



Glass Facts

July - September 2011

SEGA Chairman's Message



Welcome from the SEGA Board of Directors on this beautiful "fall" morning! At least the calendar says that it is fall, but it is hard to tell that as the temperatures continue to set record highs across the southeast. We all look forward to the cooler mornings and the lower high temperatures of the late fall and winter in Florida. The promise of this natural occurrence every year helps us to deal with the long, hot, humid summers. That is what makes the southeast such a great place to live and work.

Construction continues to wobble up and down on a slow recovery in the southeast. Some months it is up. Some months it is down. In the key tourism markets, however, we see increasing activity in the starting of new projects and completion of projects previously put on hold. The Florida Panhandle, as an example, has just experienced the best tourism season ever. It appears that no matter what the economy is, people still feel the need to take some sort of a vacation and our tourism markets are benefiting from that need. The capital markets apparently recognizes that need also and are willing to loan money to support building the necessary hospitality facilities. This should begin to

play out in the continued recovery of all aspects of our economy as that money gets spent and then re-spent a number of times. That is if someone does not completely destroy our free market economy!

As most of you are aware by now, Governor Scott signed HB 849 at the end of June. This bill from the Florida's legislative process established the Glass and Glazing License as a mandatory Division II contractors license. A Certified Glass and Glazing Contractor license is now required to do any work involving glass both inside and outside of any residential or commercial building. Many in the construction industry welcome this important change. Building and Code Enforcement Departments across the state are especially glad that this change has taken place. They see it as an important part of the building process in insuring only qualified people do the glass and glazing work and do it correctly per code.

Even though the license has been a voluntary license for many years, this law caught many off guard. A review of the state licensing website shows that many people in our trade now recognize this requirement and have taken steps to start the licensing process. This process can be slow and demanding. As we interface with others (suppliers, contractors and glaziers) involved in glass and glazing, we need to continue to promote the ability of SEGA to help its members through that process with the least pain possible. SEGA is here to help, and we need to continue to make people aware of that!

The SEGA Board of Directors wish everyone who reads this newsletter a continued blessed and prosperous 2011. We only ask that you pass this newsletter along to others whom might be interested.

Sincerely,

Fred L. Poynor

SEGA Chairman and President of Area Glass, Inc.

SEGA 2011 OFFICERS

Chairman of the Board

Fred Poynor
Area Glass, Inc.

Vice Chairman

Dick Petrie
Architectural Glass Services

Secretary/Treasurer

Woody Watters
Pensacola Glass Company

Immediate Past Chairman

Troy Hein
YKK AP America, Inc.

SEGA 2011 DIRECTORS

Jeff Miller
Lore L. Ltd.
Will Smith
Glazing Consultants International, LLC

SEGA CONSULTANT

Roland "Stoney" Stonaker
6741 Hidden Creek Boulevard
St. Augustine, FL 32086
Phone: (904) 806-3949
FAX: (904) 797-4473
E-mail: stoneystonaker@yahoo.com

SEGA OFFICE

231 West Bay Avenue
Longwood, FL 32750-4125
Phone: (407) 831-7342
FAX: (407) 260-1582
Website: www.southeastglass.org

SEGA STAFF

R. Bruce Kershner,
Executive Director
E-mail: bruce@southeastglass.org

Julie A. Kershner,
Assistant Executive Director
E-mail: julie@southeastglass.org

SOUTHEAST GLASS ASSOCIATION CALENDAR OF EVENTS

2011

October

12 Board of Director's Meeting Conference Call
12-14 Construction Industry Licensing Board
Meeting, Gaylord Palms Resort & Convention
Center, Kissimmee
18-19 Glass & Glazing Specialty License Exam
26-29 Vitrum, Fieramilano

November

9-11 .. Construction Industry Licensing Board Meeting
Hampton Inn & Suites Amelia Island,
Fernandina Beach
23-25 Glasstech Asia, Jakarta, Indonesia

December

13-14 Glass & Glazing Specialty License Exam

2012

February

21-22 Glass & Glazing Specialty License Exam

June

19-20 Glass & Glazing Specialty License Exam

September

12-14 GlassBuild America:
The Glass, Window & Door Expo,
Las Vegas Convention Center in Las Vegas, NV

October

23-26 Glasstec, Dusseldorf, Germany

Please submit your news releases, articles and comments for this publication to the SEGA office, attention: Julie, 231 West Bay Avenue, Longwood, FL 32750-4125. Advertising Space is also available. Please call the SEGA office at (407) 831-7342 for current rates and information.

Glass & Glazing Contractor License Update

Florida passed **HB 849, Chapter Law 2011-222**, during the 2011 Legislative Session and was signed by Governor Rick Scott on June 24, 2011. **HB 849** establishes the glass and glazing contractor category as a Division II licensing category. All existing specialty glass and glazing contractors will be reclassified as Division II licensees. This also changes the license to a statute versus a rule, thus, making the Florida Certified Glass and Glazing Contractors License a requirement for anyone doing any type of glass and glazing work either inside or outside of any type of building.

With the law becoming effective July 1, 2011, it is critical that all those who intend to do glass and glazing work anywhere in the State of Florida start the process of getting their state certified license immediately. It is a stringent process, but there is help available. The Southeast Glass Association (SEGA) can help guide its members through the requirements. SEGA has the means and experience to make this activity as pain free as possible.

In order to accommodate the expected number of license applicants, the Florida Department of Business and Professional Regulation (DBPR) added two new testing dates to the glass and glazing license testing calendar. August and December were added to the already scheduled October test date. There should not be any reason for anyone, wanting to attain their Florida State Certified Glass and Glazing Contractors License over the next year, to not start the process now. [Click here for more information on the Glass & Glazing examination.](#)

The following is a list of exam dates and locations:

December 13-14, 2011

Tallahassee – National Guard Armory
Kissimmee – Osceola Heritage Park
Miami – Doubletree Miami Mart Airport Hotel

February 21-22, 2012

Tallahassee – National Guard Armory
Kissimmee – Gaylord Palms Resort & Convention Center
Miami – Doubletree Miami Mart Airport Hotel

June 19-20, 2012

Tallahassee – National Guard Armory
Kissimmee – Gaylord Palms Resort & Convention

Center
Miami – Doubletree Miami Mart Airport Hotel

Please note: Per Florida State Statute, individuals must reserve their seat 30 days prior to the next available exam date. If you reserve your seat after the 30 days prior to the next available exam date, the system will automatically reserve you a seat at the next available exam date (i.e., If you reserve your seat after November 13, 2011 for the December 13-14, 2011 exam date, you will automatically reserve a seat for the February 21-22, 2012 exam date.).

Also, the link to the Florida Construction Industry Licensing Board (CILB) is www.myfloridalicense.com/dbpr/pro/cilb/index.html if you would like to obtain further information on the licensing process.

Certified Contractor License Renewal Reminder

Just a reminder that the Certified Contractor licenses from the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2012. Current law requires licenseholders to obtain 14 hours of continuing education with at least one hour in workplace safety, one hour in workers' compensation, one hour in business practices, one hour in the advance building code module, one hour in laws and rules (Chapter 489) and one hour in wind mitigation (this requirement only affects general, residential, building, roofing and glass and glazing contractors). **Note: Individuals who obtain their license for the first time must complete the four hour building code core course provided online by the Florida Building Commission.**

Don't forget to notify the DBPR office of any address change. Section 489.124(2) gives sole responsibility to the licensee for notifying DBPR in writing of the licensee's current mailing address and phone number.

Failure to notify the department of a change of address shall constitute a violation of this section. In addition, if your address changes and you do not notify the department, you may not receive important mailings from the department such as your renewal notice.

With all of the above in mind, SEGA asks that active member of SEGA pass this information along to non-members who do work in the Florida market. This will help them become aware of the new requirement and to encourage them to start the process immediately. SEGA is here to assist its members so that they can successfully navigate the licensing process.

Join SEGA Now and Get the Remainder of the Year Free!

Are you receiving the *Glass Facts* but are not a member of SEGA? Effective immediately, non-member companies can join SEGA for as low as \$225.00. Join today at the full year dues rate and receive membership benefits through December 31, 2012.

To take advantage of this pricing today and join the southeast's premier glass and glazing trade association, [please click here for a SEGA Membership Application](#) or contact the association office at (407) 831-7342 and request a membership application.

Welcome New Members!

SEGA extends a hearty welcome to the following new members. We thank them for joining our association and look forward to their participation in helping this association achieve its goals.

Brad's Glass Company, Inc.

Tom Vermilya
10330 Chedoak Court, Building 300
Jacksonville, FL 32218
Phone: (904) 765-5558
FAX: (904) 768-6314
E-mail: tvermilya@bradsglass.com
Website: www.bradsglass.com
Glass & Glazing Contractor

D & T Glass, Inc.

Colin Duckett
5901 Ash Street
Forest Park, GA 30297
Phone: (404) 361-1066
FAX: (404) 361-1220
E-mail: service@dtglass.net
Glass & Glazing Contractor

Designbasis, Inc.

Frank D'Aprile
1036 Pennsylvania Avenue
St. Cloud, FL 34769
Phone: (321) 250-8100
FAX: (321) 250-8050
E-mail: frank@designbasis.net
Manufacturer/Manufacturer Representative

Door Control, Inc.

Mike Bradberry
10330 Chedoak Court, Building 300
Jacksonville, FL 32218
Phone: (904) 765-5669
FAX: (904) 768-6314
E-mail: mbradberry@doorcntrl.com
Website: www.doorcntrl.com
Other - Automatic Doors

Emerald Coast Glass Protection d/b/a Products

Brent McLeod
1201 Harrison Avenue, Suite A
Panama City, FL 32401
Phone: (850) 747-9994
FAX: (850) 747-9993
E-mail: ecgpbrent@gmail.com
Glass & Glazing Contractor

Gary's Quality Mirrors & Glass, Inc.

Sean Carruthers
407 Bif Court, Suite B
Orlando, FL 32809
Phone: (407) 857-9684
FAX: (407) 854-5651
E-mail: igarysqualitym@cfl.rr.com
Glass & Glazing Contractor

Keating Glass Corporation

Peter White
1717 South Division Avenue
Orlando, FL 32805
Phone: (407) 425-5913
FAX: (407) 841-1432
E-mail: lew@keatingglass.com
Glass & Glazing Contractor

Mac's Glass & Mirror

David McDaniel
1651 Blanding Boulevard
Jacksonville, FL 32210
Phone: (904) 387-1530
FAX: (904) 387-8715
E-mail: d.mcdaniel@macsglass.com
Glass & Glazing Contractor

Novus Glass

Wesley Wenger

P. O. Box 1302
Atmore, AL 36502
Phone: (251) 368-1466
FAX: (866) 654-7291
E-mail: novusglass99@gmail.com
Website: www.wnovus.com
Glass & Glazing Contractor

Star Shine Inc. d/b/a Tommy's Auto Glass

Jonathan Fuqua
2480 Highway 71
Marianna, FL 32448-2536
Phone: (850) 482-4724
FAX: (850) 482-2618
E-mail: tommysglass@digitalex.com
Website: www.tommysautoglass.com
Glass & Glazing Contractor; Auto Glass

2012 SEGA Board of Directors

SEGA needs your help. We need members to volunteer to serve on the SEGA Board of Directors. By serving on the board of directors, you can develop self-satisfaction; get an insight into how the organization is run; sharpen your leadership abilities; build prestige for you and your company; network with other peers; share various responsibilities; have an opportunity to give something back to the industry as well as help the industry; and develop a sense of accomplishment.

Term:

- The term of the office for a member of the Board of Directors is one year starting on January 1.

Responsibilities:

- Board of Directors shall be responsible for the entire management of the association and of the income and property thereof, including authority to issue debentures or borrow money for corporate purposes.
- The Board of Directors shall establish all rules and regulations necessary to conduct its business and may change the same from time to time.
- Attend three Board of Director's Meetings yearly.

If you are interested in serving on the board or a becoming a committee member for 2012, please contact the SEGA office at (407) 831-7342.

3% Withholding Tax Update

The 3% withholding law, which was enacted in Section

511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222) as section 3402(t) of the Internal Revenue Code, mandates that federal, state and local governments withhold 3% of nearly all of their contract payments, Medicare payments, farm payments and certain grants. Compliance with this law will impose significant, unnecessary financial burdens on both the public and private sectors. Construction groups stand ready to work with Congress and the Administration to improve tax compliance for companies and other entities receiving federal dollars while also repealing the onerous 3% withholding tax.

There have been numerous legislative and regulatory measures put in place since the enactment of the 3% withholding law back in 2006 that have focused on increasing tax compliance and enhancing transparency for companies that have received government payments. All these initiatives taken together obviate any rationale or need for retaining the withholding mandate and will be far more cost-effective for the government.

The withholding is a flat percentage of revenues from government payments, bears no relationship to companies' taxable incomes, and will restrict cash flow needed for day-to-day operations and investments. In addition, the administrative and capital investment costs to businesses and governments will be substantial and the withholding mandate will be exceedingly complicated to implement. Access to capital is a major concern for businesses in this economy, and the 3% withholding will further compound this problem for businesses by limiting their operating capital and cash-on-hand. Businesses, especially small businesses, do not need additional limits on capital while the economy begins to recover.

While the 3% withholding requirement is not scheduled to go into effect until January 1, 2012, it's already proving costly, and such costs will increase exponentially as the implementation deadline moves closer. Businesses – the vast majority of which are small businesses without any tax delinquencies – and governmental entities are starting to expend resources now in preparation for implementation due to major system and process changes needed for withholding, reporting and reconciling the millions of affected payments annually. These changes have to be made well in advance of 2012.

In a memo on August 29, 2011 to House Republican members, Majority Leader Eric Cantor laid out their agenda for the fall, and included in the memo is repeal of the 3% withholding tax. See below:

IMMEDIATE TAX RELIEF TO CREATE MIDDLE

CLASS JOBS

The second focus of our jobs agenda this fall and winter will pursue tax relief designed to help American employers create middle class jobs. Small businesses, in particular, are overburdened with taxes that destroy jobs and in a fragile economy, the worst thing government can do is impose tax increases that prevent small businesses from hiring. Instead, government should be focused on ways to enable businesses small and large to unlock more capital and create new jobs.

3% Withholding Rule Repeal:

Beginning in 2013, federal, state, and local governments will be required to withhold three percent of all government payments made to contractors in excess of \$100 million. While the law has been delayed multiple times, its effect once implemented will be massive—causing accounting burdens on governments and potentially harmful cash flow disruptions for contractors and subcontractors across all sectors. Therefore, we will move quickly this fall to repeal this burdensome requirement and relieve construction contractors, medical providers, manufacturers, farmers, and many others providing goods and services under government contracts of the uncertainty the impending law is creating.

Link to Majority Leader Cantor's full memo: <http://ht.ly/6fqKJ>.

The Department of Defense estimates that the costs to comply with the 3% withholding requirement will be over \$17 billion over the first five years. DoD's estimated costs are already substantially more than any savings. Other federal, state and local governments will have enormous costs as well.

Federal Unemployment Taxes Going Down

Florida businesses pay two different unemployment taxes – to the state and federal government. You pay your Florida tax to the Florida Department of Revenue every quarter, along with a UCT-6 form that lists all your employees and their payroll for that quarter. The unemployment tax rate you pay to the state of Florida can vary anywhere between 0.12% and 5.4%, depending on how many of your former employees have received unemployment benefits.

Florida businesses also pay a federal unemployment

tax (this is the one that is going down). The federal tax is paid once a year, when the IRS 940 return is filed. Since 1976, the federal tax rate has been 6.2%. On July 1, 2011, this rate went down to 6.0%. Florida employers do not have to pay this full amount though; they get a 5.4% credit against that rate, lowering it to 0.6% (starting 7/1/11), or \$42 per year per employee. Before the 7/1/11, Florida employers paid 0.8%, or \$56 per employee per year for the federal unemployment taxes.

This means there will be two different tax rates that apply for the 2011 calendar year. From 1/1–6/30, the rate is 6.2%; from 7/1–12/31, the rate is 6.0%. The IRS is currently working on updating Form 940, Employer's Annual Federal Unemployment Tax Return, to reflect these two rates, and the form will be available before the due date of January 31, 2012. **Please note:** Even though Form 940 is only due once a year, you may have to deposit your federal unemployment tax before you file this return. If your federal unemployment tax is more than \$500 for the calendar year, the IRS requires you to deposit at least one quarterly payment. If you have questions about this issue, please contact your local accounting or tax professional.

Workers' Compensation Exemption Applications Now Available Online

Business owners can now apply for and renew their workers' compensation exemptions online through the state Division of Workers' Compensation website. Only corporate officers and managing members of a limited liability company (LLC) engaged in the construction industry are eligible for an exemption. Once exempt, you do not have to pay workers' compensation premiums on yourself, but you also have no right to collect workers' compensation benefits if you are hurt on the job.

To apply for or renew a workers' compensation exemption online, go to www.myfloridacfo.com/wc and click on the box that says "DWC 250 Exemption Application." The fee for a construction industry exemption is \$50, and they must be renewed every two years. For corporate officers not in the construction industry, exemptions are free and do not

expire.

After completing the application online, you must print it out and have it notarized. You then have to mail it to the state Division of Workers' Compensation. If you are in the construction industry, you will need to include a check for \$50 as well as proof that you own at least 10% of the company.

If you have any questions about workers' compensation exemptions, please do not hesitate to contact the SEGA office at (407) 831-7342.

Changes to Florida Unemployment Benefits

Effective August 1, 2011, there were major changes to Florida's unemployment law and how employees qualify for and receive benefits. These changes were intended to reduce fraud and to hold employees who received benefits more accountable. They include:

- Employees have to file all claims for unemployment over the Internet.
- Claimants receiving unemployment benefits must perform a work search by contacting at least five potential employers per week. Verification of the job search must be provided to the state over the Internet.
- To receive unemployment benefits, claimants must complete an initial skills review.
- If a claimant's severance pay per week is equal to or greater than the claimant's weekly amount of unemployment benefits, the claimant is not entitled to benefits for that week.
- An employee will not be eligible for benefits if they are fired for:
 - Chronic absenteeism or tardiness
 - Violation of the employer's work rules
 - Deliberate violation of a regulation that jeopardizes the employer's license
 - Misconduct that occurred either at work or after working hours.

OSHA Celebrates 40 Years of Accomplishments

The Occupational Safety and Health Administration (OSHA) was established on April 28 1971. Since then,

OSHA and their state partners, coupled with the efforts of employers, safety and health professionals, unions and advocates, have had a dramatic effect on workplace safety. Fatality and injury rates have dropped markedly. Although accurate statistics were not kept at the time, it is estimated that in 1970 around 14,000 workers were killed on the job. That number fell to approximately 4,340 in 2009. At the same time, U.S. employment has almost doubled and now includes over 130 million workers at more than 7.2 million worksites. Since the passage of the OSH Act, the rate of reported serious workplace injuries and illnesses has declined from 11 per 100 workers in 1972 to 3.6 per 100 workers in 2009. OSHA safety and health standards, including those for trenching, machine guarding, asbestos, benzene, lead, and bloodborne pathogens have prevented countless work-related injuries, illnesses and deaths.

The following timeline highlights some of the key milestones in occupational safety and health history since the creation of OSHA.

April 28, 1971

The Occupational Safety and Health Administration Is Established

OSHA is officially established on April 28, 1971. OSHA ensures safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.

May 1971 to May 1972

First OSHA Standards

OSHA adopts existing national consensus and establishes Federal standards to provide a baseline for safety and health protection in American workplaces.

January 17, 1972

OSHA Training Institute Established

The OSHA Training Institute is established to train OSHA compliance officers and private sector and other Federal government safety personnel. Since its creation, over 210,000 safety professionals have received training at the Training Institute's center. An additional 12,000 have received training through webinars since their introduction in FY 2008. In 1992, the OSHA Training Institute began partnering with colleges and universities to conduct workplace safety classes. Since then, over 248,000 safety personnel have been trained through these education centers.

November 23, 1972

Construction Safety Standards

OSHA issues standards to protect construction workers operating electric power transmission and distribution equipment, aerial lifts and helicopters.

1975

On-site Consultation Program Established to Assist Small Businesses

OSHA establishes the On-site Consultation Program, a free service funded by OSHA to help small, high-hazard employers identify and correct serious hazards, train workers and supervisors to recognize workplace hazards and develop effective safety and health management systems at their worksites. With significant financial support from Federal OSHA, state-run agencies, using well-trained professional staff, deliver these services. Since its creation, the program has made over 1 million visits to small businesses.

April 12, 1978

OSHA Training and Education Grants

OSHA announces the New Directions Training and Education grants (now Susan Harwood Grants) to support the development of occupational safety and health training and education programs for workers and employers in high hazard workplaces. This program has trained over 1 million individuals.

February 26, 1980

High Court Clarifies Worker Rights on Imminent Danger

The Supreme Court, in Whirlpool Corp. v. Marshall, issues a landmark decision affirming that the OSH Act provides workers with the right to refuse to perform an assigned task on the basis of a reasonable apprehension of death or serious injury, coupled with a reasonable belief that no less drastic alternative is available. The Court held that workers who use this OSHA protection may not be discriminated against for such action.

January 16, 1981

Hearing Conservation Standard

OSHA issues the Hearing Conservation standard which requires that hearing protection be provided to workers exposed to noise levels above 85 decibels. The new standard also requires employers to perform hearing tests on workers to monitor how these protection measures are working.

July 2, 1982

Voluntary Protection Programs

OSHA creates the Voluntary Protection Programs to recognize workplaces with exemplary safety and health management systems and encourage other employers to follow suit.

January 26, 1989

Safety and Health Program Management Guidelines

OSHA issues voluntary guidelines for effective safety and health programs.

September 1, 1989

Unsafe Machines: Lockout/Tagout Standard

OSHA issues the Lockout/Tagout standard, establishing procedures to safeguard over 39 million employees from the unexpected energization or startup of machinery and equipment or the release of hazardous energy during service or maintenance activities. The Lockout/Tagout standard prevents an estimated 120 fatalities and 50,000 injuries each year.

October 31, 1989

Excavation and Trenching Operations Standard

OSHA issues a stronger rule to protect construction workers from the hazards of working in trenches and excavations.

The standard requires that trenches be shored up to prevent collapse and that ladders be provided for exit/escape. Since issuing the rule, trenching fatalities have declined by 40 percent.

December 6, 1991

Bloodborne Pathogens Standard

OSHA protects workers from HIV/AIDS (human immunodeficiency virus/acquired immune deficiency syndrome) and hepatitis B with the Bloodborne Pathogens standard, providing protection to 5.6 million workers exposed to the hazards of HIV/AIDS and hepatitis B. It results in the dramatic reduction of hepatitis B infection among healthcare workers.

January 14, 1993

Confined Spaces Standard

OSHA issues a standard requiring safe procedures and permits for entry into confined spaces, including underground vaults, tanks, storage bins, manholes, pits, silos, process vessels, and pipelines. The standard prevents more than 50 deaths and more than 5,000 serious injuries annually for the 1.6 million workers who enter confined spaces.

August 9, 1994

Fatal Falls in Construction

Falls are the leading cause of deaths for construction workers. OSHA strengthens protections requiring employers to provide fall protection, such as safety harnesses and lines or guardrails, saving 79 lives and preventing 56,400 injuries each year.

November 15, 2007

Payment for Safety Equipment

OSHA confirms through a rule that employers must pay for most types of required personal protective equipment, such as earplugs, respirators, and protective gloves.

September 30, 2009

Hazard Communication - Global Harmonization

System

OSHA proposes to increase the quality, accessibility and consistency of information provided to workers, employers and chemical users by adopting a standardized approach to hazard classification, labels and safety data sheets.

May 24, 2010

Falls in General Industry

OSHA issues a Walking/Working Surface Safety proposal to improve worker protection from falls, the leading cause of work-related injuries and death. Reducing falls in the workplace is expected to prevent about 20 fatalities and 3,500 serious injuries annually.

June 3, 2010

Injury and Illness Prevention Program Initiative

OSHA proposes an initiative to require employers to implement a systematic program to help them find the safety and health hazards in their workplace and fix them. This initiative follows the lead of 15 states, such as California and Minnesota that have already implemented such programs.

August 9, 2010

Cranes and Derricks Standard

OSHA issues a historic new rule, which replaces a 40-year-old standard, designed to prevent the leading causes of fatalities among crane and derrick operators. The rule affects more than 250,000 worksites, which employ about 4.8 million workers, and is expected to prevent 22 fatalities and 175 non-fatal injuries each year.

U.S. Department of Labor's OSHA Releases Mobile App to Help Protect Workers From Heat-Related Illnesses

As part of continuing educational efforts by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) about the dangers of extreme heat, Secretary of Labor Hilda L. Solis announced a free application for mobile devices that will enable workers and supervisors to monitor the heat index at their work sites in order to prevent heat-

related illnesses.

"Summer heat presents a serious issue that affects some of the most vulnerable workers in our country, and education is crucial to keeping them safe," said Secretary of Labor Hilda L. Solis. "Heat-related illnesses are preventable. This new app is just one way the Labor Department is getting that message out."

The app, available in English and Spanish, combines heat index data from the U.S. National Oceanic and Atmospheric Administration with the user's location to determine necessary protective measures. Based on the risk level of the heat index, the app provides users with information about precautions they make take such as drinking fluids, taking rest breaks and adjusting work operations. Users also can review the signs and symptoms of heat stroke, heat exhaustion and other heat-related illnesses, and learn about first aid steps to take in an emergency. Information for supervisors is also available through the app on how to gradually build up the workload for new workers as well as how to train employees on heat illness signs and symptoms. Additionally, users can contact OSHA directly through the app.

The app is designed for devices using an Android platform, and versions for BlackBerry and iPhone users will be released shortly. To download it, visit <http://go.usa.gov/KFE>.

More than 30 workers died from heat stroke in 2009. Thousands become ill from heat exhaustion and other heat illnesses every year. Some of the highest illness rates occur among construction workers, farm workers, roofers, landscapers, baggage handlers and other air transportation workers.

Effective heat illness prevention requires simple planning. Employers are responsible for protecting workers by providing plenty of water, scheduling rest breaks in the shade or air-conditioned spaces, planning heavy work early in the day, preparing for medical emergencies, training workers about heat and other job hazards, taking steps to help workers – especially those who are new to working outdoors or who have been away from work for a period of time – acclimatize to the heat, and gradually increasing workloads or allowing more frequent breaks during the first week of an outdoor project.

Information for employers about using the heat index to calculate and address risks posed to workers also is available through OSHA's new Web-based tool "Using the Heat Index: Employer Guidance," which is accessible at http://www.osha.gov/SLTC/heatillness/heat_index/index.html. OSHA's

other educational and training tools about heat illnesses prevention, available in English and Spanish, can be found at <http://www.osha.gov/SLTC/heatillness/index.html>.

"OSHA's prevention message is clear: Water. Rest. Shade. These are three little words that make a big difference for outdoor workers during the hot summer months," said Assistant Secretary of Labor for OSHA Dr. David Michaels.

Under the OSH Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

U.S. Department of Labor Improves Enforcement Database

Updated site includes Increased Search Capabilities and Visual Enhancements

The U.S. Department of Labor announced enhancements to its online enforcement database designed to improve public access to and understanding of the department's enforcement actions. The updated website includes a number of new features, including map displays of inspection and violation data from the department's Occupational Safety and Health Administration (OSHA) and its Mine Safety and Health Administration, as well as the ability to view individual inspection records and the enforcement history of a particular company or mine.

"These improvements to our online enforcement database are part of our commitment to open, transparent enforcement," said Secretary of Labor Hilda L. Solis. "By making this information available and easy to use, we're helping to ensure a level playing field for employers who follow the law."

In addition to mapping capabilities, the updated site allows users to easily view important agency metrics; perform keyword searches; filter data by year, violations or penalties; and export search results or an entire data set into downloadable formats. A new "labs" feature allows users to create data visualizations and

animations using several decades of MSHA data.

The Labor Department created the enforcement database, available at <http://ogesdw.dol.gov>, to increase transparency, participation and collaboration as part of the administration's Open Government Initiative.

OSHA Revises Directive for Reducing, Eliminating Hazards in Commercial Diving Operations

The Occupational Safety and Health Administration recently revised a directive that provides guidance on OSHA procedures aimed at eliminating hazards and reducing worker injuries, illnesses and deaths during commercial diving operations.

"Commercial divers who spend extended periods of time underwater are exposed to hazards such as drowning, circulatory and respiratory problems, and hypothermia," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "The guidance provided in this directive will help ensure consistent enforcement and compliance with OSHA's commercial diving operations standards."

OSHA's commercial diving standard (29 CFR 1910 Subpart T), issued in 1977, applies to diving and related support operations in the general, construction and maritime industries. OSHA published a Federal Register notice in January 1985 that exempts scientific diving from the commercial diving standard's requirements if those diving operations meet certain conditions. OSHA amended the standard in February 2004 to allow recreational diving instructors and guides to comply with an alternative set of requirements instead of the decompression chamber requirements in the existing standard.

This revised directive updates the Subpart T – Commercial Diving Operations directive issued in 2006. Changes in the current directive include:

- providing information to OSHA compliance officers,

consultants, government and industry groups in support of interventions to help minimize worker exposure to commercial diving hazards

- listing answers to commonly asked questions about commercial diving operations
- clarifying the requirements for and duties of workers who assist divers with their diving suits and gear, communications equipment and other functions
- updating the instruction to ensure that current editions of other OSHA instructions, as well as industry standards and manuals, are referenced
- updating the instruction about no-decompression air dives (Appendix D) based on Revision 6 of the U.S. Navy Diving Manual, and
- adding electronic links to enhance the directive's Web-based usability.

Included in the directive are inspection procedures for before, during and after dives, equipment maintenance and recordkeeping requirements. The directive is available on OSHA's Safety and Health Topics page on Commercial Diving, along with commercial diving standards specific to shipyard employment, marine terminals and longshoring, hazards and solutions, and safety and health programs.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

OSHA Launches Interactive Website to Help

Employers Better Comply with its Recordkeeping Rule The Occupational Safety and Health Administration recently unveiled a new interactive web tool to help users determine whether injuries and illnesses are work-related and recordable under the OSHA Recordkeeping rules.

The OSHA Recordkeeping Advisor is an interactive tool that simulates an employer's interaction with a Recordkeeping rules expert. The Advisor relies on the users' responses to questions and automatically adapts to the situation presented. Responses put into the program are strictly confidential and the system does not record or store any of the information. The Advisor helps employers determine:

- Whether an injury or illness (or related event) is work-related
- Whether an event or exposure at home or on travel is work-related
- Whether an exception applies to the injury or illness Whether a work-related injury or illness needs to be recorded
- Which provisions of the regulations apply when recording a work-related injury or illness

"The Recordkeeping Advisor was developed to better help employers understand and comply with their work-related injuries and illnesses," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels.

OSHA's Injury and Illness Recordkeeping page links to the Recordkeeping Advisor and other guidance materials to help employers understand and comply with Federal recordkeeping and reporting requirements.

The OSHA Recordkeeping Advisor is one of a series of elaws (Employment Laws Assistance for Workers and Small Businesses) Advisors developed to help employers and workers understand federal employment laws. A full list of Advisors can be found at the elaws Web site.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

IRS Issues Guidance on Tax Treatment of Cell Phones; Provides Small Business Recordkeeping Relief

The Internal Revenue Service recently issued guidance designed to clarify the tax treatment of employer-provided cell phones.

The guidance relates to a provision in the **Small Business Jobs Act of 2010**, enacted last fall, that removed cell phones from the definition of listed property, a category under tax law that normally requires additional recordkeeping by taxpayers.

The Notice issued recently provides guidance on the treatment of employer– provided cell phones as an excludible fringe benefit. The Notice provides that when an employer provides an employee with a cell phone primarily for noncompensatory business reasons, the business and personal use of the cell phone is generally nontaxable to the employee. The IRS will not require recordkeeping of business use in order to receive this tax–free treatment.

Simultaneously with the Notice, the IRS announced in a **memo** to its examiners a similar administrative approach that applies with respect to arrangements common to small businesses that provide cash allowances and reimbursements for work–related use of personally–owned cell phones. Under this approach, employers that require employees, primarily for noncompensatory business reasons, to use their personal cell phones for business purposes may treat reimbursements of the employees' expenses for reasonable cell phone coverage as nontaxable. This treatment does not apply to reimbursements of unusual or excessive expenses or to reimbursements made as a substitute for a portion of the employee's regular wages.

Under the guidance issued today, where employers provide cell phones to their employees or where employers reimburse employees for business use of their personal cell phones, tax–free treatment is available without burdensome recordkeeping requirements. The guidance does not apply to the provision of cell phones or reimbursement for cell–phone use that is not primarily business related, as such arrangements are generally taxable.

Details are in the memo and in **Notice 2011–72**, posted on <http://www.irs.gov>.

IRS Increases Mileage Rate Again

Due to the rapidly rising cost of gas, the Internal Revenue Service (IRS) is taking the unusual action of a mid–year increase in the mileage rate for the use of an automobile for business purposes. The current mileage rate that became effective on January 1, 2011 is 51 cents per business mile. Starting July 1, this rate went up to 55 1/2 cents per mile, an increase of 4 1/2

cents per mile.

This is the standard mileage rate used to calculate the deductible costs of operating a private vehicle for business purposes. This rate is used by many businesses to reimburse employees for mileage travelled in their personal vehicles for business reasons. Businesses always have the option not to use this standard rate and instead calculate the actual costs of using a vehicle for business purposes and reimbursing their employees for that cost.

Division of Workers' Compensation Offers Free Classes

The Florida Department of Financial Services, Division of Workers' Compensation, is offering free classes regarding Florida's workers' compensation laws and workplace safety to business owners, licensed contractors and employers.

Workers' compensation topics covered include:

- Review of Key Statutory Definitions
- Contractor Responsibilities
- Exemptions
- Insurance Coverage Requirements
- Enforcement Provisions

Workplace safety topics presented by OSHA (U.S. Dept. of Labor, Occupational Safety and Health Administration) include:

- Direct and Indirect Costs
- Inspections
- Florida Fatalities

The following is a list of class dates and times for future sessions.

October 4, 2011

Fort Myers
9:00 a.m. – 12:00 noon EST
State of Florida Office Building
2295 Victoria Avenue, Room 165
Fort Myers, FL 33901

October 6, 2011

Jacksonville
9:00 a.m. – 12:00 noon EST
FL. Department of Law Enforcement
921 North Davis Street, Building E, Room A
Jacksonville, FL 32209

October 12, 2011

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

October 13, 2011

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

October 18, 2011

Orlando
9:00 a.m. – 12:00 noon EST
State Office Building, Hurston Complex
400 West Robinson Street, South Tower,
Conference Room A & B
Orlando, FL 32801

October 25, 2011

Tampa
9:00 a.m. – 12:00 noon EST
State Office Building
1313 North Tampa Street, Suite 605
Tampa, FL 33603

November 2, 2011

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

November 3, 2011

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

November 8, 2011

Pensacola
9:00 a.m. – 12:00 noon EST
Alabama Associated General Contractors,
Northwest Florida Section
201 South F Street
Pensacola, FL 32502

November 14, 2011

Miami
9:00 a.m. – 12:00 noon EST
State Office Building
401 N.W. 2nd Avenue, North Tower, Room 423
Miami, FL 33128

November 17, 2011

Pompano Beach
9:00 a.m. – 12:00 noon EST
Workforce One
2301 West Sample Road, Building 4,
Conference Room C
Pompano Beach, FL 33073

December 8, 2011

Tallahassee
9:00 a.m. – 12:00 noon EST
Southwood Complex, Betty Easley Conference Center
4075 Esplanade Way, Room 178
Tallahassee, FL 33128

December 9, 2011

West Palm Beach
9:00 a.m. – 12:00 noon EST
Central Career Center
1951 North Military Trail
West Palm Beach, FL 33409

December 14, 2011

2:00 p.m. – 3:00 p.m. EST
Workers' Compensation
WEB Based class

December 15, 2011

2:00 p.m. – 3:00 p.m. EST
Workplace Safety
WEB Based class

These seminars are open to all licensed contractors, business owners and employers. The Division of Workers' Compensation is an authorized provider (Provider Number: 0004354) for continuing education purposes through the CILB. Course Number: 0010118 – one hour satisfies the workers' compensation requirement and Course Number: 0010630 – one hour satisfies the workplace safety requirement.

Advanced registration is required. The form is available on the Division's website at www.myfloridacfo.com/WC. For additional information, e-mail bocseminars@MyFloridaCFO.com, or call (813) 221-6518.

