eye on each other and watch for signs of heat related illnesses. If you have any questions on how to protect workers from the heat, reach out to the CRCA Safety Committee for more information.

### References

- Safetyandhealth.com
- Bloomberglaw.com

Frank Marino is a Partner at Safety Check Inc., a safety consulting firm in the Chicago area and CRCA Associate Member. Marino has extensive experience in roofing safety and is a co-chair of the CRCA Health and Safety Committee. He is a member of the Occupational Environmental Safety & Health Advisory Board at the University of Wisconsin, working with faculty and safety professionals on curriculum development and industry updates. He can be reached at fmarino@safetycheckinc.com.

# The ABCs of Attic Ventilation

By Joan Crowe, AIA



any people do not realize that attic ventilation has been a code requirement since 1948. It was included in the very first edition of the Building Officials Conference of America's (BOCA's) model building code. Of course, attic ventilation is still addressed in model building codes today. But when

Joan Crowe, AIA

you consider that attic ventilation has been required for over seven decades, it continues to be one of the most misunderstood concepts in the roofing industry.

The intent of this article is to provide a better understanding of attic ventilation by starting with the basic. It will cover why you need ventilation, the most common types of ventilation, the building code requirements, and common ventilation-related issues.

### A Is for Attic Ventilation

Attic ventilation serves two main functions, lower attic temperature and remove excess moisture from the attic space.

Lowering the temperature in the attic can help reduce:

- air-conditioning energy costs during summer months.
- roof deck temperature, which assists in optimizing a roof covering's service life (such as asphalt shingles), and minimize ice damming.

Removing excess moisture will help reduce the possibility for mold and mildew growth and lessen the potential for wood rot.

### **B** Is for Balance

There are two basic methods used to ventilate attics: static and mechanical. The most common method is the static method. This method relies on the fact that warm air rises. In physics' terminology, this is called "convection." Simply put, air flows through the attic space naturally, without the use of mechanical means. Outside air enters the attic space through soffit or eave vents, rises through the attic space, and exits through vents that are positioned at or near the top. For this method to be most effective, approximately equal amounts of ventilation should be placed at the soffits or eave level, and at or near the top of the attic space. This is referred to as a "balanced system." See Figure 1.

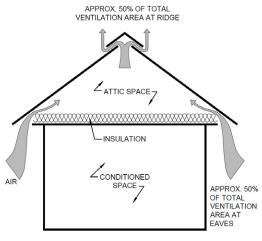


Figure 1: A balanced system (Figure courtesy of National Roofing Contractors Association)

The mechanical method uses power vents to generate air movement. Similar to the static method, adequate amounts of intake air into the attic space should be provided. See Figure 2.

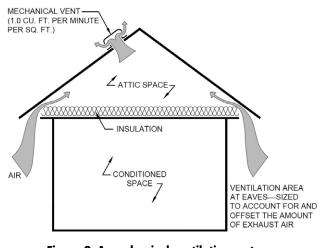


Figure 2: A mechanical ventilation system (Figure courtesy of National Roofing Contractors Association)

According to the National Roofing Contractors Association (NRCA), a power vent with an airflow rate of 1.0 cubic foot per minute per square foot of attic space measured at the attic floor is generally considered to be equivalent to a 1/150 ventilation ratio.

### **C** Is for Code Requirements

Attic ventilation requirements are found in the International Residential Code (IRC) in Chapter 8–Roof-Ceiling Construction, Section R806–Attic Ventilation. This article is only going to cover the minimum vent area requirements.

Illinois does not have a state mandated building code, so the edition of IRC will vary for each city, village, town, etc. A quick survey of code adoption in Illinois revealed that there are some municipalities still following the 2000 edition of IRC!

The good news is that code requirements are pretty much the same for all editions. Below are the minimum vent area requirements found in the 2021 and 2018 editions:

**R806.2 Minimum vent area.** The minimum net free ventilating area shall be 1/150 of the area of the vented space.

**Exception**: The minimum net free ventilation area shall be 1/300 of the vented space provided both of the following conditions are met:

- In Climate Zones 6, 7 and 8, a Class I or II vapor retarder is installed on the warmin-winter side of the ceiling.
- 2. Not less than 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space. Upper ventilators shall be located not more than 3 feet (914 mm) below the ridge or highest point of the space, measured vertically. The balance of the required ventilation provided shall be located in the bottom one-third of the attic space. Where the location of wall or roof framing members conflicts with the installation of upper ventilators, installation more than 3 feet (914 mm) below the ridge or highest point of the space shall be permitted."

Notice that the primary code requirement is the 1/150 ratio, but in reality, 1/300 ratio is commonly used. And correspondingly, many manufacturers base their product

designs on 1/300. However, in order to use 1/300, you must meet the two conditions in the exception.

The first condition requires a Class I or II vapor retarder for buildings located in Climate Zones 6, 7 and 8. An example for a Class I would be a polyethylene sheet, and it should be installed on the warm side of the attic insulation (i.e., on the attic floor under the insulation). A Class II vapor retarder could be kraft-faced fiberglass batt insulation installed at the attic floor with the kraft paper side facing down.

The northern portions of Illinois, which includes the Chicagoland area, is Climate Zone 5, while the southern portions is Climate Zone 4. Therefore, vapor retarders are not required.

The second condition has specifics on vent location in order to achieve a balanced system, as illustrated in Figure 3.

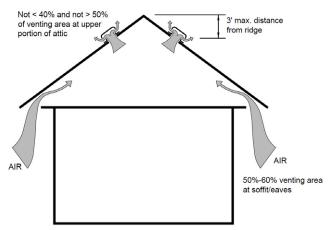


Figure 3: Vent location and amount requirements for the second exception to Section R806.2–Minimum vent area.

A noteworthy takeaway from this "exception" is that it's acceptable to have as much as 10% more than 50% of the ventilating area at the intake level. Additionally, it can be interpreted that it is not desirable to have more than 50% ventilating area at the exhaust level. Intake should always be equal to or more than exhaust, or intake air may be pulled from the interior of the building/residence through openings in the ceiling (e.g., can lights, attic access doors).

### But Wait, There's More

If you need to follow the 2015 IRC or earlier editions and the building is in Climate Zones 6, 7 and 8, there is a noteworthy difference with those exceptions for using the 1/300 ratio. These earlier code editions gave you the option to use one or both of the conditions, as opposed to needing to meet both. This doesn't affect us in Illinois, but I wanted to point it out in case you have work in any of the states to the north of us.

### I Was Told There Would Be No Math

A discussion on attic ventilation isn't complete without going over the calculations to determine the minimum required net free ventilating area (NFVA). The following is an example shown in the IRC code commentary for a simple gable roof using the 1/300 ratio. See Figure 4.

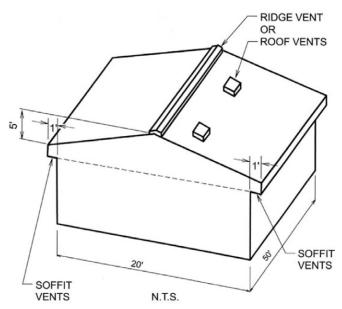


Figure 4: Example building for determining the minimum ventilation amount (Figure taken from the International Code Council).

Attic floor area = 20 ft. x 50 ft. = 1,000 ft.<sup>2</sup>

Required NFVA = attic floor area x 1/300 = 1,000 ft. $^2$ /300 = 3.33 ft. $^2$ 

Convert square feet into square inches: 3.33 ft.<sup>2</sup> x 144 in.<sup>2</sup>/ft.<sup>2</sup> = 480 in.<sup>2</sup>

Ridge NFVA (50%) = 480 in.<sup>2</sup> x 0.5 = 240 in.<sup>2</sup>

Each soffit NFVA (25%) =  $480 \text{ in.}^2 \times 0.25 = 120 \text{ in.}^2$ 

Therefore, there should be 240 sq. in. of NFVA located at the ridge and 120 sq. in. of NFVA located at each soffit.

### **Vexing Venting Issues**

Knowing what the building code requires is one thing, but how it gets executed in real life is another thing. The following are some common questions and issues faced in the field.

### Does an attic always have to be vented:

Ventilating attic spaces is often viewed as a building code requirement for steep-slope roof assemblies. However, since the 2009 edition of the IRC, attics can be designed to be either vented or unvented. So, the decision to vent an attic space is not dictated by building code, it really is a design choice.

However, be forewarned, there is an exhaustive list of requirements and conditions that have to be met in order to have an unvented attic. Contractors should become familiar with them, especially when converting an existing attic that is vented, into an occupiable space. The requirements can be found in the IRC, Section R806.5— Unvented attic and unvented enclosed rafter assemblies.

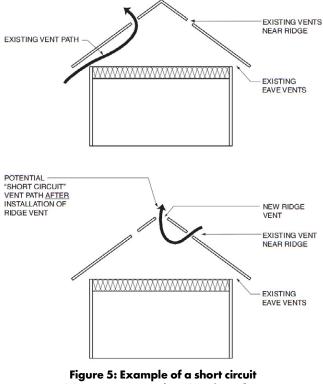
Lack of intake or exhaust vents: As previously mentioned, both intake and exhaust vents are needed for the ventilation system to be effective. You can't have one without the other. Soffit vents should be checked to confirm that they aren't: blocked by attic insulation because insulation baffles weren't used, clogged with debris, or installed over a solid substrate.

Also consider this common request from a homeowner. Their house does not have a continuous ridge vent and they heard it's a good idea, so they want to install one. But you discover that the house doesn't have any soffit/eave vents. Since there isn't any air intake vents, the ridge vent is basically ineffective.

**Not enough exhaust vents**: It is not unusual to see a roof with only two or three static exhaust vents (a.k.a. mushroom or box vents). Ventilation calculations show that most of the time that is not nearly enough. To illustrate this, let's look at the NFVA value from the example. The calculations indicate that the building needs 240 sq. in. for exhaust. A typical static exhaust vent provides 50 to 60 sq. in. per vent. Therefore, three static vents with a NFVA of 50 sq. in. would equal 150 sq. in. and that is clearly insufficient.

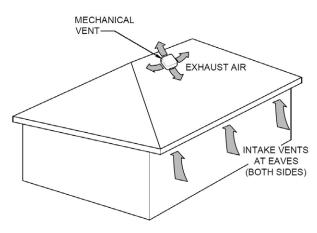
All eaves do not require vents: Some houses have decorative overhangs which include eaves. If eaves are not venting an attic space, there is no need to install intake vents.

**Short circuits**: Often, static (or mechanical) exhaust vents are installed on a roof that also has a ridge vent, because some people think "the more the merrier" or you can never have too much ventilation. However, this construction should be avoided because the extra exhaust vents create a "short circuit" of the intended air flow. See Figure 5.



(Figure 5: Example of a short circuit (Figure courtesy of National Roofing Contractors Association)

**Hip roofs**: A frequent problem with hip roofs is that the ridge is either short or doesn't really exist. And many times, the hip roof forms a large volumetric attic space to ventilate. One method is to use a powered attic vent with a humidistat/thermostat. Of course there should be an appropriate amount of intake vents to ensure a balanced system. See Figure 6.



### Figure 6: Mechanical ventilation used with a hip roof (Figure courtesy of National Roofing Contractors Association)

Another option is to install hip ridge vents along the ridge lines of a hip roof. Not too long ago, this practice was not recommended because traditional ridge vent products were used and they were prone to weather infiltration. But now there are hip-specific ridge products that are specially designed for this purpose.

**Gable vents**: Gable vents are installed in the vertical walls at gables' ends. They can be located at the peak of the gable or somewhere in the field of the gable wall. See Figure 7. When used in conjunction with soffit vents, they serve as exhaust vents. But you often see gable vents that are small in size and clearly won't provide adequate net free ventilating area for exhausting air.

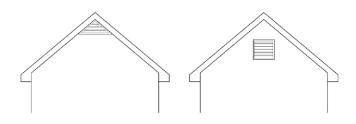


Figure 7: Example of gable vents

When gable vents are used without soffit vents, they function as both intake and exhaust vents. It is interesting to note that gable vents are not specifically addressed in the building code. So, if only gable vents are used, it could be argued that this is when you have to use the 1/150 NFVA ratio. But that should be confirmed with the authority having jurisdiction.

**Complex roofs:** Not all roofs are simple rectangular gable or hip roofs. There are "McMansion" houses having multiple adjoining roofs that often combine different roof styles. In those cases, it might help to divide the roofs into sections, by roof style, and do the calculations for each section.

### **In Closing**

Attic ventilation serves an important purpose and is key to a well-performing roof system. Anyone involved with residential roofing should become familiar with the purpose of attic ventilation and understand how to achieve an effective ventilation system while meeting building code requirements.

Joan Crowe is GAF's Director of Codes & Regulatory Compliance and has over 30 years of experience in the construction industry. She has a B.S. and M. Arch in Architectural Studies from University of Illinois and is a licensed architect. Crowe previously worked at the National Roofing Contractors Association (NRCA) as a Director of Technical Services and as an architect at Wiss, Janney, Elstner & Associates.

# Renting A Crane— What You Need to Know

By Brad Runnion



Brad Runnion

ith construction season in full swing, your crane is probably busy bouncing from jobsite to jobsite. So busy, that you might wish you had an additional crane! Renting a crane is a great way to supplement your fleet while trying out new crane models, capacities, and whether or not

it is financially viable to permanently add to your fleet. Here are a few considerations to make when planning for your next crane rental:

### **How Much Are You Lifting?**

Not all crane ratings are equal, so the advertised tonnage of a crane should only be a starting point when selecting a crane. Consider what type and dimension of loads you will be picking up and how much these loads typically weigh. Also, factor in any equipment that is necessary to make this lift, such as straps, slings, chains, spreader bars, or pallet forks, which will contribute to the total weight being lifted.

### How Far Should the Boom Reach?

Calculate the distance, both vertically and horizontally, that your crane will need to reach in order to accomplish the job. These two data points are necessary to find the crane capacity on the load chart, specific to the crane. It is important to also consider any obstacles or jobsite factors that might alter your calculations. Obstacles such as powerlines, traffic patterns, and building design as well as jobsite factors such as topography, ground stability and wind speed can impact where you are able to set-up the crane to achieve your necessary boom angle.

For example, if your job is to lift onto a 50' building, you'll need a crane that can lift your total load weight (this includes any slings, chains, etc., suspended from the hook) at the intersection of the vertical and horizontal distances on the load chart. The vertical distance includes the minimum distance between the crane and the hook, plus the height of the load, plus the height of the building. The horizontal distance is how close you are able to get to the building, plus the length of the bed/truck/outriggers (whichever portion of the unit you are lifting over) to the center of rotation on the crane, plus how far from the edge of the building you can set the load.

Still using this example, if it will be necessary to back into the site, setting up 10' from the building with an estimated 25' for the truck bed plus any distance between the bed's bulkhead and centerline of rotation of the crane, and placing your pick 10' from the edge of the roof, then your total horizontal distance adds up to 45'. If the minimum distance between the hook and boom is 10' and your load with straps is 15' high, then you would add these two measurements to the height of the building (50') to arrive at 75'. Then, use the load chart to find the horizontal distance of 45' and the vertical distance of 75' to confirm if the crane you are considering can handle the load weight.

Depending on the job, you may require extended reach which would likely necessitate the use of a crane with a jib or a larger crane all together.

### Does Your Operator Have All the Necessary Certifications?

OSHA requires that crane operators in certain industries obtain a crane certification to in order to operate the type of crane that will be used. If, for example, an operator is certified on a stand-up boom truck, they would not be certified to operate a boom truck with a swing cab. Operators may also be required to hold additional, local certifications required by the city in which they are working or even by the management of the jobsite or the owners of the property they are working on.

Many times, the rental mobile cranes are mounted on trucks that require a CDL license to drive. Truck drivers with license restrictions (such as an automatic transmission restriction or lack an air brake endorsement) will be limited to cranes mounted on trucks that match their restrictions.



### Are You Carrying Anything on the Bed?

Legal payload includes materials, tools, and passengers. In many cases, operators use their crane to carry materials and other crew members to and from the jobsite. To select the best unit, you will need to know your expected payload weight and the dimensions of your load to assure that the truck has enough capacity and bed space to move your materials.

Selecting a crane that satisfies both your required lifting capacity and your carrying capacity may take some planning but there are a variety of solutions available to find the right equipment for you.

### Where Will It Be Operated?

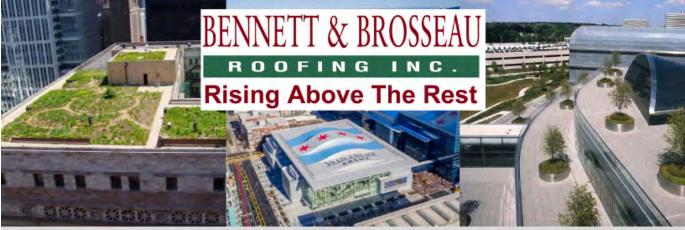
If you will be taking your rental crane between states (interstate), you will need a crane with apportioned license plates. Let your rental coordinator know and they will select a unit with the necessary plates to keep you legal. Keep in mind, drivers of vehicles with apportioned plates will be required to record their miles driven in each state.

### How Long Will You Need Your Rental Crane?

Depending on the rental company, pricing may be tiered by length of time. The rental company should be able to offer daily, weekly, and monthly pricing plans, with greater discounts for longer time commitments. Selecting the right pricing tier may mean reviewing your project schedule and planning accordingly.

### Do You Need Any Special Features on Your Crane?

Some jobs require special features like hose reels, pintle hitches, pallet forks, or grapples to name a few. Let your rental coordinator know if you will need any of these tools so they can find a machine that has all the necessary equipment.



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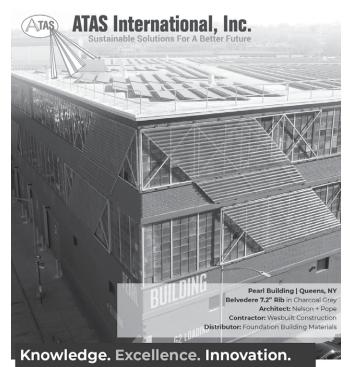
### **Does the Rental Company Offer a Rental** *Purchase* **Option?**

Renting can be a great way to try new equipment before you commit to buying it. If you are considering buying, ask your rental company if they offer a rental purchase option, wherein a portion of your rent payments will be applied to the purchase of that crane. In some cases, these agreements might stipulate that only a certain number of rental payments will apply to a purchase. Knowing this ahead of time can give you a framework for planning when would be the most financially beneficial time to decide if converting your rental to a purchase is right for you.

Clearly, having a plan when you select a rental crane is a great way to set yourself up for success. Knowing the lift expectations and jobsite conditions of your project will allow you to select the best possible crane for the job.

If you have any questions, your rental company should be willing to lead you in the right direction. Being prepared as noted here, can save time.

Brad Runnion is the Sales Manager for CRCA Member Firm Runnion Equipment Company which specializes in sales and service of National Crane Boom-Trucks, Palfinger knucklebooms, and Princeton truck-mounted forklifts. Runnion Equipment also sells Elliott and Dur-A-Lift man lifts and bucket trucks, Stellar and Knapheide service cranes and mechanics trucks, and services all types and manufacturers of cranes. For more information, call 708-447-3169 or visit http://www.runnionequipment.com. When you are ready to rent a crane, be sure to contact Runnion!



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# Sprains and Strains on the Job . . . What Next?

By Phil Hayes



Phil Hayes

am sure many of you have seen the famous "Holiday Inn Express" commercial where the patient is asking the doctor about his upcoming procedure and the doctor responds, "I am not a doctor, but I did stay at a Holiday Inn Express last night."

This commercial always makes me think of the superintendent or foreman on a job, when a

laborer comes up saying he felt a pop in his back. The only hope you have as an employer at that point is if your superintendent stayed at a Holiday Inn Express!

As an employer, one of the hardest things to control is an injury that is more than a paper cut and less than an ambulance ride. Below are the most common questions I hear following an incident that falls in this category:

- 1. Does the worker have to go to the clinic?
- 2. Do we have to file a claim?
- 3. How can we tell how bad it is? / Did this even happen at work?
- 4. Can we get the worker on light duty?

These are just a few of the many questions that employers face when an employee is injured on a jobsite. My goal today is to provide you with three easy steps to mitigate the anxiety and stress that comes with these types of situations.

The first and most imperative step in assessing a sprain or strain is **TIMING**. The best result for the employer and employee is when the incident is reported within 24 hours. This allows the employee to provide the most accurate story and therefore the best care.

The second step is having a **PREFFERED CLINIC** to send the employees to. Whether it is Concentra, Physicians

Immediate, or another local urgent care, it is ideal to have a relationship with the place you are sending the injured employee.

The third step is developing a CLEAR POST INCIDENT plan. Key components to this plan are building a bucket of light duty positions based on an employee's capabilities, assessing whether or not the claim should be filed as medical only or indemnity (remember 70% discount on the EMR for medical only!), and transition into full duty.

You are probably saying to yourself , "Phil, this is all great, but I don't have time to implement all of this . . . I need to put on roofs!"

Well, it is your lucky day because the world of technology has gifted us with a program to help . . . Telephonic nurse triage! It is a 24/7 nurse triage service that allows your injured employee to call a registered nurse the moment an injury occurs. The program helps report the incident on time, if necessary, send the employee to a preferred clinic, and develops a clear post incident plan .

Below is a snapshot of a real user of the nurse triage technology and the positive results!

Table D		
Referral Type	Call Stats	Percent
Referred 911	0	0.0%
Emergent Referred	16	20.5%
Urgent Referred	4	5.1%
Non-Urgent Referred	2	2.6%
Self Referred B/F Triage	31	39.7%
Self Referred After Triage	2	2.6%
Follow-Up Referred	6	7.7%
Subtotal	61	78.2%
Back-To-Work	17	21.8%
Medcor Back-To-Work		37.8%

Breakdown and percentage of the number of all calls that were referred and the type of referral. Medcor BTW has factored out **Self Referred calls** from Total Initial Calls & Total Referrals. Nurse Triage has saved my construction clients millions of dollars in potential claim costs and cut down total cost per claim by 30%!! If you are interested in learning more about this program, contact your risk manager today!

Philip Hayes is Vice President of Sales with CRCA Associate Member firm, Assured Partners and also serves and is the Co-Chair of the CRCA Contracts & Insurance and Health & Safety Committees. To learn more, contact Philip. hayes@assuredpartners.com or 630-888-7663.



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# **Roof Talk—Contractor**



### **ROOFING & SHEET METAL INC.**

Company: L. Marshall Roofing & Sheet Metal, Inc. Location: Glenview, IL Business Founded: 1913 Number of Employees: 110 Joined CRCA: 1984 From: Larry Marshall III, Vice President

### What Services Does Your Business Offer?

- Commercial Roofing, Low and Steep Slope
- Historical Restoration–Slate and Clay Tile Roofing
- Architectural Sheet Metal Fabrication and Installation
- Roof Maintenance Programs
- High-Rise Roof Restoration

The more difficult the roof challenge, the better!

# Where Do You See Your Business in 5-10 Years?

Continuing to provide quality service to the Chicagoland market and beyond.

### What Is the Best Memory to Date?

- Standing atop the scaffolding at the Lake Forest Library and watching the last panel of Freedom Gray Copper being installed with our Sheet Metal and Management team there to appreciate this historic renovation of the Dome
- Completing the Copper Roof Restoration project at the Chicago Museum of Science and Industry
- Completing the Chicago Harold Washington Library Single Ply Restoration Project

### How Did You Learn About CRCA?

My father, Larry Marshall, served on CRCA's Board of Directors. In the tradition of Chicagoland Roofing,

I became involved when I joined our business. I have now been involved with CRCA since 2019, serving as a director and most recently, as CRCA's Industry Affairs & Technical Committee's chair.

### If You Attend CRCA Events, Can You Describe a Benefit of Attendance?

- Community-I enjoy seeing my peers at these events and the continuation of fostering the relationships that are critical to our business
- New faces-There is always someone I have yet to meet that I'm able to introduce myself to and spend time learning about them and how they provide a service to the roofing industry.

# What Value Does CRCA Membership Bring to You?

- Industry insights and trends that directly impact your business
- A community of peers that have the best interest of maintaining a healthy and active roofing market in the greater Chicago area
- An opportunity to serve this wonderful industry to help advocate for all Contractors who accept the risks to install a new roof that meets the needs to the customer working or living the building inside

# What Advice Would You Give to a New CRCA Member?

- Support CRCA by attending the events to learn about the industry and network with industry peers
- Become involved in a CRCA committee and actively participate. Our committees bring together different people from the Chicagoland area, that provide different services and perspectives, with the best intentions to support the roofing industry. It is our continued duty to advocate for our industry and as members, we entrust CRCA to represent us, but that is only good if our members participate.

# **Roof Talk—Associate**



Company: NSS Exteriors Location: Alsip, IL Business Founded: 1966 Number of Employees: 26 Joined CRCA: 2022 From: Paul Mitoraj

### What Services Does Your Business Offer?

NSS Exteriors specializes in the installation, fabrication and distribution of skylights ranging from residential deck mount units to large commercial and industrial units. We also have a sheet metal division that fabricates, installs and sells commercial sheet metal panels and ACM fabrication.

# Where Do You See Your Business in 5-10 Years?

We would like to continue our steady climb in the industry focusing on safety and customer relations. Hitting "numbers" has never been our focus. We measure our success by the relationships we have built in the industry and the quality of the projects we complete every year.

# What Is Your Best Business Memory to Date?

NSS Exteriors work extremely hard on building a company culture that is centered on safety and quality. I recently had an employee tell me that he had noticed a big shift in the attention to detail and safety among the team members. After talking to the other employees, he believes that shift is due to the culture we work so hard to create. Our company motto for 2024 is "Good to Great!"

### How Did You Learn About CRCA?

My insurance agent is a member. He encouraged me to join.

# If You Attend CRCA Events, Can You Describe a Benefit of Attendance?

We enjoy sitting at a table with other people having the same struggles and successes that we have. I have learned a lot by listening to how other professionals deal with the same challenges we have.

# What Value Does CRCA Membership Bring to You?

Our CRCA membership puts us in contact with potential clients, industry professionals and distributors. This has been very valuable in the growth our business.

On a side note, a student of our employee was awarded the CRCA college scholarship this year!

# What Advice Would You Give a New CRCA Member?

Get involved! We are all busy and it is hard to find the time to attend some of the events but they are worth the time spent. I am telling that to myself as much as the new members.

### Is There Anything Additional That You Would Like to Add That Was Not Asked/ Mentioned?

We have enjoyed all the time we have spent at CRCA events. We look forward to becoming more involved. We are also looking forward to being an exhibitor at the CRCA trade show for the first time in 2025!

# Worker Termination: Understanding the Legality in Illinois

By Trent Cotney



Trent Cotney

n every company, there will come a time when the employer and employee must part ways. The reasons behind this decision can vary widely. However, if the employer initiates the termination, there are many factors to consider and rules to follow.

### What Is At-Will Employment?

As you likely know, Illinois is an "employment-at-will" state. That term means that either an employee or an employer can legally end the working relationship at any time without needing to provide a cause or reason. No specific amount of notice is required. However, it is critical to note that an employer cannot terminate an employee if the decision is based on discriminatory factors such as the employee's race, national origin, color, gender, sex, religion, age, mental or physical handicap, pregnancy, arrest record, marital status, or union activity.

In addition, the at-will doctrine has exceptions, including federal and state laws, collective bargaining agreements (union membership), and employment contracts. It is important to note that, since Illinois' Paid Leave for All Workers Act<sup>1</sup> came into effect on January 1, 2024, employers must provide their employees with up to 40 hours of paid leave annually for any reason. Employers are also prohibited under the Act from asking employees the reason for their paid leave request. The Act also makes it unlawful for an employer to consider the use of paid leave by an employee as a negative factor in any employment action that involves evaluating, promoting, disciplining, or counting paid leave under a no-fault attendance policy. Illinois law also provides employees with other types of protected leave, including time-off for jury duty, military leave, voting, their children's school conferences, and family and medical leave. Employers are encouraged to research and review applicable federal and state laws, as well as local ordinances before deciding to terminate an employee.

### Accepting an Employee Resignation

If an employee chooses to leave a company, the employer should respond professionally and support the decision. Employers are also recommended to conduct an exit interview to determine the reasoning behind the decision and identify potential areas for improvement with regard to the work environment, salary, and advancement opportunities. This information can help employers review and adjust their policies to enhance conditions for remaining and future employees.

### **Deciding to Terminate an Employee**

Terminating a worker is seldom easy. No matter what the circumstances, this course of action will not only affect the employee in question but will also have varying impacts on the employee's family, supervisor, clients, and coworkers. Therefore, employers should never make this decision hastily or in anger. It is best to calmly review the situation, consider the options, consult human resources, and employ legal assistance as needed.

In today's climate, there may be many different reasons to terminate a worker.

- **Reduction in force (RIF):** Terminations may be necessary for economic reasons. Business may have slowed, or expenses may have increased, and as a result, employers may need to lay off employees to streamline operations and cut costs. In these instances, employees' conduct and performance are not in question and the termination is purely business. However, if some employees are retained while others are not, it is critical to mitigate the risk of employees perceiving their termination as discriminatory. Employers should establish a solid, objective benchmark to determine which workers keep their jobs or are laid off.
- Business closure: If a company is going out of business or closing a location, it may be necessary to lay off substantial numbers of workers. In some cases, companies are required to follow the Worker Adjustment and Retraining (WARN) Act<sup>2</sup> in notifying

affected employees. This federal law applies when a company has at least 100 full-time employees and requires written notice of the closure at least 60 days in advance.

- Merger or acquisition: When one company is acquired by another or two companies merge, layoffs are likely. Companies often have overlapping staff, making it unnecessary to retain everyone from each entity. As with other RIFs, it is important for employers to maintain clear criteria for retaining employees to avoid the perception of discrimination.
- Poor performance: When a worker fails to meet goals or perform as expected, termination may be necessary. In this instance, employers should document all instances of poor performance, including written warnings and improvement plans. This documentation will be critical if the employee files a claim for discrimination. During any termination, it is recommended that at least two employer designees are present-one to provide the termination notice and the other to act as a witness.

### Communicating with the Employee

In every termination, employers must use caution and discretion when telling employees about the decision. Supervisor or human resources professionals should follow these guidelines:

- Be honest about the reasoning for the termination, whether it is economical or for cause.
- If the decision is economical, give a brief explanation of the circumstances.
- If the decision is for cause, concisely describe the issue and offer evidence of trying to correct it.
- Clearly state when the termination goes into effect.
- Provide details about compensation and insurance coverage.
- Explain how and when work-related materials must be returned, as well as how and when employee access to computers and facilities will end.
- If there are any noncompete or confidentiality agreements in place, remind the employee of those terms.
- Arrange for security staff to assist if there is concern that the conversation will become combative.

• Allow the employee time to respond and ask questions.

In general, meetings with departing employees should be brief and direct. Employers should avoid lengthy conversations and explanations. In many instances, preparing a script ahead of time and reviewing it with human resources or other personnel can help ensure key details are covered and or emotions do not derail the conversation.

In all instances, employers should treat employees with respect and dignity throughout the process.

### **Reducing Legal Risk**

Regardless of the circumstances, employees may choose to contest termination decisions. An employee may decide to bring a claim of discrimination against their employer, alleging the employee's termination was based on race, disability, gender, or other protected characteristic. To mitigate that risk, employers should consider taking the following actions:

- Allow the employee to resign. This gives the worker the option to save face and may diffuse the situation.
- **Provide a separation agreement.** This document allows for compensation, often based on years of experience, and states that the employee will not contest the decision.
- Prepare a detailed description of the termination decision. Upon a workers' termination, employers should be ready to provide all the facts that led to this decision. If the termination results from the workers' performance issues, employers may want to compile a chronological list outlining the issues, communications, and attempts



made to address them. Sharing such documents with employees could discourage them from pursuing claims and may enable their attorneys to determine the meritless nature of their potential case.

### **Final Advice**

When you find yourself in the position of having to terminate an employee, be sure to follow the state and federal laws. Consult any collective bargaining agreements in place, and document the reasons for the decision. The information contained in this article is for general educational information only. This information does not constitute legal advice, is not intended to constitute legal advice, nor should it be relied upon as legal advice for your specific factual pattern or situation.

Trent Cotney is a partner and Construction Practice Group Leader at the law firm of Adams and Reese LLP and CRCA General Counsel. For more information, you can contact Trent at 866.303.5868 or tcotney@cotneycl.com.

### **Endnotes**

- 1. https://labor.illinois.gov/laws-rules/paidleave.html
- 2. https://www.dol.gov/agencies/eta/layoffs/warn



# Risk Control- Managing the Threats of Workplace Violence

By CNA

(As a follow-up to the Spring CRCA Today article "CalOSHA to Implement Workplace Violence this Summer for Businesses in California. Is this a sign of things to" by Frank Marino, Safety Check Inc., the CRCA Health & Safety Committee worked with CNA to provide the following additional information on workplace violence prevention. CRCA thanks CNA for allowing the reprint of excerpts of the article.)

very year, two million American workers report being victimized by workplace violence.<sup>1</sup> Unfortunately, some businesses may under-report non-fatal workplace violence injuries, creating a misleading picture of violence in the workplace. The discrepancy between reported and unreported workplace violence is expected to worsen when statistics for 2020 and 2021 are produced.

However, compelling evidence suggests that employers who take a proactive stance toward concerning behaviors are more successful in deterring workplace violence. Detecting and interceding "at risk" or intimidating behavior in the initial stages can mitigate or stop the threat before it becomes dangerous or even life-threatening.

Given that workplace violence is not easily predictable, it is recommended that empowerment begin at the employee level. For example, workplace threats can be internal (coworker, supervisor or customer) and external (family member, stranger). So, while holding the door open for a coworker may be well-intended, it could, in reality, be granting entry to someone who was terminated the day before and has returned for revenge. When you raise an employee's awareness of unacceptable behaviors, you increase the chance to disrupt the sequence of violence. Creating awareness around these "behaviors of concern" and implementing an action plan to de-escalate potentially violent incidents are essential components of a workplace violence prevention program.

Although this resource is designed to provide general guidance on risk management, it is, in no way, a substitute for expert advice. Please consult experienced professionals for guidance on specific threats and workplace violence issues and how to develop and implement a comprehensive workplace violence prevention program.

### What Is Workplace Violence?

The American National Standard Institute defines workplace violence as "a spectrum of behaviors, including overt acts of violence, threats, and other conduct that generate a reasonable concern for safety from violence, where a nexus exists between the behavior and the physical safety of employees and others (such as customers, clients, and business associates), on-site or off-site when related to the organization."<sup>2</sup> However it chooses to manifest itself, workplace violence is a growing concern for employers and employees nationwide.

Extreme violence, like an active shooter situation, continues to trend upward. Federal Bureau of Investigation (FBI) data from 2020 indicated a 30% increase from 2019.<sup>3</sup> Since 2000, statistics show that 41% of incidents occurred in business environments, while 37% occurred in public locations like schools, healthcare facilities, churches and government offices. Though the location may be unpredictable, over 80% of these events happened where people work. Residential homes have also been impacted by extreme violence. According to data collected by the FBI since 2000, just under 4% of mass shootings occurred in residences.

### **Behaviors of Concern**

These behaviors include conduct that may function as potential warning signs or precursors to violence and may manifest as behaviors towards themselves, others or an organization:

- Aggression or intimidation
- Bullying and harassment
- Problems with coworkers, family members or other relationships
- Financial hardships
- Known physical violence or harm
- Direct and indirect threats of violence

While mass shootings are highly publicized in the media, they are representative of a small number of workplace violence incidents. Although not all workplace violence results in fatalities, the latest Census of Fatal Occupational Injuries (CFOI), conducted by the Bureau of Labor Statistics, cited 454 workplace homicides in 2019 and 392 workplace homicides in 2020. The CFOI also reported 259 workplace suicides in 2020, which was the lowest count for occupational suicides since 2015. Additionally, over 20,000 private-industry workers experienced some form of nonfatal workplace violence incident.<sup>4</sup>

Working alone or in isolated areas can contribute to the potential for violence. While there is no data to suggest that lone workers are more or less likely to be victims of workplace violence, it's certainly the case that they are more vulnerable, especially during the early morning or late evening.

### **Types of Workplace Violence**

Workplace violence typically falls into four categories based on the relationship among victims, offenders and work settings.

**Type I-Criminal Intent -** The offender has no relationship to the victim or the organization but enters to commit robbery or another crime.

**Type II-Customer/Client -** The offender has a legitimate relationship with the business. For example, the person receives services from the organization (retail, health or service industry) when they commit an act of violence.

**Type III-Worker on Worker** - Involves current or former employees acting out toward their current or former place of employment.

**Type IV-Personal Relationship** - Involves someone such as an abusive spouse or domestic partner who doesn't work at the location but has a personal relationship with an employee that spills over into the workplace.

### **Remember:**

- 1. There is little evidence that violence is spontaneous.
- 2. Critical incidents are rarely, if ever, random.
- 3. Workplace violence can happen anywhere with little to no relationship to a company's product, service, size, location or history.

### Costs

Beyond questions of legal liability and other tangible financial costs, organizations that lack effective means of detecting, managing and preventing violence will likely face more fundamental costs in disrupted productivity, low employee morale and a public image that potentially communicates a disregard for employee safety.

According to the Department of Justice, workplace violence costs 500,000 employees 1.2 million workdays every year and \$55 million in wages lost annually. This figure does not include costs for reduced productivity, medical treatments, workers' compensation payments, and legal and security expenses, which, although less exact, run into billions of dollars. In fact, NIOSH estimates the annual cost of workplace violence for employers to be closer to \$ 120 billion.<sup>5</sup>

### **OSHA General Duty Clause**

While there is currently no federal standard specific to workplace violence, there is potential for such a standard in the future, and steps have been taken toward this as noted in OSHA's directive, CPL 02-01-058, Enforcement Procedures and Scheduling for Occupational Exposure to Workplace Violence. Currently, the OSHA General Duty Clause requires that, in addition to compliance with hazard-specific standards, all employers provide a work environment "free from recognized hazards that are causing or are likely to

### Dispelling Common Myths

In the aftermath of violent events. people are sometimes known to say, "I thought it could never happen here." In reality, violent events are planned, and, in most cases, the violent offender intentionally targets a specific individual. The targeted individual is usually a supervisor, human resources manager or coworker they perceive to be responsible for their plight. Dispelling myths around workplace violence is the first step in establishing a solid foundation to prepare and protect an organization's workforce.



cause death or serious physical harm."<sup>6</sup> Workplace violence is a recognized hazard, and as such, employers have the responsibility to abate the hazard per the OSHA Act of 1970.

### **Mitigating Workplace Violence**

Workplace violence mitigation requires ongoing attention and senior management commitment to personnel security. Promoting a positive workplace culture and creating and enforcing workplace policies can help bring attention to conditions, situations and behaviors that adversely affect worker morale, performance, and production, and ultimately lead to workplace conflict.

According to the Society for Human Resources Management (SHRM) publication, Workplace Violence: A growing threat, or growing in awareness, 2019), survey results indicate that 30% of employees and 19% of HR professionals feel illequipped to deal with violence in the workplace.<sup>7</sup> Likewise, one in seven workers reports feeling unsafe at work.

Conducting a needs assessment, or "gap analysis," will provide your organization a better understanding of its safety and security needs and effectively focus its workplace violence prevention initiatives. A gap analysis is designed to identify, evaluate and prioritize the presence of risks of violence affecting the workplace (whether from internal or external sources) and the organization's readiness to respond to concerning behaviors, threats and violent incidents.

### **Workplace Violence Prevention Policy**

One of the first measures employers should consider creating is a "No Threats, No Violence"\* policy toward workplace violence against or by their employees to a person or property. It should:

- Clearly define unacceptable behavior.
- Regulate or prohibit weapons onsite, on an organizationcontrolled property, and during work-related activities, to the extent permitted by applicable laws.
- Mandate prompt reporting of any behaviors or circumstances that raise a concern for safety from violence or any potential violations of the policy.
- Provide multiple avenues for reporting.
- Assure employees that reports will be treated with the highest degree of discretion and promptly investigated, with notifications made to appropriate parties.
- Include a commitment to non-retaliation.
- Mandate employees to notify Security or other designated personnel of any protective or restraining order.
- Impose disciplinary action up to and including termination.

### Additional Policy Considerations Travel

Location is a vital component to a workplace violence prevention program. Many organizations have employees who travel domestically and overseas on business. When those individuals arrive at remote destinations, it becomes their temporary workplace. Therefore, it is important to expand the definition of workplace violence to include potential threats or violence at these sites, even though they are away from the brick-and-mortar company.

### **Training and Education-Tiered Approach**

Using a unique tiered approach, the Center for Personal Protection and Safety (CPPS) benchmarks prevailing best practices, existing compliance documents and organizational cultures to focus on the five centers of gravity. Outlined below are the various tiers.

- Tier 1-Plans, Policies and Procedures
- Tier 2-All Employees (Awareness Training)
- Tier 3-Managers and Supervisors
- Tier 4-Threat Management Team and Crisis Management Team
- Tier 5-Executive Team

### **Responding to Threats**

Often, individuals who engage in violent behavior are doing so as the result of a loss, whether real or perceived, in their personal or professional life, which can trigger a crisis for that individual. Moreover, when individuals go into that type of crisis mode, it affects the way they think, how they feel and how they behave. Individuals who become violent often communicate their intentions in advance, so it is important to encourage reporting concerning behaviors and take those reports seriously.

### **Preplanning Considerations**

No matter how effective company policies and procedures are in detecting, mitigating or preventing incidents, there are no guarantees against workplace violence. Even the most responsive employers face this issue. If a violent incident occurs, it is essential that the response be timely, appropriate to the situation, and conducted with the recognition that employees are traumatized and that the incident's aftermath has just begun. It is recommended that you prepare your workforce with the following response actions.

### **Immediate Response Imperatives**

- Move to a safer location or away from the facility.
- Once safe, report the incident to emergency responders and then to workplace security resources.

- Comply with emergency responders. Avoid aggressive or threatening actions.
- Use technology to monitor unresolved situations. Communicate real-time updates to affected personnel and emergency responders.
- Notify those in all potential danger zones to escape or seek shelter and barricade.
- Provide first aid to the injured when it's safe to do so.

### **Management Response Steps**

- Account for all personnel and determine their status/ location.
- Close off access to any areas affected by the incident.
- Conduct a damage and impact assessment.
- Develop and implement a comprehensive communication plan.
- Restore and recover business processes.
- Establish a "current circumstances assessment" and steps required to restore the workplace to full productivity.
- Monitor the physical and mental well-being of those affected by the incident.

Reference the Workplace Violence Supervisor Resource for additional information on response actions for supervisors to take in the event of active threats in the workplace.

### **Post-Incident Response**

Companies can significantly reduce the risk of long-term physical, emotional and financial fallout resulting from a violent incident in the workplace. Therefore, it is crucial to have a plan in place to include critical incident counseling and employee assistance programs to deal with victimized employees and employees who may be traumatized by witnessing a workplace violence incident.

- OSHA Safety & Health Topic: Workplace Violence
- NIOSH Workplace Safety & Health Topics: Occupational Violence
- Society for Human Resource Management: Workplace Violence Resource Center

### **Endnotes**

- Society for Human Resource Management (SHRM), Understanding Workplace Violence Prevention and Response, 2022
- 2. ANSI/ASIS WVPI AA-2020, Workplace Violence and Active Assailant—Prevention, Intervention, and Response (2020)
- U.S. Department of Justice, Federal Bureau of Investigation, Active Shooter Incidents in the United States in 2020, July 2021
- 4. U.S. Department of Labor, Bureau of Labor Statistics, National Census of Fatal Occupational Injuries in 2020
- U.S. Department of Labor, Bureau of Labor Statistics, Survey of Workplace Violence Prevention; November 2021; Bureau of Labor Statistics Fact Sheet, Workplace Homicides from Shootings, January 2018; National Institute for Occupational Safety and Health (NIOSH), Occupational Violence, Fast Facts, 2019
- Occupational Safety and Health Act (OSHA), General Duty Clause, Section 5(a)(1), 1970
- Society for Human Resource Management, Workplace Violence: A growing threat, or growing in awareness, March 2019

### Conclusion

It is recommended that organizations take the steps discussed in this article to mitigate risks resulting from workplace violence. Taking measures to detect threats of violence, intervene through incident management and mitigate consequences should violence erupt can help protect employees and others.

### **Additional Resources**

- Emergency Action Planning: Violence in the Workplace
- CPPS Allied Vendor Sell Sheet
- CNA & CPPS Allied Vendor
  Landing Page



# **Industry News**

By CRCA Staff

### **CRCA Honors 2024 Scholarship Recipients**

Through the CRCA Foundation, CRCA and The Chicagoland Roofing Council (CRC) awarded over \$53,000 to first time high school graduate recipients. The CRCA Foundation's mission is to provide support to philanthropic causes, research and education. Awards are based on academic performance, extra-curricular activities, employment and personal recommendations with the recipients attending both 4-year universities/colleges as well as junior colleges.



### 2024 Recipients Include:

CRCA–Sarah Hahn, Meghan Mitchell, Edan Czarobski and Katelyn Luu

CRC–Viviana Bahena, Corey Broom, Amy Clairmont, Xochitl Correa, Samantha Covarrubias, Benjamin Eheart,

- September 26-CRCA Member Emerging Leader Event, Topgolf
- October 10-CRCA Membership Casino Night
- October 24–CRCA Chicagoland Women In Roofing–Product Training: Carlisle
- November 5-CRCA Membership Lunch & Meeting
- December 7–CRCA Annual Awards Dinner

### **Filotto Does TV Interview**

As part of CRCA's Steep and Shingle Committee, Co-Chair Kevin Filotto (Filotto Roofing, Inc.) was interviewed in early June by Fox 32 Chicago. The consumer education piece will be broadcast in several weeks. In efforts to educate homeowners, the committee is also working with other media outlets and public entities.

### Gulfeagle Supply-New IL/WI Regional Manager

Tampa, FL, May 14, 2024 - Gulfeagle Supply announced in May the appointment of Tyson Winfrey as the new Regional Manager for the Wisconsin and Illinois market. With over 14 years of experience in the building distribution industry, Winfrey brings a wealth of knowledge and expertise to his new role. He will focus on supporting branch growth and success, leveraging his



The June 11 event was held at Brookfield Zoo and featured keynote speaker, Chicago Bear great Robbie Gould.

### Save These 2024 Dates!

- August 17–CRCA Member Family Outing– Chicago Dogs
- September 10–CRCA Membership Luncheon & Meeting



extensive background to foster relationships and drive results within the organization.



A.C.T. Metal Deck Supply photo

### A.C.T. Metal Deck Supply Gives Back!

CRCA Associate Member A.C.T. Metal Deck Supply participated in a food packing event for the Northern Illinois Food Bank in Geneva, IL on May 23, 2024. Per Carm Termini, A.C.T.'s Marketing Director, they packed over 3,100 pounds of food at the event, which provides almost 2,600 meals to those in need across Northern Illinois. Termini stated "Since we started 2020, we have packed 32,017 pounds of food providing 26,680 meals!

We're so proud of our team and their commitment to give their time back to those who need assistance right in our own backyards. It's a great way to spend the evening team building, lots of laughter, and hard work." Thanks A.C.T.!

### **Local 11 Apprenticeship Awards**



JATC photo

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Roofers Local 11 Joint Apprenticeship Training Director (JATC) Kevin Coleman reported that two Local 11 Apprentices participated in the National Apprentice Competition in St. Louis, MO. Apprentices Francisco Orozco took first place in the first year division and Ryan Hartigan took first place in the second year division.

The Local 11 apprentice program is a five year, 5,500 hour on-the-job training program with the goal of developing a highly skilled roofing and waterproofing workforce. To learn more, contact the JATC at (708) 246-4488."

Congrats Franciso and Ryan!

### SJ Mallein & Associates Adds to Team

CRCA Associate Member SJ Mallein & Associates announced the addition of Nolan Day to their architectural sales team. Day brings decades of experience in construction and building envelope systems.

### **CRCA Legislative Corner**



CRCA Legislative Consultant Margaret Vaughn reported that the Roofing Industry Licensing Act will sunset January 1, 2026. She stated that during the spring 2025 IL legislative session, time will be spent working with the Illinois Division of Professional Regulation to extend the Act for another ten years.

CRCA was instrumental with the establishment of the act almost 25 years ago, in efforts to mandate Illinois roofing and waterproofing work be performed by Illinois state licensed roofing contractors. The only exception in the law is that the property owner can perform roofing on their own personal property and his/her employees can perform roof repairs for commercial property. Roof replacement, recover and torching must be done by an Illinois licensed roofing contractor.

While the sunset cycles used to be every ten years, the Senate President and Speaker of the House changed them to five years last year.

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### Important Legal Updates From CRCA Associate Member Hendrick Phillips Salzman & Siegel



### FTC Rule Banning Non-Compete Agreements

In April this year, the Federal Trade Commission (FTC) approved a new rule regarding non-compete agreements. The new rule, which takes effect on September 4, seeks to ban all *non-competition* agreements, deeming such agreements an unfair method of competition violating Section 5 of the FTC Act. True non-solicitation of customer provisions are not affected by the rule, unless these provisions function to prevent someone from seeking work or operating a business.

Under the FTC's rule, unless the employee bound to the non-competition agreement is a "senior executive", as defined by the rule, attempting to enforce an existing noncompetition agreement or enter into a new non-competition agreement constitutes unfair competition. The rule does allow employers to enforce existing non-competition agreements against senior executives, but senior executives cannot be asked to enter into a new non-competition agreement after the effective date of the new rule.

A "senior executive" is defined under the rule as a worker who was in a "policy-making position" and received total annual compensation of at least \$151,164 in the preceding year. A "policy-making position" is defined as having final authority to make policy decisions that control significant aspects of a business entity or common enterprise and does not include authority limited to advising or exerting influence over such policy decisions or having final authority to make policy decisions for only a subsidiary of or affiliate of a common enterprise. Think of presidents and CEOs when you consider the term "senior executive" under the rule.

For those workers who are bound to existing noncompetition agreements and do not fall within the definition of a "senior executive", the new rule requires employers to provide written notice to these workers (both current and former workers) that the existing noncompete clauses will not and cannot be legally enforced against them. Indeed, the rule provides a sample notice for employers. The new rule is already subject to legal challenge. Plaintiffs are seeking to halt the rule's effective date. It is anticipated that the Northern District of Texas, where one of the lawsuits challenging the rule was filed, will decide by July 3 whether to halt, or stay, the effective date of the rule pending the outcome of the lawsuits on the merits.

### New Salary Level Test—Employees Exempt From Overtime Pay

On April 23, 2024, the U.S. Department of Labor announced a final rule concerning overtime exemptions that takes effect on July 1, 2024. The new rule is already subject to legal challenge, with litigation seeking to pause the effective date of the rule pending.

The Fair Labor Standards Act ("FLSA") requires that when most workers work more than 40 hours in a week, they get paid an overtime premium at 1.5x or "time and a half" their base rate of pay. Some workers are exempt from the FLSA's overtime requirement, such as, Executive, Administrative, and Professional employees, or "EAP" employees. In addition to primarily performing certain types of duties, these employees must also be paid on a salary basis at a certain level of pay to be exempt from overtime requirements.

The U.S. Department of Labor's new rule increases the standard salary level required to trigger overtime exemption for these employees as follows:

Currently, the standard salary level required for exemption is \$684 per week, or equivalent to \$35,568.00 per year.

- On July 1, 2024, the standard salary level required for exemption will be \$844 per week, or equivalent to \$43,888.00 per year.
- On January 1, 2025, the standard salary level required for exemption will be \$1,128 per week, or equivalent to \$58,656.00 per year.

The plain meaning of the new rule is this: Starting on July 1, 2024, salaried employees paid less than \$43,888.00 must be paid 1.5x for all overtime hours worked after that date. It then increases to \$58,656.00 on January 1, 2025. Consistent with the current regulations, up to 10 percent of the standard salary level can be satisfied with nondiscretionary bonuses and incentive payments, including commissions.

The circumstances of each affected employee will likely impact how employers respond to this final

rule. Employers have several options for adjusting to the updated salary thresholds. According to the U.S. Department of Labor, an employer may:

- increase the salary of the employee to at least the new salary level to retain exempt status;
- pay an overtime premium of one and a half times the employee's regular rate of pay for any overtime hours worked;
- reduce or eliminate overtime hours;
- reduce the amount of pay allocated to the employee's base salary (provided that the employee still earns at least the applicable hourly minimum wage) to offset new overtime pay; or
- use some combination of these responses.

The new rule also includes an automatic updating mechanism. On July 1, 2027, and every three (3) years thereafter, the minimum salary level will be updated using the methodology in effect at the time using current earnings data. The updated salary level will be issued with a 150-day notice.

### U.S. Department of Labor Clarifies Rights to Employee Representation During OSHA Inspections

The U.S. Department of Labor has issued a final rule clarifying the rights of employees to authorize a representative to accompany an Occupational Safety and Health Administration (OSHA) compliance officer during workplace inspections, often referred to as the "Worker Walkaround Rule." This rule aims to enhance the effectiveness and thoroughness of OSHA inspections, ensuring that employee voices are adequately represented.

Assistant Secretary for Occupational Safety and Health Doug Parker emphasized the importance of this rule, stating, "Worker involvement in the inspection process is essential for thorough and effective inspections and making workplaces safer. This rule returns us to the fair, balanced approach Congress intended."

### Key Points of the Final Rule:

 Employee Representation: Consistent with the Occupational Safety and Health Act (OSH Act), the final rule reaffirms that both employers and employees have the right to designate a representative to accompany OSHA officials during workplace inspections. This representative can be another employee or a non-employee if their presence is deemed necessary for conducting a comprehensive inspection.

- Criteria for Non-Employee Representatives: The rule specifies that non-employee representatives must possess skills, knowledge, or experience pertinent to the inspection. These qualifications may include expertise in workplace hazards, familiarity with similar work environments, or proficiency in languages or communication necessary to facilitate the inspection process effectively.
- 3. Historical Context: This rule responds to a 2017 court decision that restricted representation to employees only. The court recognized that the OSH Act does not limit who can serve as an employee representative and acknowledged OSHA's longstanding practice of allowing non-employee representatives when necessary. This final rule aligns OSHA's regulation with its historic practices and the intent of the OSH Act.
- 4. Implementation Date: The rule will take effect on May 31, 2024, marking a significant step towards enhancing workplace safety through inclusive and thorough inspections.

### Legislative Response:

On May 16, Rep. Mary Miller (R-III.) introduced House Joint Resolution 147 to disapprove OSHA's final rule. This resolution seeks to repeal the final rule and prevent OSHA from reissuing any substantially similar rule in the future. If H.J. Res. 147 is approved by Congress and signed by the president, the new regulation would be nullified.

### **Implications for Employers and Employees:**

- Employers must understand the rule to ensure compliance during OSHA inspections, which includes recognizing the legitimacy of nonemployee representatives when their presence is justified. Employers should also monitor House Joint Resolution 147 for passage, as its passage would nullify and repeal the rule.
- Employees should be aware of their rights to select a non-employee representative who can effectively advocate for their safety and health concerns during inspections. Employees should also monitor House Joint Resolution 147 for passage, as its passage would nullify and repeal the rule.

For questions regarding the new FLSA rule or related employment questions, contact Philip Siegel at pjs@ hpsslaw.com.

# **CRCA** Contractor Members

The Contractor Members of the Chicago Roofing Contractor Association install all types of roofs, including reflective single ply, modified bitumen, built up, gravel, reflective coatings, shingle, shake, slate and tile, vegetative garden or photovoltaic coverings. From formation following the Great Chicago Fire of 1871, CRCA Members have moved with the times and technology, yet continue to maintain some of the same goals set forth over 140 years ago. To find a CRCA Professional Contractor, visit www.CRCA.org.

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# **CRCA** Associate Members

The Associate Members of the Chicago Roofing Contractors Association are a vital part of the association and actively support the activities. Besides their generosity, they are represented on the CRCA Board of Directors, Co-Chair the Membership and Trade Show Committees and serve on the Health & Safety, Contracts & Insurance, Industry Affairs, Program and Scholarship Committees.

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Pro Fastening Systems Inc.	
Pro Lightning Protection	
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Raptor Synthetic Underlayments	
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Sheet Metal Supply LTD.	
Sika Sarnafil	
Siplast	
Soprema, Inc.	
Southwind RAS, LLC SRS Building Products	. (030) 233-3700 X119
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The Horton Group	(262) 347-2605
The J & R Group of Bank of	
America Merrill	(312) 696-7518
TOPWET INC.	(331) 258-4134
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United Asphalt Company	(800) 843-0317
United States Gypsum	(773) 213-6192
USI Insurance Services	(716) 314-2005
Van Boxel Building Supply	(440) 721-1504
VB Synthetics	(312) 664-3810
VELUX America LLC	(864) 941-4770
Verde Solutions LLC	(800) 541-1137
Versico	(800) 992-7663
VFC Lightning Protection	(801) 292-2956
W. R. Meadows, Inc.	(847) 214-2100
Walter Payton Power Equipment LLC .	(708) 656-7700
WindSmart Systems	(800) 474-8186
Architects & Roof Consultants	
ARCON Associates, Inc.	(630) 495-1900
Building Envelope Consultants Ltd.	

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CMMR, LLC
Hutchinson Design Group, LLC
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O'Brien Roof Consulting, Inc.	(708) 951-8271
Raths, Raths and Johnson, Inc	(630) 325-6160
SRI Consultants Inc.	(608) 831-5333
STR Building Resources LLC	(847) 652-6115
YA Engineering Services	(312) 919-8279

### <u>Vacuuming</u>

Dietz Vacuum Service, Inc	(708) 301-9127
Ready Vac, Inc.	(847) 437-5771
RK HydroVac	(800) 754-9376
Vac-It-All Services, Inc	(314) 487-5600
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