

# EQ QUARTERLY

A PUBLICATION OF THE WALL AND CEILING ALLIANCE

SPRING 2016



## 10 Pitfalls to Avoid

with Succession of a Family-Run Business

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## CRAB FEED

at Fishermen's Grotto



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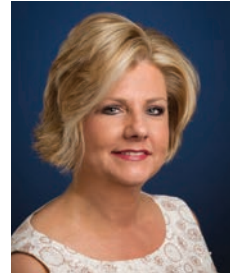
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# ANNOUNCING NEW **BOARD OF DIRECTORS**



WACA has a very strong leadership foundation in place with our new board appointments. Each of these individual's professional background and commitment to our industry will bring insightful perspective to our board.



Nancy Brinkerhoff,  
ICBI President and  
President of WACA's  
Board of Directors

Earlier this year, WACA held elections for nine open board positions. And thanks to our members' votes, we have elected eight board of directors. If you supported and participated in our election process, thank you.

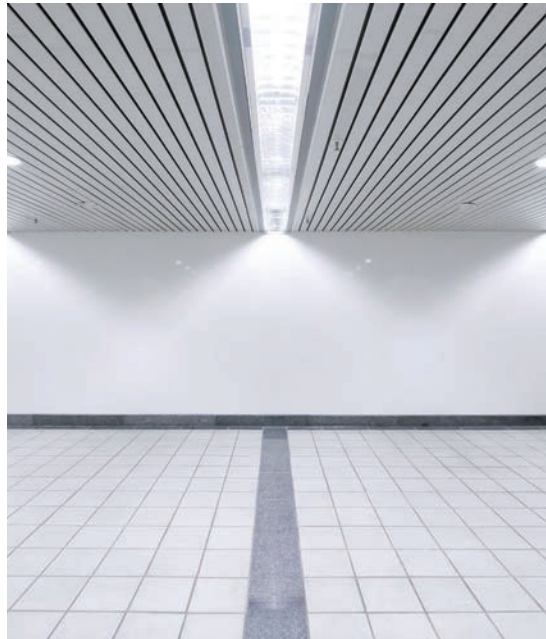
Our new board elected directors for 2016-2018 are: Shawna Alvarado with O'Donnell Plastering, Inc.; Don Archuleta with KHS&S Contractors; Steve Eckstrom with California Drywall Co.; David Link with Performing Contracting, Inc. (PCI); Kristen Meiswinkel with RFJ Meiswinkel Company; Tim Stiller with Raymond-Northern California, Inc.; John Sytsma with Anning-Johnson Company; and Jim Watson with SCS - Swinerton Builders.

We're confident this recent assembly of industry leaders — which has a combined board experience of over 30 years — will continue to effectively serve our membership and promote our industry.

I'd like to take this opportunity to encourage our contractor members to get more involved with the association. There are a number of ways you can support our group, such as by attending events and joining negotiation committees and conference boards. We endorse new board representation and ideas for the growth of our association's future development. The only way we can continue to innovate our group and stay ahead of the curve is by having a diverse board of directors and ac-

tive membership. So if you are interested in becoming more active with WACA, contact our office at (925) 600-0475.

Thank you for your time, and I will see you at our next event.



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**John Sytsma**  
Anning-Johnson Company

**Jim Watson**  
SCS - Swinerton Builders

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## THE QUARTERLY

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The Wall And Ceiling Alliance (WACA) serves and represents signatory wall and ceiling contractors in Northern California's 46 counties. WACA provides resources that assist members in operating a successful business. Among the services and activities provided are educational forums, technical assistance, government advocacy, labor relations, industry promotion, marketing and networking opportunities.

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# What's Up with the New DIR Electronic Certified Payroll Reporting?

by Eddie Bernacchi, Politico Group



Public works reforms (SB 854) were signed into law on June 20, 2014, as part of the state budget. The reforms made several significant changes to the administration and enforcement of prevailing wage requirements by the Department of Industrial Relations (DIR).

One section of SB 854 required DIR to establish an electronic certified payroll reporting (eCPR) system for which, beginning January 1, 2016, all contractors and subcontractors must furnish electronic certified payroll records directly to the labor commissioner (also known as the Division of Labor Standards Enforcement) through the eCPR system. The phase-in timetable for this requirement was as follows:

- **June 20, 2014:** Any project being monitored by the compliance monitoring unit (CMU)/labor commissioner prior to the adoption of SB 854 will continue to be monitored by the labor commissioner afterward, and the contractors on those projects must continue to furnish certified payroll records to the labor commissioner until the project is complete.
- **April 1, 2015:** For all new projects awarded on or after this date, the contractors and subcontractors must furnish electronic certified payroll records to the labor commissioner.
- **January 1, 2016:** All contractors (except those listed as exemptions just below) must furnish electronic certified payroll records to the labor commissioner through the eCPR data system.

SB 854 also required that awarding bodies submit a PWC-100 notice (contract award notice) for all public works projects to DIR. An awarding body must submit a PWC-100 in order for contractors to submit their eCPR. Awarding bodies are required to provide notice to DIR on all projects within five days of project award. Awarding bodies must register in the PWC-100 project registration system (<https://www.dir.ca.gov/pwc100ext/>) in order to notify DIR of their public works projects.

Once the program launched, our office fielded numerous calls and emails from contractors who were frustrated with the new eCPR system. The most common complaint was that previously existing payroll systems used by contracting agencies were more user-friendly than the XML format DIR chose. On behalf of our contractors, we began meeting with the DIR to discuss the issues our contractors were having with implementation of the system. To its credit, DIR listened to our concerns and issued a notice to all awarding bodies clarifying that contractors should not be penalized based solely on information in the DIR's eCPR system. That

notice was needed to protect contractors from improper payment withholdings, but unfortunately did nothing to relieve the burden on contractors who have been spending an inordinate amount of time and money trying to comply with the system.

To address this issue, we were able to persuade DIR to issue an additional notice that puts the eCPR system on hold while DIR works on improvements to the system. The hold applies to all public works projects that were subject to the eCPR requirement. Contractors are still expected to comply with the DIR public works registration requirements for themselves and any subcontractors or service providers who perform work covered by prevailing wages, as well as all other certified payroll reporting requirements. However, there is no need to use the DIR eCPR system until further notice.

DIR has issued additional notices providing clarification that it does not plan to require retroactive submission of eCPRs once it has completed the upgrades to the eCPR system, along with a reminder to awarding entities to register projects by using the PWC-100 form. The improved system will begin testing, and DIR anticipates having the system ready by July 2016.

All relevant notices can be found at the following links:

- Notice to awarding bodies: [www.dir.ca.gov/Public-Works/Public\\_Works\\_Notices.html](http://www.dir.ca.gov/Public-Works/Public_Works_Notices.html)
- Notice of eCPR delay: [www.dir.ca.gov/Public-Works/eCPR\\_important\\_notice.pdf](http://www.dir.ca.gov/Public-Works/eCPR_important_notice.pdf)
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# Building **Envelope Certification Program** 2016



The WCB team, Ben Duterte and Mike Nonn, attended the recent Building Envelope Certification Program in Las Vegas, held February 29 to March 4, 2016, at the United Brotherhood of Carpenters International Training Center. The certification program is intended to provide its members, contractors and wall and ceiling representatives with a higher knowledge base of quality industry deliverables and safety practices employed.

This program is part of the overall mission of the Carpenters International Certification Council (CICC) to improve performance, reduce workplace risk, and safeguard personnel; in addition, the CICC oversees that only trained, skilled and qualified individuals complete the work. In order to qualify for the building envelope certification assessments, candidates first attend a minimum of 36 hours of training for each of the five certifications, which includes both knowledge transfer and practical safe application. The prerequisite course content for a master certification includes quality control, building science, and envelope testing and corrections as they relate to the air and moisture barrier, spray foam barrier and thermal installation. The prerequisite training addresses installation of the air and moisture barrier, spray foam barrier and thermal barrier.

A variety of certification options are available to the candidates. Five distinct building envelope certifications exist within three different levels:

## **Level 1 – Technician**

- Certified building envelope technician (CBET)

## **Level 2 – Specialist**

- Certified building envelope specialist for air and moisture barrier (CBES – Air and Moisture Barrier)
- Certified building envelope specialist for thermal barrier (CBES – Thermal Barrier)
- Certified building envelope specialist for spray foam barrier (CBES – Spray Foam Barrier)

## **Level 3 – Master**

- Certified master building envelope specialist (CMBES)

Each level in the program supersedes the previous level, such that Building Envelope designees have to first complete the initial training and pass a written exam in order to become a certified building envelope technician (CBET). CBETs are then eligible to train and test to become a certified building envelope specialist (CBES) in any or all of the three above-mentioned areas. The highest level in the program, certified master building envelope specialist (CMBES), can only be reached if a member is first certified and current (not expired) in the three CBES specialties.

Our technical team took the Level 1 – Technician course. “I thoroughly enjoyed the building envelope principles course,” Technical Director Ben Duterte said. “The course material was up to date and presented in a way that directly relates to field application.

“Covering several topics, the building envelope principles course incorporated a building science approach to understand the interaction among occupants, building components, building systems

*Each level in the program supersedes the previous level, such that Building Envelope designees have to first complete the initial training and pass a written exam in order to become a certified building envelope technician (CBET).*

and the surrounding environment. Creating a comfortable living or working environment for the people who occupy the building was taught in a way that describes how properly installed and compatible components are essential when constructing the building envelope,” he explained.

“This was a challenging yet rewarding course. Participants should expect a combination of course work and hands-on training. I found that refreshing the day’s material at night with my classmates was extremely helpful. This course will sharpen your knowledge and skills and make anyone who takes the course more comfortable in all aspects of the building envelope,” Duterte summarized.

This program is an ongoing course. Multiple trainings are available for interested candidates. If you are a contractor and would like to learn more about signing up to the program, visit their website at [www.ubccertifications.org](http://www.ubccertifications.org) or email [CICC@carpenters.org](mailto:CICC@carpenters.org).







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# CRAB FEED at Fishermen's Grotto

*"WACA's Crab Feed is a great opportunity to network with customers in a casual atmosphere. We can get to know each other better and develop stronger business relationships."*

*– Sandra Collins, Account Manager, HILTI*

The California ban on crab lifted the same week as this event, so the catch couldn't have been fresher. Members were hosted at a new venue to better accommodate the growing crowd. The event was held at No. 9 Fishermen's Grotto right by the water. Attendees were treated to spectacular views of the bay at sunset. The social hour was held from 4-5 p.m. with dinner following, starting with the famous San Francisco sourdough bread — then salad, pasta and giant platefuls of long-awaited, newly harvested crab.

Several raffle drawings totalling \$950 in gift cards were awarded to lucky guests. As the networking and socializing continued, chilled tiramisu was served along with coffee. The WACA Board was represented by Vice President Jim Ruane, Tim Stiller, Kristen Meiswinkel, John Sytsma and Don Archuleta.

Craig Daley, owner of contractor member Daley's Drywall & Taping, Inc., said, "We really enjoy the Crab Feed. We've got the RV at Candlestick Park right now so we can make this a two-day trip and participate in this meeting. We did the same thing last year and absolutely plan on attending next year!"

Allen Salsbury, president of associate member Salsbury & Associates Insurance Services, Inc., described the benefits of attending the Crab Feed as a WACA member. "It's great coming here. We get to meet different people every time, all in a friendly socializing mood. It's good to discuss experiences that everyone's having in the field," he said.



WACA thanks Jones, Henle & Schunck (JHS) CPAs for their dinner wine sponsorship. All the members' participation is appreciated.















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# 10 PITFALLS TO AVOID

## with Succession of a Family-Run Business

by Summit Financial Group, LLC



*A staggering 90 percent of American businesses are family-owned or -controlled. These businesses range in size from two-person partnerships to Fortune 500 firms. Together they generate roughly half of the nation's gross national product.*

***Unfortunately, less than one-third of family-owned businesses survive the transition from the first generation of ownership to the second, and only 13 percent of family businesses actually remain in the family more than 60 years.***

Why is this longevity so challenging? It could be due to the specific challenges that come with running a family-owned business or, quite possibly, the difficulties that can happen with the succession of a family-owned business. Following are the top 10 pitfalls that owners of family-run businesses should avoid when planning their succession.

### **1. Transferring When the Business Owner Parents Are Not Financially Ready**

Being a parent, you want the best for your children. Some business owner parents who have children who are ready, willing and able to take over their business put their children's needs above their own and rush into succession. For parents who are not financially ready to transfer a business, this premature move could devastate their retirement planning and financial security. There are also some business owners who may feel financially ready but have retirement plans that require significant funding. These retirement plans may draw resources away from the business, impeding possible growth. Waiting until

you, the owner, are financially prepared for a transition is of utmost importance to your retirement and the success of the business.

### **2. Transferring Before the Business Owner Parents Are Mentally Ready**

Waiting to transition until you're financially ready is one thing — but understanding when you're *mentally* ready is another story. Before business owners transfer ownership, they need to assess how mentally prepared they are to exit.

***Exiting a business that has been built by years, or maybe a lifetime, of hard work and dedication can be a difficult emotional hurdle.***



How involved are you in the day-to-day operations of the business? What will you do with your time when you are no longer running it? These answers will be the key to understanding whether you're ready to move forward into the next stage of your life.

### **3. Transferring to Children Who Don't Know How to Run a Business**

It goes without saying that many family members have been involved one way or another in the family business their whole life. But being involved and being in charge are two very different things. Many small business owners forget to realize that the new owners, aka most often their children, must possess or obtain very critical skills and experience to successfully run the business they are taking over. If key skills and responsibilities are missing from the background of a successor, then your succession plan must include immediate and practical steps to cultivate that successor into a more qualified leader.

### **4. Not Taking Advantage of Gifting Opportunities**

There are a number of lifetime gifting strategies that can be implemented by the business owner to minimize, or possibly eliminate, estate taxes. For parents who plan to transfer the business by lifetime gifts or at their death, gift and estate taxes will apply based on the value of the assets transferred. To transfer the most assets at the least tax cost, it's important to use all of the discounts that are available. Experienced appraisers, attorneys and accountants can help maximize these discounts for tax purposes with minimal impact on the family.

### **5. Failing to Document the Terms of the Agreement in Writing**

Many business owners assume that when dealing with family members, there is no real need for a formal agreement. Others find it a difficult subject to broach. Consequently, often there's no written agreement of the terms. The reality is that there is less risk of running into future problems if family business owners clearly define the nature of their relationship in writing. In the unfortunate event of litigation, more often than not, the family members will find themselves arguing over the terms of their oral agreements. With as many recollections of "the agreement" as there are family members involved, the opportunity is ripe for confusion, frustration, anger and financial disaster.

### **6. Trying to Give Everyone an Equal Share**

While this is a nice idea in theory, dividing your business equally may not be in the best interest of your business.

***Management and ownership are separate business succession planning issues.***

It may be fairer for the successor(s) you have chosen to run the business to have a larger share of business ownership than family members not active in the business. Or it may be best to transfer both management and ownership to your chosen successor and make other financial arrangements to benefit your other children. Trying to keep everything equal may actually prove to be more unfair in the end.

### **7. Not Adequately Preparing the Transfer for a Potential IRS Audit**

For preparing the transfer of ownership, it is important to properly value the amount being transferred for the event of a potential audit. The IRS has a statute of limitations of three years to challenge the value gifted. It would be in your best interest to have the business professionally appraised *before the transfer* to avoid paying more taxes at a future date. If you are audited and cannot document the value of the business at that time, it will be left up to the IRS to determine the market value.

*To transfer the most assets at the least tax cost, it's important to use all of the discounts that are available. Experienced appraisers, attorneys and accountants can help maximize these discounts for tax purposes with minimal impact on the family.*

### **8. Not Having Your Children Invest Any Money into the Business**

When you started your business, you worked hard to invest your time, money and passion to help it grow. Some family business owners may be tempted to offer an easier road for the next generation — but the truth is a vested interest is a necessity. Families that simply gift their businesses to their children frequently ruin their businesses and their families — usually in that order. On the other hand, founders of family businesses who sell their holding to family members are typically poised for success.

***When children borrow money to invest in a family business, they are assessing their own ability to make money and grow the business.***

### **9. Not Taking the Time to Protect Your Business if the Unthinkable Happens**

You want to give or sell interests in the family business to family members, but you don't want those interests to stray outside the family if there is a divorce or a death. Granted, we

never want to think the unthinkable, such as outliving one of our children, but taking the time to plan for various scenarios is beneficial to both the family and the business should anything happen. Either a trust or a buy-sell agreement can keep the interests in the family regardless of future events.

### **10. Failing to Review, Revise and Update Your Succession Plan**

Some businesses make the mistake of believing that after a succession plan is written, there is no need to revise it. This is a major mistake as succession planning is a dynamic process. It is always evolving. One child who fully intended to take over the business may have found a different direction, or maybe a child who never expressed interest is now involved. Therefore, succession plans must remain current and should be periodically updated and revised.

### **Conclusion**

Many of these 10 pitfalls can be avoided with some forethought and some advanced planning toward your family transfer of your business. Don't fall victim to these pitfalls as all too many other business owners will. Rather, be proactive with your planning, and address these issues in an open and honest manner. In the long run, such steps will benefit all parties involved with the family business.

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For more information on the Expo, contact Ben Duterte at (408) 500-2309 or Mike Nonn at (408) 337-9706.



# AMS dba Allied Building Products

by Jim Lujan, Regional Manager



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Allied Building Products has over 50 locations offering interior products throughout the United States. Each of these branches provide the following product lines: ceilings, commercial doors, drywall, insulation, plaster, steel and tools, with other varied products. Allied (a wholly owned subsidiary of Oldcastle, Inc.) acquired AMS in November 2007. This acquisition resulted in AMS becoming part of a large public company while operating locally in Northern California.

AMS serves both commercial and residential construction. The Bay Area takes the lead when it comes to the Northern California business. The most recent branch addition is our San Francisco location.

AMS is the exclusive dealer of Armstrong Ceilings in California, Nevada and Hawaii. Partnering up with major drywall and steel manufacturers such as Georgia Pacific Gypsum, National Gypsum Co., PABCO Gypsum, CEMCO, Consolidated Fabricators Corp. and ClarkDietrich Building Systems has allowed us to support our customers in the residential and commercial markets. For our lath and plaster business we are the exclusive dealer for BASF Senergy here in Northern California, which offers EIFS, stucco and air barriers to help with Title 24 requirements.

The key to AMS' success is developing strong relationships with both our customers and manufacturers. To increase our service level to our customers, we continue to expand our product lines and increase diversification through strategic green fields and acquisitions.

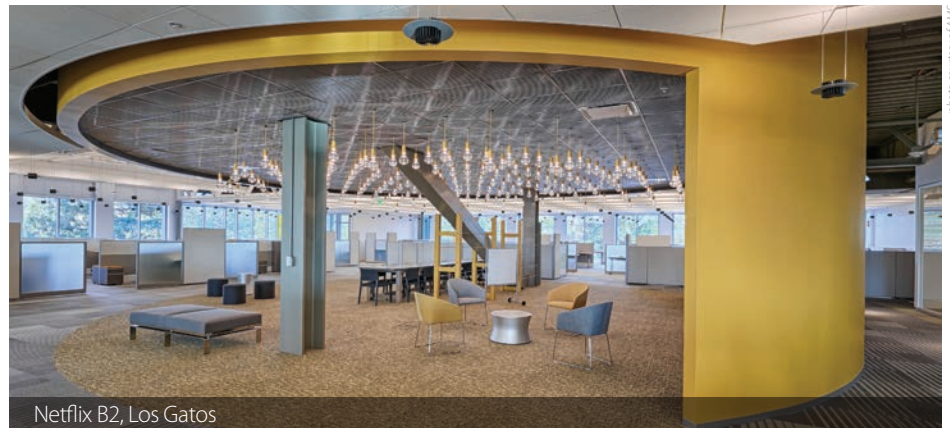
## **The AlliedEDGE™**

AMS has recently announced a new app designed with customers in mind, AlliedEDGE™. The app will supply a competitive edge to contractors by providing access to AMS' resources 24/7, including delivery tracking, payment options, online ordering, business promotion and various gateways. The app is available now at Google Play and the Apple Store.

At AMS we're leading the way with technology. We anticipate that AlliedEDGE™ is going to give



Avaya Stadium, San Jose



Netflix B2, Los Gatos

us a strong advantage on this front. Keeping current with tools and technology will allow us to add value to customers and help AMS staff deliver information more efficiently and cohesively.

## **Northern California Projects**

AMS has been part of many significant construction projects thanks to our partnerships with local contractors. We worked with California Drywall Co. in San Jose on the Avaya Stadium project, otherwise known as the Earthquakes Stadium. It's a \$100 million project at 132,551 square feet with an 18,000-seat capacity. We partnered with Raymond-Northern California, Inc. on the 399 Fremont Street project: a residential skyscraper in San Francisco with 42 floors and 447 units located by the Bay Bridge. Another great venture we put our

stamp on was the Netflix building project, which was executed by Daley's Drywall & Taping, Inc.

With all the work we have in the Bay Area, AMS' professional affiliation with WACA has supported our relationships with our customers. We participated in last year's Wall & Ceiling Expo, which facilitated significant face-time with contractor members. WACA's Crab Feed, Golf Tournament, Holiday Party and other events continue to create a platform for contractors, distributors, manufacturers and others to network and connect.

From the start, AMS has maintained high standards for quality while providing top service; this has been our commitment to our customers. At AMS we make our customers the priority.



# Bayside Interiors, Inc.

by Steven Rivera, CEO; Tim Hogan, President; Michael Nicholson, COO



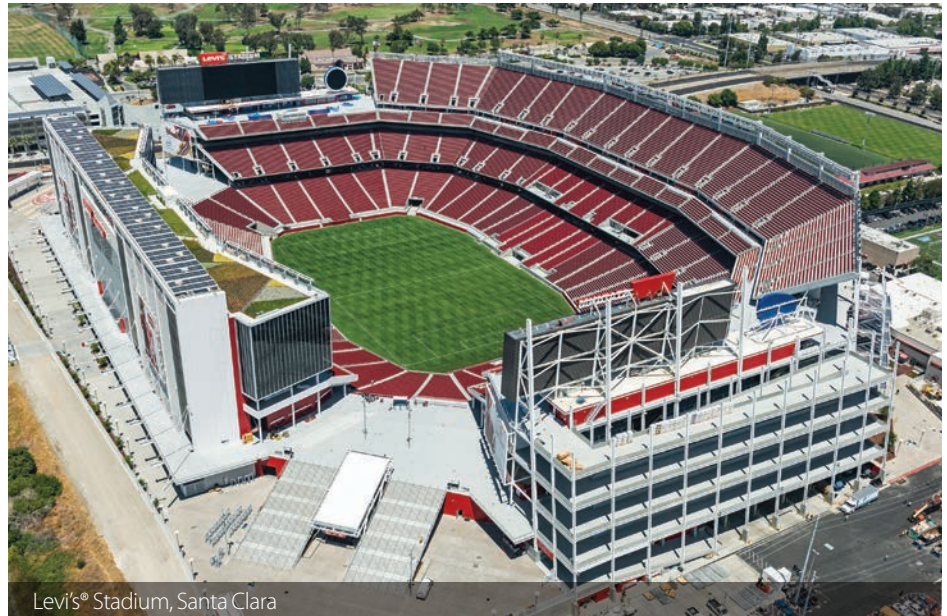
*With its family-oriented approach to business, visionary leadership, loyal workforce, diverse services and satisfied clientele, Bayside Interiors, Inc. (BSI) found the recipe for success in the construction industry.*

Since BSI's inception in 1984, the leaders of the Fremont-based company have taken many risks to grow BSI to where it is today. Beginning as a small drywall contractor, owner Burke Nicholson envisioned a company supported and continued by his family. In 1998, his sons Michael Nicholson and Steven Rivera had worked their way up to being co-presidents of BSI. With their invested positions in the company, Michael and Steven searched for ways to grow and improve BSI. When Steven played a friendly game of golf with Tim Hogan in 2001, he knew Tim's unique construction skill set would complement the existing company. Burke, Michael and Steven invested in Tim's startup company, Bayside Metal Systems (which offered strut framing, architectural metals and access flooring), sparking bigger things to come.

Knowing they had a powerful partnership, Burke collaborated with Michael, Steven and Tim to ensure the prosperity of BSI's future. "Once I saw these three work together, I knew BSI would be in good hands," Burke said. By March 2006, the three new owners merged Tim's startup, Bayside Metals Systems, with BSI.

"It's not often that owners with diverse ideas and personalities can come together to make a business thrive," said Steven, now BSI's chief executive officer. "Our current executive team has been together for 10 years. We've been blessed that our team has truly grasped the culture that we envisioned. We're constantly challenging each other, but in a good way," he explained.

To set BSI apart from similar businesses, the leadership team embraced the idea of a family-owned and family-oriented operation. BSI wanted its clients to feel the company could be trusted to get the job done well. "Our team took a family-owned business and gave it a professional flavor, an approach that worked to our benefit," Steven said. "The type and size of projects we do now is amazing. We have nearly doubled our project size and value since Tim, Michael and I took over."



Levi's® Stadium, Santa Clara

Despite BSI's current prosperity, the company withstood many trials. "There was no road map in the beginning," Steven reflected. "Industry partners who stood by us, like Fremont Bank, were invaluable for our growth. Otherwise, Bayside wouldn't be where it is today." During this time, the company survived the housing market recession, a learning experience from which BSI was able to prosper.

Now BSI is working to address current challenges in effort to "leap frog" ahead of industry competitors. For example Michael, BSI's chief operating officer, identified that trends are changing with how general contractors work. "General contractors are trying to diversify their skill set, doing more work in-house now rather than hiring specialized outside companies. Customers are starting to self-perform the work that we do," Michael said. To address this issue, BSI intentionally works side by side with general contractors from start to finish, which streamlines and improves a job's quality of work.

In addition to external industry challenges, BSI is experiencing some internal shifts in work-

place culture. In particular Tim, BSI's president, emphasized the challenge of maintaining a skilled workforce. "Our largest internal difficulty is attrition — our very skilled workforce is aging," Tim noted. "While it's great to have new, fresh talent, we need to devise succession plans to pass down industry knowledge." Steven commented, "BSI has some of the best mechanics in the industry, but hiring and retaining talented people is tough. Qualified manpower can make or break a construction company."

In the midst of these difficulties, the company continues to prosper. The leaders credit their range of technical services and strategic decisions for BSI's success. Tim explained, "We offer a total of seven different profit and loss operational divisions." Steven further expanded, "With all the unique services we offer, we believe we are a one-stop shop. Our customers can approach us to execute many different parts of a project rather than hiring multiple specialized subcontractors. We believe this is a value added to the contractor because we can help control the design, schedule and change orders."



What makes BSI different is its flexibility — the company is equipped to handle a range of job sizes. “One of the values we offer in the marketplace is just simply horsepower,” Michael said. “Clients with large jobs? They know BSI can man those projects.”

Furthermore, BSI has been known to get involved with all parts of a project from the cradle to the grave. “We get very involved, detail out the budgets, and look for gaps and holes on the consulting side,” Michael said. “BSI is often asked to review projects before they go out for bids. This is a testament to our credibility and know-how.”

BSI’s industry reputation has spread, opening the door for its team to work on diverse international projects. The company’s vast work for one unnamed technology giant took BSI around the world. International projects — in Singapore, Australia, England, China, Brazil and Canada — and national ones — in New York, Chicago, Texas, Louisiana, Hawaii and Florida — all added to the company’s portfolio from 2006 to 2011. In total, BSI has completed projects in 40 states and 12 countries, serving countless clients in their respective regions.

Currently, BSI’s focus is primarily in Northern California, with a strut framing and access floors office in Los Angeles. With its reputation firmly established, the company operates predominantly on client-based requests, which employ approximately 320 field personnel and office staff on up to 450 jobs per year. Among current endeavors are projects with Seagate Technology, Juniper Networks and Google.

BSI continues to excel. WACA recognized the company in 2015 with two Construction of Excellence Awards (CEAs) for its work on Santa Clara’s Levi’s Stadium: one for Project of the Year – Interior Over \$500,000 and the other for Ceilings. For the same project, BSI received the Association of the Wall and Ceiling Industry’s (AWCI’s) Excellence in Construction Quality Award for Acoustical Ceilings as well. In 2013, WACA also recognized BSI for its work on the Stanford Bing Concert Hall with CEAs for Project of the Year and Ceilings. In previous years, BSI became “tenant improvement” specialists (i.e., first-of-its-kind metal stud load-bearing job) and reduced its safety mod rating from 1.08 to 0.42. The company’s community service is also notable, supporting nonprofit organizations such as The First Tee, Habitat for

Humanity, March of Dimes and Shepherd’s Gate. Considering these accomplishments, it’s likely that Burke, who received AWCI’s Pinnacle Award in 2011, passed down exceptional business acumen and standards to BSI’s current leadership.

Michael shared how WACA has contributed to the company’s industry success. “With WACA’s influence in recent years, we’ve been able to turn our traditional industry competition into long-lasting friendships within the profession.” Steven added, “By bringing diverse parts of the industry closer, WACA’s members can communicate across disciplines so we’re united as a profession. WACA has helped create a stronger voice and greater camaraderie between our fellow competitors in the Bay Area.”

With BSI’s family-oriented approach, good business strategies and loyal team, the company is making its mark around the world. “We’ve been able to create a lot of iconic structures in the modern world,” Tim said. “I feel very fortunate for the chance to participate in these projects. It’s rare to be able to help build major projects, both in our country and around the world, but that’s what BSI is doing.”

# Harassment Prevention Training



*Is your organization up to date and compliant with California law?*

California companies with over 50 employees must provide all supervisory staff with sexual harassment training. This training must be renewed every two years and be provided to any new manager within six months of his or her hire date or promotion.



## What Will Be Covered?

- How state and federal laws define “sexual harassment”
- How to develop a harassment prevention policy for your company
- How to respond to a complaint of harassment and discrimination
- How to conduct an internal sexual harassment investigation to avoid liability

You will receive a certificate of completion for taking the course at the end of the training.

**Only 25 seats available for this workshop!**

**When:** Wednesday, August 18, 10 a.m.-12 p.m. (2-hour training)

**Registration Fee:** \$25 per person

**How to Register:** Register online through our website’s Calendar of Events page: [www.wallandceilingalliance.org](http://www.wallandceilingalliance.org) or email Maria at [maria@wallandceiling.org](mailto:maria@wallandceiling.org)

**Where:** WACA Training Center, 5690 Sonoma Drive, Pleasanton, CA 94566

**About the Instructor:** Roger Mason is a shareholder with Sweeney, Mason, Wilson & Bosomworth, a professional law corporation. He received his law degree from the University of San Francisco School of Law after graduating *magna cum laude* from the State University of New York. For over 20 years, he has held an AV Preeminent rating, the highest possible rating from Lexis-Nexis Martindale-Hubbell. His specialty area of practice is labor and employment law and litigation.





# OSHA ACTIVITIES AND UPDATES

by Chris Lee, WACA Safety Consultant

## Federal Silica Standard

On March 25, 2016, the Occupational Safety and Health Administration (OSHA) published a *Federal Register* Notice of Final Rulemaking on a significant and controversial change to its respirable crystalline silica standard. Here's the background and current status.

## The Regulatory Action

In September 2013, federal OSHA published a Notice of Proposed Rulemaking for occupational exposure to respirable crystalline silica. Over 2,700 comments were received, amounting to 34,000 pages of material. Two weeks of hearings were held in early 2014 with over 80 organizations and individuals testifying. OSHA sent the package generated by the public hearings and comments submitted for the record to the Office of Management and Budget (OMB) in late December 2015. Once OSHA receives clearance from OMB, a *Federal Register* Notice of Final Rulemaking will be prepared.

Once the *Federal Register* Notice of Final Rulemaking is published and becomes final, OSHA will notify all state occupational safety

and health programs (such as Cal/OSHA) of this change. Cal/OSHA will have six months to prepare a response to federal OSHA explaining what action it intends to take so that it may remain "at least as effective as" the federal program. OSHA has set future dates for implementation of these revisions to allow industry time to comply. For the construction industry, it has set June 23, 2017, as the date.

## How Workers Are Exposed to Crystalline Silica

Respirable silica consists of very small particles at least 100 times smaller than ordinary sand. Exposures occur during common construction operations, such as using masonry saws, hand-operated grinders, jackhammers, rotary hammers or drills, tuckpointing, operating vehicle-mounted drilling rigs, milling, rock crushing, drywall finishing using silica-containing material, and use of heavy equipment during earthmoving.

Inhalation of very small (respirable) crystalline particles puts workers at risk for silicosis, lung cancer, chronic obstructive pulmonary disorder (COPD) and kidney disease.

According to OSHA, about 1.85 million workers are currently exposed to respirable crystalline silica in construction worksites in the U.S. More than 640,000 are estimated by OSHA to be exposed to silica levels higher than the current standard.

## How Employers Must Comply

- **Protect workers from respirable crystalline silica exposures** above the permissible exposure limit (PEL) of 50 micrograms of silica per cubic meter of air during an eight-hour day
- **Measure the amount of silica** that workers are exposed to if it may be at or above the action level (AL) of 25 micrograms of silica per cubic meter of air averaged during an eight-hour day
- **Limit worker access** to areas where workers could be exposed above the PEL
- **Use dust controls** to protect workers from silica exposures above the PEL
- **Provide respirators** to workers when dust controls cannot limit exposures above the PEL
- **Offer medical exams** including chest X-rays and lung function tests; offer medical exams every three years for workers





exposed above the PEL for 30 or more days per year

- **Train workers** on work operations resulting in silica exposure and ways to limit exposure
- **Keep records** of workers' exposure and medical exams

## Proponents' Argument

The current standard is older than 40 years and based on research from the 1960s, and the current standard is ineffective in protecting employees. The proposed rule would save nearly 700 lives and prevent 1,600 new cases of silicosis each year. Of these, more than 560 lives would be saved, and about 1,080 cases of silicosis would be prevented among construction workers.

## Opponents' Argument

A significant regulatory burden would be placed upon large segments of the economy, particularly for small businesses, including the costs of implementing an array of engineering and work practice controls. Commercial laboratories have not been able to measure workplace silica levels with accuracy or consistency, which would make compliance difficult. OSHA has grossly underestimated the costs of implementing the new standard. The agency has estimated the cost for the average workplace covered by the standard would be \$1,524. The annual cost to a firm with fewer than 20 employees would average about \$560.

At this time, there is considerable discussion among industry groups to oppose this revision by advocating that the U.S. Congress withhold funding for federal OSHA to implement these revisions.

Stay tuned — there will likely be additional developments on this issue.

## Cal/OSHA Health Rulemaking Activities

Upcoming issues include the following:

1. *Medical services and first aid* – Cal/OSHA is preparing documents to begin formal rulemaking in 2016.
2. *Permissible exposure limits* (continuing efforts for wood dust, benzyl chloride, tetrabromoethane and trichloroethylene) – Cal/OSHA is hiring a toxicologist and re-establishing the PEL advisory committee meetings in 2016.
3. *Occupational exposure to lead in construction* – Cal/OSHA has proposed significant reductions in its lead in construction standard. In late 2015, it concluded information gathering started in 2010 to revise the occupational exposure to lead in construction standard. The Research and Standards Unit within Cal/OSHA will con-



solidate the record on this and submit it to the Cal/OSHA Standards Board. The Board, in turn, will hold a hearing to gather stakeholder input for the record.

## Repeat Violations

Along with federal funding for Cal/OSHA comes federal oversight and monitoring. The federal monitoring of the Cal/OSHA program resulted in a finding that Cal/OSHA was not "at least as effective as" the federal program as it issues fewer violations classified as "repeat." Under a proposal by Department of Industrial Relations Director Christine Baker, the geographic restrictions (currently on a regional office basis) will be expanded to a statewide basis. The review period to determine if a repeat violation has occurred has been reduced from five years to three years. I drafted an industry letter opposing this revision, which was signed by a number of associations. Baker has the proposal under consideration.

If this proposed change is adopted, contractors with multiple job site locations will need to be careful. If one location is cited, all sites should be notified to ensure the same or similar hazardous condition does not exist in order to avoid a "repeat" violation.

## Heat Illness Prevention (HIP) Inspection Data

Since 2005, Cal/OSHA has given enforcement and outreach on its heat illness regulation considerable priority. Expect this priority to continue in the 2016 heat season.

A few key indicators emphasize this priority. There were 3,503 inspections in 2015; 915 inspections had at least one violation of the heat standard. Of those 3,503, a total of 1,990 were in construction. The most frequently cit-

ed sections of the heat standard were a lack of or inadequate written HIP, employee training and provision of water. The total assessed penalties were \$1,170,312, with 52 confirmed heat illness cases in 2015.

As we approach the warm/hot weather, please ensure your heat illness prevention program is consistent with the changes effective May 1, 2015.

## Cal/OSHA Enforcement Goals

Per its five-year plan, Cal/OSHA will be targeting the mobile workforce in construction, in particular when on construction job sites. Inspectors will focus on preventing the leading causes of injuries and illnesses from (1) falls, (2) electrocution, (3) struck-by and (4) crushed by/caught between. Regarding heat illness prevention, Cal/OSHA will conduct approximately 2,300 inspections coded for HIP each year.

## Recent Updates to Cal/OSHA Pocket Guide

The *Cal/OSHA Pocket Guide for the Construction Industry* had changes made in several areas: structure erection and construction – Title 8, Section 1710; forklifts – Section 3650; hazard communication – Section 5194; heat illness prevention – Section 3395; and lock-out/blockout procedures – Section 3314. In the area of personal protective equipment, changes were made to Sections 1514, 3380 and 3384.

All of the above areas and topics in safety are crucial to not only your workers' safety but to your financial health as a construction company as well. Stay tuned for the next "Safety Update" column for future updates.



Join us in recognizing  
Northern California's top wall and ceiling projects  
**CONSTRUCTION EXCELLENCE**  
**AWARDS SHOW**  
**JUNE 9, 2016**

The awards show honors contractors that have performed exceptional wall and ceiling work in our community. CEA recognizes the technical merit and workmanship of our contractors' skilled labor force, of large and small companies alike.

*Suppliers of winning projects are also recognized!*

---

**TIME**

**4:00 p.m.**

Registration & Cocktail Hour

**5:00 p.m.**

Awards Show & Dinner

**LOCATION**

Fairmont San Jose Hotel  
170 South Market Street  
San Jose, CA 95113

**TICKETS \$60 PP**

(Early Bird Rate)

After May 20, registration  
increases to \$75 PP

Event registration closes June 3

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*Register online through our website's Calendar of Events page:  
[www.wallandceilingalliance.org](http://www.wallandceilingalliance.org)*

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*Support our wall and ceiling industry by sponsoring CEA!*

**SPONSORSHIP OPPORTUNITIES**

*Contact Gina Garcia at [gina@wallandceiling.org](mailto:gina@wallandceiling.org) to reserve your sponsorship!*

**PLATINUM SPONSOR**  
**\$2,000**

Includes one table (10 tickets) with preferred seating, prominent logo display on table, company name/logo signage throughout event, opportunity to place promotional items in gift bags, logo/link placement on our website, company name/logo placement in e-newsletter and *The Quarterly* magazine

**GOLD SPONSOR**  
**\$1,500**

Includes one table (10 tickets), company name/logo signage throughout event, opportunity to place promotional items in gift bags, and company name/logo placement in e-newsletter and *The Quarterly* magazine

**SILVER SPONSOR**  
**\$1,000**

Includes six event tickets, logo signage throughout event, opportunity to place promotional items in gift bags, and company name in e-newsletter and *The Quarterly* magazine

**BRONZE SPONSOR**  
**\$500**

Includes four event tickets, opportunity to place promotional items in gift bags, company name/logo signage throughout the event, and company name in e-newsletter

**SUPPORTING SPONSOR**  
**\$350**

Includes two event tickets, company name/logo signage throughout event, and company name in e-newsletter







# 093X



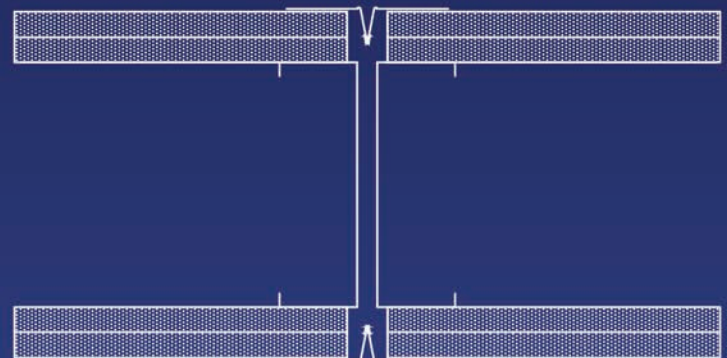
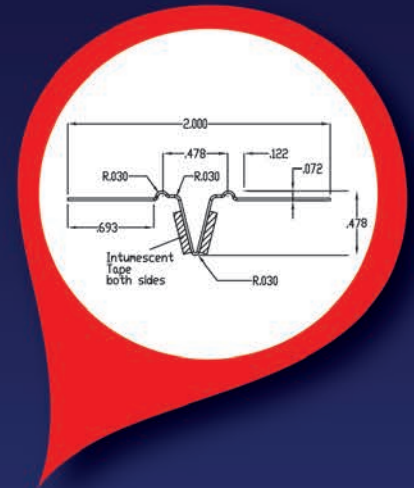
## Fire Rated Control Joint Patent # 8671632

## SINGLE STEP APPLICATION

- NO DRYWALL RIPS REQUIRED
- NO SEALANT REQUIRED
- NO MINERAL WOOL REQUIRED

## CEMCO's FAS-093X

(Fire Rated Control Joint) is a composite control joint with intumescent tape factory applied to the back side of the control joint. The FAS-093X has been tested according to UL-2079 "Test For Fire Resistance of Building Joint Systems" and is used to relieve stresses of expansion and contraction of drywall interior partitions or ceilings running in a horizontal or vertical direction. The opening is protected by an orange plastic tape to indicate the fire rating this tape is removed after joint compound has been applied and the finish is completed. The section is fabricated from hot-dipped galvanized steel complying with ASTM A653, and ASTM A1003 Grade 33 Type H for 33 Ksi yield strength steel 13 mil thickness.



WW-D-0172

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Steel Framing and Metal Lath



## WACA'S 2016 EVENTS

### SAVE THE DATES



**JUNE 9, 2016**

**Construction Excellence Awards**

Fairmont San Jose  
San Jose, California

**JULY 29, 2016**

**WACA and WCB  
Wall & Ceiling Expo**

Alameda County Fairgrounds  
Pleasanton, California

**AUGUST 18, 2016**

**Harassment Prevention Training**

WACA Training Center  
Pleasanton, California

**SEPTEMBER 9, 2016**

**Golf Tournament**

Poppy Ridge Golf Course  
Livermore, California

**DECEMBER 10, 2016**

**Holiday Party**

Fairmont San Francisco  
San Francisco, California

## STAY IN THE KNOW

► **WACA Sponsors ASC Student Competition**

WACA was a Bronze sponsor of the Associated Schools of Construction (ASC) student competition in February 2016. This competition was held in Sparks, Nevada, and hosted over 1,300 college students from construction management programs. Students contended to create the best project designs and management plans for real-world projects. WACA is proud to support the next generation of construction professionals.

► **Tim Deal Joins Orepac Building Products**

Tim Deal, formerly district sales manager at SCAFCO Steel Stud Company and previously outside sales at AMS dba Allied Building Products, is now the commercial Tyvek® specialist at Orepac Building Products as of April 2016. Tim's email is [tdeal@orepac.com](mailto:tdeal@orepac.com).

► **WACA's New Training Center Is Now Open for Member Use**

WACA purchased the building earlier this year and undertook small renovations to make it functional for trainings. The building is now accessible to our members. If you would like a tour of the facility or would like to utilize the space, contact WCB's Technical Director Ben Duterte at [ben@wcbureau.org](mailto:ben@wcbureau.org).

## LiUNA! BUILDS PARTNERSHIPS

The Laborers' Union knows that its members' success goes hand-in-hand with the contractor and provides the resources to foster mutual success. No matter what the issue is, the Laborers are here to help.

- Project tracking and alerts
- Market research and analysis
- Training and apprenticeship
- OSHA and regulatory assistance
- Workers' Comp / ADR programs

**Find your next project, perform it safely, complete it on time and under budget with the Laborers Union.**

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## NEW JOB? NEW TITLE? LET US KNOW!

**If you or someone within your organization recently experienced a job change, please send WACA the information. Here is the type of information we're looking for:**

- New job hires
- Title changes, promotions and relocations
- Industry news
- Appointments to boards, associations, etc. (industry-specific)
- Awards and recognitions (industry-specific)

Please email the information to WACA Marketing Coordinator Julie Dunaway at [julie@wallandceiling.org](mailto:julie@wallandceiling.org).

Sharing this information helps everyone stay in touch — and it's a great way to promote your business or organization!



# WELCOME NEW MEMBERS

## ★ Ficcadenti Waggoner & Castle Structural Engineers, Inc.

Ficcadenti Waggoner and Castle Structural Engineers, Inc. (FWCSE) was founded in 1991 in Newport Beach. Today, the company is located in Northern California, Southern California and Nevada. FWCSE consists of over 50 professionals working to provide clients throughout the western United States with state-of-the-art structural engineering services. FWCSE's company culture emphasizes excellence, integrity and efficiency in every aspect of its work.

## ★ Western Partitions, Inc.

Western Partitions, Inc. (WPI) is one of the largest interior/exterior contracting firms in the Northwest. WPI provides contracting services for drywall, light-gauge metal studs, acoustic ceilings, wall panels, fireproofing, firestopping, doors, stucco and painting.

*Welcome*



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Perfect for rustproofing your installation and lowering installed costs, 1/4" self-furred **Ultra-Lath Plus®** is the heavy-duty alternative to metal!

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- Safe on hands, easier to use than metal
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# WACA MEMBERS

## CONTRACTOR MEMBERS

Aderholt Specialty Company, Inc.  
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Basco Drywall & Painting Co.  
Bayside Interiors, Inc.  
Boyett Construction, Inc.  
Brady Company/Central California, Inc.  
Bruce K. Hall Construction  
California Drywall Co.  
Coast Building Products  
Component West  
Concord Drywall, Inc.  
Creative Ceilings & Drywall  
Custom Drywall, Inc.  
Daley's Drywall & Taping, Inc.  
Dasco Construction & Drywall, Inc.  
Davidson Plastering Inc.  
Denham Contracting, Inc.  
Elite Plastering, Inc.  
Eric Stark Interiors, Inc.  
Excel Lathing, Inc.  
Fisher Lath and Plaster, Inc.  
Freas Plastering  
Frey Plastering, Inc.  
G & S Drywall, Inc.  
Giampolini Contractors  
Golden Gate Drywall  
Halstead Drywall, Inc.  
Harrison Drywall, Inc.  
Hartley Construction, Inc.  
Henley & Company  
Ironwood Commercial Builders, Inc.  
J&J Acoustics, Inc.  
Karsyn Construction, Inc.  
KHS&S Contractors  
Kirk Builders  
Magnum Drywall  
Nevell Group, Inc.  
North Counties Drywall, Inc.  
O'Donnell Plastering, Inc.  
Olea Plastering  
Pace, Inc. dba Pace Drywall

Pacific West Lath & Plaster, Inc.  
Patrick J. Ruane, Inc.  
Performance Contracting, Inc. (PCI)  
Psi3g, Inc. (Partition Specialties, Inc.)  
R. Davidson Plastering, Inc.  
Raymond-Northern California, Inc.  
RFJ Meiswinkel Company  
Robert Boeger Plastering, Inc.  
Russell Hinton Co. Inc.  
SCS - Swinerton Builders  
Service Plastering II  
Spacetone Acoustics, Inc.  
SRJ Drywall  
Standard Drywall, Inc.  
Stockham Construction, Inc.  
Sunshine Construction  
Surber Drywall Construction, Inc.  
Thomas Interiors, Inc.  
Western Partitions, Inc.

## ASSOCIATE MEMBERS

AMS dba Allied Building Products  
Ames Taping Tools  
Amico  
Ariam Consulting LLC  
Artisan Plaster Supply  
BASF Senergy  
Bear River Sales Co. Inc.  
Bear Scaffold and Services  
BlazeFrame Industries  
BMI Products  
California Bank of Commerce  
CEMCO  
City Mix, Inc.  
ClarkDietrich Building Systems  
Consolidated Fabricators Corp.  
Davis Wire  
Dryvit Systems, Inc.  
DuPont Tyvek  
Edward Jones Investments  
Ficcadenti Waggoner & Castle  
Structural Engineers, Inc.  
Fortifiber Bldg. Systems Group  
Foundation Building Materials

Fry Reglet  
GC Products, Inc.  
Georgia Pacific Gypsum  
Grabber Construction Products  
Great Western Building Materials  
Gypsum Drywall Supply Co.  
Hilti, Inc.  
ISU Sander, Jacobs, Cassayne Insurance Services  
Jones, Henle & Schunck (JHS)  
L&W Supply dba Calply  
Leonidou & Rosin  
Littler Mendelson  
Merlex Stucco, Inc.  
National Gypsum Co.  
Omega Products  
PABCO Gypsum  
Parex USA Incorporated  
Peninsula Bldg. Materials Co.  
PentaRisk Insurance Specialists  
Plexxis Software  
Pliteq Inc.  
QUIKRETE  
Radius Track Corporation  
Rivers Del Rey  
S & K Marketing Group, LLC  
Salsbury & Associates Insurance Services, Inc.  
SCAFCO Steel Stud Company  
Scaffold Solutions Inc.  
Serious Energy-QuietRock  
Simpson Strong-Tie  
Specified Technologies Inc. (STI) dba Firestop  
Starr's Building Supply  
Steeler Inc. (Newark Division)  
Sto Corp.  
Structa Wire Corp.  
Summit Financial Group, LLC  
Sweeney, Mason, Wilson & Bosomworth  
Syntheon, Inc.  
The Mau Law Firm  
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