

Central Arizona Chapter No. 1

A Message From Our Chapter President

Again, welcome to 2011 in the 21st century. You all are awesome! It's been a rough couple of years and if you are still in business... Congratulations!

Our Barrett-Jackson show went very well with approximately 40 members and associates volunteering there to promote PDCA, Find-A-Painter, and themselves.

We have several more events to do this year and I'm looking forward to more of our members being a part of this. In the past, our Arizona chapter has been a benefit to PDCA National and I hope, with your enthusiasm, we can show them we are still the best in the nation.

Once again, thank you all for your support. I wanted to be president

again to help our members and association get through this economic disaster with our heads held high, proud of what we do, and where we are going.

We are moving forward!

Ed Mowry, President
PDCA Central AZ Chapter #1

PDCA Chapter Now Certified EPA Training Provider

Your local PDCA is now a Certified EPA Training Provider for Lead Renovation, Repair, & Painting (RRP). See our new training webpage for more information, RRP class registration, and an opt-in email list for continuing local PDCA updates.

The government's goal is to reduce lead poisoning especially in children, so take a moral, ethical, and legal stand and get EPA Certified to perform renovations on 1978 and older child occupied dwellings. This includes ALL residences including HOA's & apartments, and daycare operations. Any contractor renovating more than 20sf exterior paint or 6sf interior paint in these dwellings has to determine if there is lead based paint that will be disturbed, and/or use lead-safe practices. The EPA requires an 8-hour renovator class that does just that; teaches the Renovator how to test, inform residents, implement lead-safe work practices, and conduct recordkeeping.

As the company under contract and responsible for your employee, the Renovator worker, you are required to be an EPA Lead-Safe Certified Firm. The way to become Firm Certified is to fill out an EPA form, sign, and send to the EPA, no class required. The 8-hour RRP class is only for the renovator in charge of the job, and in many cases that's the owner of the company (firm).

Enforcement and fines have begun by the EPA, so don't get caught coming up short on the rule. The EPA will be looking for enforcement examples. Also, more and more homeowners are gaining the knowledge to hold us—the professional contractor—liable. I hear the easiest way for the EPA to check compliance will be by auditing the comprehensive recordkeeping required.

Do your paperwork, grow in your business professionalism, and allow your trade association, the PDCA to be a gathering place and standard bearer for the finest of the painting industry.

Please visit the EPA Lead website for info and contact me with any further questions. As a proud member of the PDCA, I'm here to share my knowledge.

Randy Fornoff
EPA LRRP Training Manager
PDCA Central AZ Chapter #1
randy@mtspainting.com

ABOUT OUR CLASSES

Our first 8-Hour LEAD Renovation, Repair and Painting- For Contractors class has been scheduled! It will be held on Tuesday, February 22nd from 8-5pm.

Location:

The Reference Library
99 East Virginia Avenue, Suite 140
Phoenix, AZ 85004

Fees:

\$140 for PDCA members,
\$160 for non-members
Fee includes lunch, Certified Renovator Certificate and all testing fees.

Future classes will be held on a bi-monthly basis. We will add additional classes if there is a demand.

Our first class will be limited to 10 students so enroll today at www.pdcnaz.org.



Accreditation # NAT-RV-I-62592-I-EN

Orlando, Florida **FEB 27 - MARCH 2**

PDCA 2011
PAINTING & DECORATING EXPO

CALENDAR OF EVENTS

February 8
Chapter Meeting

February 22
EPA Training Class

February 22-March 2
PDCA 2011
Painting & Decorating Expo
Orlando, FL

March 8
Chapter Meeting

Details for all events online at www.pdcnaz.org



MEETING SPONSORS

The PDCA Central Arizona Chapter No. 1 would like to thank this quarter's meeting sponsors.

JANUARY 2011



FEBRUARY 2011



MARCH 2011





Employer's Best Defense – Updated/Effective Employee Handbook

The SESCO Report January 2011

IAs we have reported over the past several months, EEOC charges, Department of Labor Wage and Hour claims, and employment lawsuits are increasing. Additionally, our federal government is referring complaints to the American Bar Association through a new government referral program of complaints to lawyers.

With this said, employers must be extremely proactive in developing policies and procedures so as to successfully defend wrongful claims such as EEOC charges, lawsuits or even unemployment claims. Many times, well written and communicated policies and procedures are an employer's only and certainly best defense.

SESCO prepares custom employee handbooks for employers in all states and over our 60-year history, no SESCO client has ever been fined or sued for any inappropriate policy or

procedure. In fact, our policies and employee handbooks have been crucial in defending our clients' actions.

You may contact SESCO for a free Employee Handbook Development Checklist which can be used to consider policies for inclusion as well as for completion in developing/revising an employee handbook. Further, reasons for developing an employee handbook include:

- Supports decisions thereby establishing and increasing management credibility.
- Promotes uniform/fair application of policies and consistency of treatment.
- Reduces risk of unlawful discrimination claims.
- Provides for evidentiary support for compliance with employment laws.
- Reduces confusion and misunderstandings about policies that affect

employee morale as well as employment expectations.

- Acquaints new employees to the organization providing for an excellent orientation tool.
- Provides the necessary tool to managers and supervisors as the employee handbook is the cornerstone of the employer-employee relationship.

Additionally, policies for consideration considering the current employment environment include:

- ADA/FMLA
- Use of PDA's/cell phones
- Computer use
- Confidentiality
- Non-competes
- Social Media/Facebook, etc.
- State EEO requirements
- Workers' Compensation/Injuries
- Specific state employment regulations
- Dating policies



- GINA policies
- Carefully designed and worded employment-at-will statements and proper disclaimers

Please feel free to contact SESCO to discuss your employee handbook needs. Retainer clients receive a free review of their employee handbook and select association members receive discounted fees on employee handbook reviews.

EZ Packing Replacement Seat

My name is Joe Simms, I was a painter running my own company repainting custom homes. I invented the EZ Packing Seat because my gun started spitting in the middle of spraying doors. I have personally used these seats, as well as having high volume painters test them.

In this troubled economy, good value at an affordable price is very important aspect to running a business. The EZ Packing Seat is a revolutionary way to enhance the performance of a "new packing kit", and most importantly, it fixes a "spitting" gun immediately and it can be installed in the field in 2 minutes or less. The new seat comes with an easy installation tool for precise installation without damaging the seat. The cost is less than 25% of a new packing kit and has comparable life.

When the EZ Packing Seat is used with the existing or old needle, depending on the needle condition, may last up to about 500 gallons of paint. The seat is an incredible tool because it can be installed in the field and will get you through the next few days of painting or until you can get it repacked.

When the EZ Packing Seat is used in conjunction with a new packing kit, it dramatically increases the needle and seats life. When field tested by various painters, they stopped keeping track after 1,200 gallons of paint used.

Several factors affect the "seats" longevity: needle condition, quality of paint used, straining the paint, and filtering system used.

In conclusion, the EZ Packing Seat is inexpensive, has superior longevity, can be installed in the field, and it eliminates down time. It is also easily stored, inexpensive to keep a back-up in the tool box, and it has been engineered with a revolutionary nylon for long life.

Install one today!

And don't forget to keep a spare on hand so you don't get stranded!

Joseph Simms, President
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PAINTING & DECORATING CONTRACTORS OF AMERICA CODE OF ETHICS

An expression of proper conduct in the pursuit of our profession as related to our customers, our fellow contractors, our employees, our association, and to the public.

Obligation of the Contractor

- To provide painting and decorating services in a professional business-like manner with both craftsmanship and up to date techniques.
- To protect, preserve and decorate homes, edifices, facilities and all other public and private property with the most progressive and efficient means and materials.
- To maintain regulatory, insurance and licensing requirements in the areas we conduct business.

Continued next quarter...

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OSHA Strengthens Fall Protection Standard Aimed at Homebuilders

SCF policyholders whose employees work at heights of six feet and above doing residential construction could be affected by a federal Occupational Safety and Health Administration action to make conventional fall protection the norm for those workers.

In December, OSHA rescinded a 1995 directive that allowed residential construction firms to routinely bypass conventional fall protection for their employees working at heights of six feet and above.

The change is intended to curb fatalities and injuries to construction workers who fall from residential rooftops. Conventional fall protection ranges from providing personal arrest systems for workers to safety nets and guardrail systems as well as other acceptable safety measures.

"Fed OSHA has recognized that people continue to fall and get injured or worse even though they are using alternative means of fall protection, which was why they withdrew the directive," says SCF Loss Control Consultant Stephanie Steinberger.

A 2008 analysis by SCF of its claims costs found that construction workers involved in falls led to more than \$241 million being paid out between 2003 and 2007. Another \$24 million in claims costs were paid in claims involving residential roofers.

The new directive makes it more difficult for an employer to argue that providing conventional fall protection

is "infeasible," which critics maintained led to ineffective fall protection plans for their employees.

After several years of study and input from industry groups, OSHA concluded many commercially available personal arrest systems and other options for preventing falls are available that builders could and should use. Those systems were not as well developed when the 1995 directive was issued, the agency said.

Still, employers can use alternative methods of fall protection if they can prove following the OSHA directive would create a greater hazard and there is no way to implement a conventional fall protection plan. If an employer asserts it cannot provide conventional fall protection, then a qualified person must create a written, site-specific plan and document why traditional fall protection would not work.

According to the Bureau of Labor Statistics about 40 workers are killed each year as a result of falls from residential rooftops.

The director of the Arizona Division of Occupational Safety and Health, the state agency charged with protecting Arizona workers, welcomed OSHA's directive. "Significant improvements in fall protection have been made in recent years," said ADOSH Director Darin Perkins. "As a result, we believe that with a little pre-planning, most contractors will be

able to implement conventional fall protection methods for employees exposed to falls greater than six feet."



Provided by Ed Redmond
Association Coordinator



Dr. David Michaels, who heads OSHA, said the change addresses a lingering problem. "Fatalities from falls are the number one cause of workplace deaths in construction," he stated. "We cannot tolerate workers getting killed in residential construction when effective means are readily available to prevent those deaths."

The new standard goes into effect June 16, giving builders and other construction-related firms about five months to comply. Small employers can receive OSHA training and compliance materials, including webinars, on creating and implementing a conventional fall protection program.

SCF Arizona has safety brochures addressing fall hazards in the workplace. They can be ordered online at www.scfaz.com. "You can click on the SafetyNet button on the SCF home page to access our streaming video library.

If you would like more information, contact your association coordinator.

When Challenged, Responses to be Avoided

In the current "pro-lawsuit" employment environment it is critical that managers avoid certain responses when challenged by an EEOC claim, unemployment claim or wrongful termination lawsuit.

"I fired him for no reason."

Even though 49 out of the 50 states have employment-at-will laws, if an employer is ever challenged and their response is, "we fired him for no reason," or "his employment was at-will," then the federal or state agency or court will deem that we had no job or performance related reason for separation. As such, they normally frown on providing no reason and as

such, normally provide for a favorable decision on behalf of the employee. Always separate for some reason.

"When do you think you will retire? Oh, I didn't mean anything by that."

This is the "stray comments" defense. While one "stray comment" like "too old" or "when are you retiring" probably won't mean a conviction for age discrimination, it can bolster a case. "Isn't it about time you gave it up, old timer?" When these comments are coupled with a situation in which the oldest person was let go with no particular basis for the decision, juries may not see things your way. By the

way, there is no mandatory age forcing an employee to retire.

"It was all in fun. She seemed to be having fun with us."

This is the standard line of people accused of sex harassment. "The female" is going to sue one day, saying, "I had go along with it; I have a family to feed." Many times the female employee does participate or doesn't complain about inappropriate relations. Problem is, at some point in time, it is not going to be okay with the female employee and this is when the charge of sex harassment comes forth.



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Color Trends 2011

Individual style mixed with budget-conscious decorating will drive 2011 paint hue trends. Consumers won't be diving into large scale renovation projects, but instead will search for inexpensive ways to freshen and update their home.

By incorporating a few new paint colors, whether as an accent area or an entire room painting project, a fresh coat of paint remains one of the most economical ways to enhance and modernize the appearance.

Remember, paint color is a homeowner's best decorating tool. You can change the appearance, the perception of size and even the perception of temperature, through the simple use of paint color.

Back to Basics

Homeowners, seeking comfortable and serene spaces, will reach for a variety of casual neutral and pastel hues to create warm and inviting spaces. Neutrals provide versatility and allows homeowners to quickly

change the look of a room just by changing a few accessories. Moreover, it's a prudent, practical, cost-saving approach to interior painting.

Warm whites, tawny tans, barely-there coral and green will find use in kitchens, bedrooms and baths

Well Worn Hues

Like a pair of favorite jeans, blue will grow in popularity as not just a wall color but also as a ceiling choice. "Well Worn Hues" are represented by blues across the spectrum, from denim dark to blue-grey.

Since most blues tend to be calming colors, this hue helps to create a perfect retreat from many of life's stresses.



As a secondary or complementary hue, yellow or yellow-green adds a bit of "spunk" when used in family spaces.



Shimmer and Shine

For thrifty consumers looking for a bit of sparkle, higher paint sheens and metallic finishes are on the radar for 2011. Don't be surprised to see spaces such as hallways and living areas painted in a very glossy hue, from top to bottom. More gloss means more reflectivity, which means more light. Gloss can subtly create a brighter, more upbeat mood in a home, but at the same time, it adds style and pizzazz.

Dining rooms and master bed and bath spaces are the perfect areas for this sophisticated choice.

Coupled with the "high shine" trend, gold will return as both an in-demand paint hue and as a key metallic choice.



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Industry News: Wooster Brush Celebrates 160 Years

How long have many of the companies that people trust been in business...25, 50, maybe even 100 years? Throughout all of 2011, The Wooster Brush Company will be celebrating their milestone anniversary of 160 years. They've been making the tools that professional and DIY painters depend on—all that time in the small town of Wooster, Ohio.

One primary goal at Wooster is to stamp their name just as clearly on the paint applicator industry as they do on their brushes. Groundbreaking innovation is just one way that they accomplish this. The invention of the angle sash brush, the first use of synthetic brush filament, and even the production of synthetic paint roller covers—now industry standards—all happened first in Wooster.

Wooster Brush continually strives to make their company as great a place for people as it is for products. The current average duration of service for Wooster employees is 17 years. Also, instead of moving operations overseas like so many others,

Wooster Brush has kept producing tools in the USA—allowing them to maintain high quality standards and hands-on customer service.

This dedication is why a small brush-making operation, opened in 1851, has grown into The Wooster Brush Company of today. Now one of the largest privately owned paint applicator manufacturers in the United States, their operation encompasses over 888,000 square feet of manufacturing, shipping, administrative, and warehousing facilities. Every day 520 Wooster employees go to work, producing more than 2,300 products that are sold around the world.

Maybe most importantly, painters everywhere think of Wooster as "The Better Way to Paint™" because when a painting problem arises, Wooster always places the best possible solution into their hands. In honor of this milestone anniversary, everyone at The Wooster Brush Company would like to say "Thank you!" to all the painters who have chosen a Wooster brush over the last 160 years.

IMPOSTORS?!

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