

SMACNA SPECS

FEBRUARY 2008

INSIDE THIS ISSUE:

FAMILY MEDICAL LEAVE ACT: WHAT YOU NEED TO KNOW 2

PITTSBURGH HOSTS EASTERN REGIONAL APPRENTICE CONFERENCE 3

2008 SMACNA NATIONAL CONVENTION IN MAUI 3

MEMBERSHIP MEETING HELD IN DECEMBER

On December 12, SMACNA of Western PA held its regular membership and election meeting at LeMont on Mount Washington. Approximately 50 people were in attendance from 22 member companies.

During the evening reports were given by the Chairmen of the Joint Apprenticeship Committee, the Health and Welfare Committee, the Joint Adjustment Board and the Nominating Committee.

Members were given an opportunity to discuss topics such as the National Pension Fund issue and changes that were made to the Local 12 collective bargaining agreement because of the NPF. It was noted by SMACNA President David Meyer that the current funding level of the National Pension Fund was 51.4%. There was a lot of good discussion throughout the evening regarding this and other issues.

Membership awards were given to Knauf Fiber Glass for being a 20-year member and Ralph J. Meyer Company for being a 50-year member. This was the first 50-year award given by SMACNA.

The Nominating Committee recommended two members, Mike Balistreri from Limbach Company and Ray Yeager from Ductmate Industries, to serve four year terms on the Board of Directors. The members in attendance voted unanimously to accept the recommendation of the committee.

President Meyer thanked Craig Ward of C.L. Ward and Family and Mark Scalise of Scalise Industries, outgoing directors, for their time and service to the association and the industry.

Following the election of the two new Board members, the Board the elected officers. The current officers were re-elected to another two-year term (*a list of those officers can be found on page 4*).

After the meeting, a delicious dinner was had by all. During dessert, former Pirates pitcher and current broadcaster Steve Blass spoke to the attendees about his career on and off the field. His candor and humor made a very nice end to a good membership meeting.



SPECIAL POINTS OF INTEREST:

- New Board Members Elected
- 50-year Membership Award Given
- Important information regarding the FMLA
- ERAC in Pittsburgh
- National Convention Information Provided

FAMILY MEDICAL LEAVE ACT: WHAT YOU NEED TO KNOW

With contractors getting busy this spring and summer, one of the things that will need to be considered is whether or not your employees fall under the Family Medical Leave Act (FMLA) if they are injured either at work or at home. The obvious first question is "How do I know if I am subject to FMLA?"

The Department of Labor says that all public

agencies, including state, local and federal employees, local education agencies (schools) and all private sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year and who are engaged in commerce or in any industry or activity affecting commerce. Essentially, if you employed 50 or more employees for 20 weeks during the current or

Continued on next page

FMLA CON'T.

preceding calendar year, you are covered. This is not just your sheet metal workers, this includes office staff, truck drivers, or any other trade.

Ok, now that you can determine if your company must comply with FMLA. If not, then you don't need to worry about this federal regulation at this time. However, if you do meet the requirements you must now determine if any of your employees meet their requirements to receive FMLA benefits. To be eligible, the employee must have worked for your company for a total of 12 months, must have worked at least 1250 hours over the previous 12 months and work at a location in the US where at least 50 employees are employed by the employer within 75 miles. (There are special rules for returning service men and women).

So let's assume that you have determined that your company meets the requirements and you have some employees who also meet their requirements. The next question is "What do I have to do?"

You are required to grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12 month period for one or more of the following reasons:

For the birth and care of the newborn child of the employee;

For placement with the employee of a son or daughter for adoption or foster care;

To care for an immediate family member (spouse, child or parent) with a serious health condition; or

To take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the same employer are jointly entitled to a **combined total** of 12 workweeks.

Serious Medical Condition is defined in the regulation as "an illness, injury, impairment, or physical or mental condition that involves either:

Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or

Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

A health condition lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that also includes treatment two or more times by or under the supervision of a health care provider or one treatment by a health care provider with a continuing regimen of treatment; or

Pregnancy or prenatal care; or

A chronic serious health condition with continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity; or

**"...this includes
office staff, truck
drivers, or any
other trade"**



A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, terminal cancer, etc.). Only supervision of a health care provider is required, rather than active treatment; or

Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g. chemotherapy or radiation treatments).

You are required to maintain group health insurance coverage for employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. This may also include making payments to the local union's health and welfare fund on behalf of the employee to ensure that he or she does not lose benefits during their absence.

You must restore the employee to their original job, or an equivalent job with equivalent pay and benefits, upon their return. There are certain circumstances where this does not apply to "key" salaried employees whose salary is among the highest 10% of employees within 75 miles of the worksite.

Due to space constraints, this article can only touch on the major items related to this act. It is recommended that you contact your legal counsel if you have any questions regarding the provisions of the FMLA. You may also want to look at the Department of Labor website at www.dol.gov for guidance.

**Go to
www.dol.gov
for guidance
on the Family
Medial Leave
Act**

EASTERN REGIONAL APPRENTICE CONFERENCE TO BE HELD IN PITTSBURGH

Apprentice Coordinators and Committees from all over the east coast will descend on Pittsburgh May 1-3 to take part in the annual Eastern Regional Apprentice Conference.

Attendees will discuss various topics related to the training and education of apprentices in

the sheet metal industry. Vendors will have booths to promote new technologies and new ideas for educating students.

Pennsylvania Deputy Secretary of Labor, and former sheet metal worker, Robert O'Brien has been asked to speak to the

conference about his department and what they have been doing to help ensure a level paying field for all contractors in the Commonwealth.

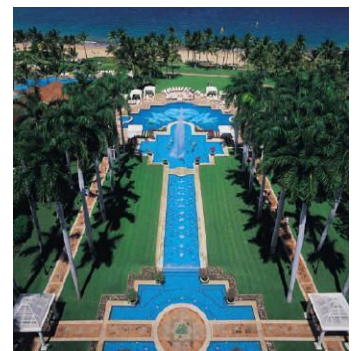
This will be a great opportunity for us to welcome people from other parts of the country and invite them to see our beautiful city!

SMACNA NATIONAL CONVENTION HEADS TO MAUI

The luxurious Grand Wailea Resort on the island of Maui will be the site of the 2008 SMACNA National Convention! SMACNA members and their guests from all over the world will head to paradise from October 19-22 to hear outstanding speakers and enjoy the opportunity to net-

work with other contractors. There will also be educational sessions for residential, architectural, industrial, and HVAC contractors as well as a Labor Forum typically highlighted by a presentation by SMWIA General President Mike Sullivan.

Go to www.smacna.org to see just what else you can find at the SMACNA convention in Maui and get registered to attend. It just won't be the same without you there!



Grand Wailea Resort and Spa

SMACNA of Western PA
681 Andersen Drive, Suite 410
Pittsburgh, PA 15220

S E R V I N G W E S T E R N P A F O R O V E R 5 0 Y E A R S I



Elaine B. Coppler
James T. Strother Jr., CAE

Staff

Mike Ballisteri
Ray Yeager
Richard Watkins
Dave Wingersahn
John Raught
Mark Patrizia

Directors: Kenneth Kotchey

Past Pres.- Tom Szymczak

Treasurer - Mike Renick

Secretary - Bill Auth

Vice President - Eber Verhovsek

President - David F. Meyer

Western Pennsylvania.

SPCS is published by SMACNA of

E-mail: info@smacnawpa.org

Fax: 412.922.6809

Phone: 412.922.0130

Pittsburgh, PA 15220

Suite 410

681 Andersen Drive

SMACNA OF WESTERN
PENNSYLVANIA

We're on the web at
www.smacnawpa.org