



# ILLINOIS MASTER PLUMBER

ILLINOIS ASSOCIATION OF PLUMBING•HEATING•COOLING•CONTRACTORS

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# PRESIDENT'S THOUGHTS

by Brian Rich  
Illinois PHCC President

I cannot believe another month has flown by and it is time to sit down and write to my friends and colleagues in the greatest industry going. October is a great month! The leaves are changing, the farmers are active in their fields and it is my granddaughter's birthday on the 16th. Happy 2nd Birthday Rachel! Last month I forgot to mention 3 important birthdays. My son Garrett was 21 on September 16th, my sister Tammy celebrated on the 15th and my dad enjoyed his special day on the 30th. Happy belated birthday to all. Not sure which one makes me feel older, my youngest son turning 21 or my granddaughter turning 2. Either way, I love being around my family! Speaking of family, we are adding one more to the Rich clan. My niece Morgan and her husband Ethen just announced they are expecting a girl.

The Illinois PHCC Virtual EXPO is still up and running. If you have not yet loaded the mobile app or are looking for direction to, please look inside this issue for more information. Be sure to answer the trivia questions and take the Milwaukee Tool survey to win. On a National note, I have the pleasure to be the 2nd nominator for Dave Frame as National Vice President at the Virtual National Convention. I will report back in November how everything went.

Work for GA Rich remains steady. Construction Market Forecasts show a plateau coming for the next year or 2. While that may or may not be true, we must continue to work on improving our processes and efficiencies in the office and across the company as a whole. Software investments and staff training are top priority for us. I think COVID has forced all of us to sit back and reevaluate how work gets done.

Mark your calendars for Tuesday, November 3rd. Get out and let your voice be heard. VOTE! Every US citizen has the right to make a choice. Many issues are on ballots across the state. Everything from The Tax Hike Amendment to school board referendums, and local ordinances will be decided on that day. In 2016 only 57.9% of all registered voters voted. Be sure your area of the state is represented by the people you feel will do the best job. Whether it is in your local community, Springfield or Washington, take the time to make your vote count.

***"The ballot is stronger than the bullet"***

***– Abraham Lincoln***

Brian 



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# WELCOME TO THE ILLINOIS PHCC EXPO!

The Illinois PHCC is pleased to announce that the March 20, 2020 Expo that was unable to be held due to COVID-19, is now being held in a virtual format. The Illinois PHCC Expo South, scheduled for October 30th in Collinsville, has been cancelled and those exhibitors have been included in the virtual event.

The show uses the AgendaPop app and works **best on a smart phone or tablet**. While you can access it with a laptop or PC, there will not be as much information and usability.

You will be able to access exhibitors' company profiles, websites, contact information, and downloadable materials/brochures, and much more. This great source of product information will be available at your fingertips **24/7**. You can also network with exhibitors, inspectors, designers, and other industry colleagues.

**This will not be a one day only event, but will be available for the remainder of 2020.** You should visit the "show" often as materials will be **updated** as product lines are added or new information becomes available. There will be **giveaways** at various times and dates. Check back often to keep updated and to possibly win some **great prizes**.

The show platform will offer other valuable information. You can view the Auxiliary's Expo Program Book, get order forms for the Illinois Plumbing Code Book and the Auxiliary's plumbing t-shirts, and much more.

Visit the Illinois PHCC Facebook page or our website at [www.ilphcc.com](http://www.ilphcc.com), for links and information on how to attend.



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# Illinois PHCC Expo Mobile App Guide

The **Illinois PHCC Expo Mobile App from AgendaPop** is an easy and convenient way to navigate the virtual Expo on your Apple (iOS) and Android smartphones and tablets. It contains all of the event information that you'll need to make the most out of your experience.

We encourage you to download and install the app prior to the event!

## 2. Login

To take full advantage of the app, create an account or log in through your Facebook account.

Username: Your **email address**

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Change your password in Settings for your security.



**1. Download the native app** from the App Store or the Google Play store.

For iOS and Android devices, search the stores for “**AgendaPop**” — then download and install. Tap the AgendaPop icon on your device to open and type **ILPHCC** as the Organizer Code.



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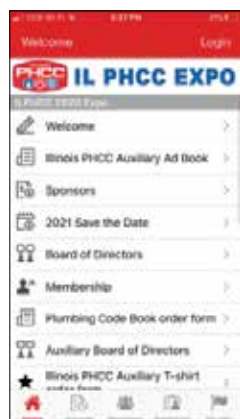
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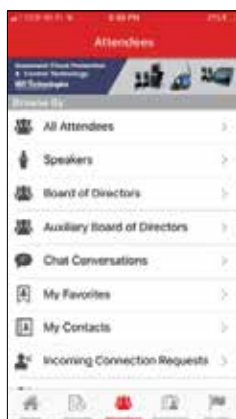
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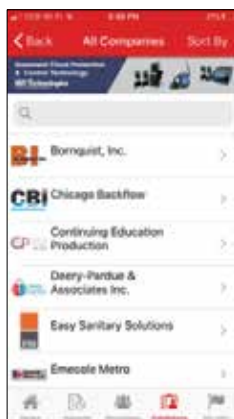
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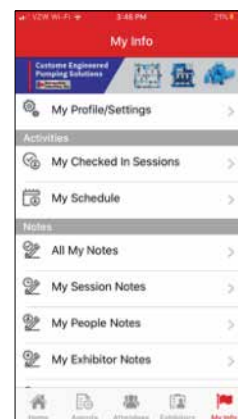
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# Understanding Compliance with OSHA's Respiratory Protection Standard During the Coronavirus Disease 2019 (COVID-19) Pandemic

The Coronavirus Disease 2019 (COVID-19) pandemic has had an unprecedented impact on the availability of respirators and fit-testing supplies. This document is intended to help employers understand and comply with OSHA's temporary enforcement guidance for the Respiratory Protection standard (29 CFR § 1910.134).

## Background

The COVID-19 pandemic has resulted in a public health emergency that has dramatically increased demand for respirators, particularly N-95 filtering facepiece respirators (FFRs), as well as fit-testing supplies ordinarily used to ensure that respirators fit workers properly and provide the expected level of protection. Shortages (either intermittent or extended) of both FFRs and fit-testing supplies have posed tremendous challenges. In order to allow essential operations to continue, many employers have had to utilize contingency and crisis strategies that are ordinarily not compliant with OSHA's Respiratory Protection standard. Examples of contingency and crisis strategies include: extended use of disposable FFRs, decontamination and reuse of disposable FFRs, and the use of foreign FFRs not approved by the National Institute for Occupational Safety and Health (NIOSH).

It is important for employers to understand that deviations from normal respirator use come with increased risk for workers that, in certain circumstances, may only be allowable during this public health emergency because the alternative of no respiratory protection presents a greater danger to workers. In order to ensure adequate protection for workers during the use of contingency and crisis



Photo: CDC/NIOSH

strategies, OSHA has issued temporary enforcement guidance to its Compliance Safety and Health Officers (CSHOs). This guidance allows CSHOs to exercise enforcement discretion in cases involving workplace exposures and an employer that is unable to comply with certain provisions of the Respiratory Protection standard because of supply shortages and has thus found it necessary to implement contingency or crisis strategies for respirator use by workers.

## Understanding OSHA's Temporary Enforcement Guidance

In response to FFR and fit-testing supply shortages during the COVID-19 pandemic, [OSHA has issued several temporary enforcement guidance memoranda](#) allowing CSHOs to exercise enforcement discretion when

considering issuing citations under the Respiratory Protection standard and/or the equivalent respiratory protection provisions of other health standards.

CSHO enforcement discretion is applied only when circumstances beyond the employer's control prevent compliance with certain parts of the Respiratory Protection standard and the employer makes objectively reasonable efforts to obtain and conserve supplies. Employers are also expected to explore options and modify practices to assure the best available protection for workers (e.g., avoid the use of non-compliant respiratory protection when performing high hazard aerosol-generating procedures). Employers are expected to come into full compliance with the Respiratory Protection standard once supply chain issues are resolved (e.g., conduct fit-testing once fit-testing supplies become available). OSHA will revoke all of the temporary enforcement discretions and revert to the normal enforcement of the Respiratory Protection standard once the Agency determines that the additional enforcement discretion is no longer necessary.


## Employers Seeking Relief Under Temporary Enforcement Guidance

**It is important for employers to understand that these temporary enforcement guidance memoranda do not offer blanket waivers or exemptions for complying with any OSHA standards or provisions of such standards, including the Respiratory Protection standard (e.g., annual fit-testing requirements).** Rather, they allow for enforcement discretion by CSHOs during the COVID-19 pandemic period only in circumstances where an employer can demonstrate that it made unsuccessful but objectively reasonable efforts to obtain and conserve supplies of FFRs and fit-testing supplies as outlined in the memoranda.

Employers should understand that non-compliance still violates the standard. However, these temporary enforcement guidance memos provide CSHOs discretion, on a case-by-case basis during the COVID-19 pandemic period only, to refrain from issuing citations to employers for violating certain provisions of the Respiratory Protection standard and/or the equivalent respiratory protection provisions of other health standards, where compliance with these provisions is affected by supply shortages. Each temporary enforcement guidance memorandum has specific criteria that CSHOs will assess during an inspection. For

example, CSHOs will look for and consider documentation and other available information showing that the employer:

- Utilized strategies to prioritize and conserve the use of N95s according to CDC guidance:
  - [Considerations for Release of Stockpiled N95s Beyond the Manufacturer-Designated Shelf Life](#)
  - [Strategies for Optimizing the Supply of N95 Respirators](#);
- Maintained a fully compliant Respiratory Protection Program (RPP) in all other regards (i.e., a written program that covers, among other required elements, procedures for medical evaluation of employees, respirator maintenance and care, employee training);
- Reassessed their engineering and administrative controls, and work practices, and identified and implemented changes to decrease the need for N95s without exposing employees to additional hazards (e.g., considering whether it is possible to temporarily suspend certain procedures, such as high hazard elective medical procedures, or to increase the use of other feasible protections, such as moving operations outdoors, using job rotation schedules, or improving the use of wet methods or portable local exhaust systems when performing dust-generating tasks);
- Monitored respirator supplies and made objectively reasonable efforts to obtain NIOSH-approved respirators; and, in healthcare settings, prioritized the best respiratory protection options available for use during high hazard aerosol-generating medical procedures;
- Explored options to obtain and use other types of respirators (e.g., P-100s, non-disposable, elastomeric respirators, and powered air-purifying respirators (PAPRs), as well as foreign respirators that are not NIOSH-approved) that offer equivalent or higher protection when N-95s were not available; and
- Monitored fit-testing supplies and made objectively reasonable efforts to obtain fit-testing supplies.

If employers can demonstrate objectively reasonable efforts to comply with the Respiratory Protection standard, and/or the equivalent respiratory protection provisions of other health standards, then OSHA may exercise enforcement discretion in accordance with the memoranda during the COVID-19 pandemic. ■ 



# GUIDANCE FOR REOPENING BUILDING WATER SYSTEMS

As buildings such as schools, government offices, churches, factories, and retail outlets that have seen no, or low use due to COVID-19 begin to reopen, special attention should be given to the water systems within those facilities. These shutdowns have created prime conditions for growth of waterborne pathogens like legionella that cause Legionnaire's disease. The low (or no) flow of water through these water systems, coupled with the lack of chlorinated water and irregular temperature changes, have created conditions prime for the bacteria growth.

Health officials say that as locations consider reopening, any commercial facility vacated or underutilized for more than three weeks is at risk for a Legionnaires' outbreak. The water distribution systems, fixtures, and devices need to be properly flushed and sanitized.

Illinois licensed plumbers are water experts and should educate themselves on how and what needs to be done, and then proactively reach out to the owners and managers of closed facilities to offer your expertise.

You may want to review ASSE 12000, *Infection Control Risk Assessment for All Building Systems*. This standard addresses the need for construction and maintenance personnel to become proficient in identifying and managing potential situations where they may be exposed to pathogens, diseases and hazards. This standard series also enhances the ability of personnel to protect occupants and operations from infections; especially within healthcare facilities. Making this standard even more encompassing and valuable than the previous edition, ASSE Series 12000 now defines general knowledge requirements for developing and implementing water systems risk management programs and sets minimum criteria for training and certifying employers, plumbers, pipefitters, HVAC technicians, and sprinkler fitters.

The 12010, 12020, 12030 and 12040 standards (all of which are included in the Series 12000) are infection control standards that directly address the spread of pathogens including viruses like COVID-19. You can access ASSE 12000, free of charge, at the [http://epubs.iapmo.org/ASSE\\_Standards/12000-2018/](http://epubs.iapmo.org/ASSE_Standards/12000-2018/)



The following are recommendations from the Center for Disease Control & Prevention related to building water systems.

## 8 Steps to take before your business or building reopens


1. Develop a comprehensive water management program (WMP) for your water system and all devices that use water. Guidance to help with this process is available from CDC and others.
  - a. Water Management Program Toolkit:

This toolkit is designed to help people understand which buildings and devices need a *Legionella* water management program to reduce the risk of Legionnaires' disease, what makes a good program, and how to develop it.  
<https://www.cdc.gov/legionella/wmp/toolkit/index.html>

- b. Preventing Legionnaires' Disease: A Training on *Legionella* Water Management Programs (PreventLD Training)  
Take this training from CDC and partners on creating a water management program to reduce risk of Legionnaires' disease. PreventLD Training aligns with industry standards on managing risk of *Legionella* bacteria.  
<https://www.cdc.gov/nceh/ehs/elearn/prevent-LD-training.html>
  - c. Hotel Guidance:  
Considerations for Hotel Owners and Managers: How to Prevent Legionnaires' Disease  
<https://www.cdc.gov/legionella/wmp/hotel-owners-managers.html>
  - d. Operating Public Hot Tubs for pool staff and owners  
<https://www.cdc.gov/healthywater/swimming/aquatics-professionals/operating-public-hot-tubs.html>
  - e. From Plumbing to Patients  
Water management programs in healthcare facilities are an important way to help protect vulnerable patient populations as well as staff and visitors.  
<https://www.cdc.gov/hai/prevent/environment/water.html>
  - f. Preventing Occupational Exposure to *Legionella*  
<https://www.cdc.gov/niosh/docs/wp-solutions/2019-131/default.html>
2. Ensure your water heater is properly maintained and the temperature is correctly set
    - a. Determine if your manufacturer recommends draining the water heater after a prolonged period of disuse. Ensure that all maintenance activities are carried out according to the manufacturer's instructions or by professionals.
    - b. Make sure that your water heater is set to at least 120°F
    - c. Higher temperatures can further reduce the risk of *Legionella* growth, but ensure that you take measures to prevent scalding if your water heater is set to >130°F
  3. Flush your water system

- a. Flush hot and cold water through all points of use (e.g., showers, sink faucets)
  - i. Flushing may need to occur in segments (e.g., floors or individual rooms) due to facility size and water pressure. The purpose of building flushing is to replace all water inside building piping with fresh water.
- b. Flush until the hot water reaches its maximum temperature
4. Clean all decorative water features, such as fountains.
  - a. Be sure to follow any recommended manufacturer guidelines for cleaning
  - b. Ensure that decorative water features are free of visible slime or biofilm
  - c. After the water feature has been re-filled, measure disinfectant levels to ensure that the water is safe for use
5. Ensure hot tubs/spas are safe for use
  - a. Check for existing guidelines from your local or state regulatory agency before use
  - b. Ensure that hot tubs/spas are free of visible slime or biofilm before filling with water
  - c. Perform a hot tub/spa disinfection procedure before use
    - i. CDC Guidance (follow Steps 4–9 and 12–13): <https://www.cdc.gov/legionella/downloads/hot-tub-disinfection.pdf> 
    - ii. Facilities may decide to test the hot tub/spa for *Legionella* before returning to service if previous device maintenance logs, bacterial testing results, or associated cases of Legionnaires' disease indicate an elevated level of risk to occupants. All *Legionella* testing decisions should be made in consultation with facility water management program staff along with relevant public health authorities.
6. Ensure cooling towers are clean and well-maintained
  - a. Ensure that cooling towers are maintained (including start-up and shut-down procedures) per manufacturer's guidelines and industry best practices
  - b. Ensure that the tower and basin are free of visible slime or biofilm before use
    - i. If the tower appears well-maintained, perform an online disinfection procedure
      - Guidance on disinfection procedures from the Cooling Technology Institute: <http://www.cti.org/downloads/WTP-148.pdf> 
7. Ensure safety equipment including fire sprinkler systems, eye wash stations, and safety showers are clean and well-maintained
  - a. Regularly flush, clean, and disinfect these systems according to manufacturers' specifications.
8. Maintain your water system
  - a. Consider contacting your local water utility to learn about any recent disruptions in the water supply. This could include working with the local water utility to ensure that standard checkpoints near the building or at the meter to the building have recently been checked or request that disinfectant residual entering the building meets expected standards.
  - b. After your water system has returned to normal, ensure that the risk of *Legionella* growth is minimized by regularly checking water quality parameters such as temperature, pH, and disinfectant levels.
  - c. Follow your water management program, document activities, and promptly intervene when problems arise.

### Additional Resources

- **CDC Model Aquatic Health Code**  
<https://www.cdc.gov/mahc/index.html>
- **CDC Healthcare Water System Repair and Recovery Following a Boil Water Advisory or Disruption of Water Supply**  
<https://www.cdc.gov/disasters/watersystemrepair.html>
- **ASHRAE Standard 188: Legionellosis Risk Management For Building Water Systems**  
<https://www.ashrae.org/technical-resources/bookstore/ansi-ashrae-standard-188-2018-legionellosis-risk-management-for-building-water-systems>
- **ASHRAE Guideline 12: Minimizing the Risk of Legionellosis Associated with Building Water Systems**  
[https://www.techstreet.com/ashrae/standards/guideline-12-2000-minimizing-the-risk-of-legionellosis-associated-with-building-water-systems?gateway\\_code=ashrae&product\\_id=232891](https://www.techstreet.com/ashrae/standards/guideline-12-2000-minimizing-the-risk-of-legionellosis-associated-with-building-water-systems?gateway_code=ashrae&product_id=232891)
- **Cooling Technology Institute Legionellosis Guideline 2008 (WTP-148)**   
<http://www.cti.org/downloads/WTP-148.pdf>
- **Cooling Technology Institute Legionellosis Guideline 2019 (GLD 159)**  
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## DAVE VIOLA TO SUCCEED GP RUSS CHANEY AS IAPMO CEO

The IAPMO Board of Directors announced that IAPMO Chief Operating Officer/Executive Vice President Dave Viola has been appointed to chief executive officer effective Jan. 1, 2021, taking over for GP Russ Chaney, who is retiring after a quarter-century at the helm of the 95-year-old association. IAPMO will continue to benefit from Chaney's leadership skills and experience as an executive adviser to the CEO.

Viola has more than 25 years of senior management experience within the plumbing and mechanical industry. He joined IAPMO in 2007 and has served as IAPMO's chief operating officer for the past seven years, with strategic and operational responsibility for the comprehensive array of IAPMO Group programs and services.

"I am humbled and energized by the opportunity to assume leadership of a great institution that has played a vital role in protecting health and safety in the built environment for generations," Viola said. "I intend to build on the legacy of Russ Chaney, who leaves behind a thriving business already positioned for growth with a talented management team."

Chaney came to IAPMO in 1995, during a time of significant changes in the development and maintenance of model construction codes. Today, IAPMO continues to be an essential contributor to the development of plumbing product and installation standards.

"Dave Viola possesses a unique ability to strategize, to create a vision and implement the steps necessary to achieve that vision," Chaney said. "I will enjoy watching Dave continue to

build upon the success that he has exhibited throughout his entire tenure at The IAPMO Group."

"The IAPMO board believes Dave has proven leadership skills, a deep understanding of our products and services, and an ardent commitment to IAPMO's mission," IAPMO President Dave Straub said. "We are confident that we identified the best leader to take IAPMO forward. On behalf of the board, I also want to take the opportunity to thank Russ Chaney for his many years of exemplary leadership, steady business growth, and devotion to IAPMO's charge of protecting public health and safety."

Prior to joining IAPMO, Viola served as technical director for the Plumbing Manufacturers Institute (PMI) for nine years, where he oversaw education, code, product compliance, and regulatory activities. Before PMI, he worked for BOCA International and the International Code Council as a staff engineer managing the development of their plumbing code and associated training and support publications.

Viola serves or has served on the following notable industry committees:

- Current deputy chairman and Executive Board member, World Plumbing Council
- Chairman, American Society of Mechanical Engineers A112 Committee on Plumbing
- Board of Directors, American Society of Mechanical Engineers Standardization and Testing

- Founding director, Alliance for Water Efficiency
- Bill & Melinda Gates Foundation Reinvent the Toilet Technical Advisory Committee
- World Health Organization (WHO) Advisory
- Committee on Water Quality
- American National Standards Institute (ANSI) Accredited Certification Committee
- U.S. Green Building Council Water Efficiency Technical Advisory Group
- Green Building Initiative Commercial Green Building Committee and Water Subcommittee
- American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 191 Committee for the Efficient Use of Water in Building, Site and Mechanical Systems
- ASHRAE 189 Committee for High-Performance Green Buildings
- American Society of Plumbing Engineers Main Design Standards Committee
- American Society of Sanitary Engineers Plumbing Product Standards Committee
- Canadian Standards Association Plumbing Technical Committees

Viola holds a degree in mechanical engineering from Northern Illinois University. In 2005, he received the American Society of Sanitary Engineers Fellow Award.





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<sup>1</sup>Information on tax credit accurate at time of publishing; consult your tax advisor for details on eligibility requirements for tax credits or go to [Rheem.com/Federal-Tax-Credit](http://Rheem.com/Federal-Tax-Credit). <sup>2</sup>Based on comparison of the 50-gallon Hybrid Electric model against the estimated annual operating cost of a standard electric water heater of like capacity manufactured prior to 2015 under NAECA II which is likely being replaced. Savings varies per gallon capacity. <sup>3</sup>Leak detection and leak protection built in for ProTerra Hybrid with LeakGuard only.







**WHEN: October 19-21, 2020**  
**WHERE: Online**  
**REGISTER: [www.iapmolearn.org](http://www.iapmolearn.org)**

Due to overwhelming demand and the success of the first class, the International Association of Plumbing and Mechanical Officials (IAPMO), in conjunction with Special Pathogens Laboratory (SPL), is offering another ASSE 12080 *Legionella* Water Safety and Management Specialist Certification Training program, Oct. 19-21.

SPL President Janet Stout, Ph.D., a clinical and environmental biologist with more than 30 years of pioneering research in *Legionella*, will teach the three-day course. The speakers will include David Pierre, vice president of SPL Consulting Services, and Michael Castro, MPH, SPL's director of Healthcare Services.

*"This training provides the critical knowledge that industry professionals need to prevent this life-threatening disease. At completion, attendees meet the knowledge requirements for the very first Legionella professional qualifications standard [ASSE 12080]. IAPMO's expertise in education and training, together with Special Pathogens Laboratory, provides participants with the knowledge they need to become an ASSE certified professional for Legionella water safety and management, getting us closer to ending Legionnaires' disease!"*

- SPL President Janet Stout, Ph.D.

Attendees will gain the requisite knowledge, understanding, and competency to serve as a member of a facilities water safety team to help protect

against *Legionella* outbreaks and react to one appropriately should it occur. The program will focus on the development of a risk assessment analysis, and water management and sampling plan, for protection from *Legionella* and other waterborne pathogens. The training will also cover the codes, and the resources, understanding, and skills needed to conduct a facility risk assessment and implement a water safety and management program to reduce the risk of infections due to *Legionella*.

The ASSE 12080 certification exam will be administered at the end. Attendees who pass the exam will become certified as *Legionella* Water Safety and Management Specialists.

The registration fee includes the ASSE exam and the SPL workbook *Puzzled by Legionella? A Guide to Understanding Detection, Prevention, and Water Management*.

**For information about the  
ASSE 12080 standard, visit  
<https://bit.ly/31dzNoQ>.**

**To register, go to  
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# NEWS FROM IMSCA

Jessica Newbold Hoselton, Executive Director

I would like to remind contractors of some important requirements that they need to be aware of based on recent laws:

## **Employment of Illinois Workers on Public Works Act:**

As a result of the COVID-19 pandemic, Illinois' unemployment rate rose to 17.2 percent in April and 15.2 percent in May. The Employment of Illinois Workers on Public Works Act comes into effect following two consecutive months of a state unemployment rate above 5 percent, and requires the workforce on public works projects to be comprised of a minimum of 90% Illinois residents. The Illinois Department of Labor (IDOL) notified public bodies this law became effective on July 1st. The press release issued by the IDOL is attached for your review. The Employment of Illinois Workers on Public Works Act is administered by the Illinois Department of Labor. The requirement to employ 90 percent Illinois workers applies to all labor on public works projects or improvements. The law is intended to ensure that projects funded using public dollars employ Illinois residents and to alleviate unemployment in Illinois. This includes public works projects that are funded in whole or in part with state funds or funds administered by the state of Illinois. More detailed information can be found in the attached press release from the IDOL. In addition, the full text of the statute can be read here:

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=549&ChapterID=7>

## **IDOL Certified Payroll Portal:**

Beginning September 1st, contractors who perform construction work on public works projects in Illinois must begin filing their certified payroll with the Department of Labor. Public works projects include any construction work funded in whole, or in part, by state or local public tax dollars. In 2018, the Illinois General Assembly passed legislation to make changes to the certified payroll portion of the Prevailing Wage Act. When Governor Pritzker took office in 2019, SB 203 was signed into law (PA 100-1177). Prior to the law, certified payrolls were submitted to the local or state public body funding the project. Under the new law, the Illinois Department of Labor is charged with developing and maintaining an online portal where all prevailing wage construction contractors file their certified payrolls with the department, otherwise known as Certified Transcript of Payroll portal. The Illinois Department of Labor has held training sessions to assist contractors in learning how to use the new portal. In addition, IDOL staff is on hand to answer questions to help contractors come into compliance with the new law. For anyone who was unable to attend the training session, the training is available online and can be accessed at: <https://www2.illinois.gov/idol/Laws-Rules/CONMED/>

[Pages/certifiedtranscriptofpayroll.aspx](#) As a reminder, if anyone has questions regarding the portal, please don't hesitate to contact me and I will put you in contact with the appropriate IDOL staff member who can assist you.

## **Mandatory Sexual Harassment Prevention Training:**

Public Act 101-0221 amended the Illinois Human Rights Act and requires Illinois employers to provide annual sexual harassment prevention training by December 31, 2020 and annually thereafter. The new law also requires the Illinois Department of Human Rights to develop a model sexual harassment prevention training program for use by employers. Employers may develop their own sexual harassment prevention training program that equals or exceeds the minimum standards for sexual harassment prevention training. Some IMSCA members have created their own training programs that can be used by their members.

If you are planning to create your own sexual harassment training, please be sure to familiarize yourself with the required minimum standards that must be met in such training. The minimum required standards can be viewed here: <https://www2.illinois.gov/dhr/Training/Pages/Minimum-Training-Standards-for-All-Employers.aspx>

Otherwise, employers are able to use the free, downloadable training that was released by the IL Department of Human Rights. The training can be downloaded as a PDF or PowerPoint presentation from the IL Department of Human Rights website. In addition, the IDHR website includes additional information such as a Frequently Asked Questions document. I encourage everyone to visit this website to familiarize yourself with the requirements related to this new law. <https://www2.illinois.gov/dhr/Training/Pages/State-of-Illinois-Sexual-Harassment-Prevention-Training-Model.aspx>

If you have any questions or need additional information, please don't hesitate to contact me.


**Jessica Newbold Hoselton,**  
**Executive Director**  
**Illinois Mechanical & Specialty**  
**Contractors Association (IMSCA)**  
**[jnewbold@boldnewstrat.com](mailto:jnewbold@boldnewstrat.com)**  
**P: 217.523.4361**

## RAFFLE WINNERS ANNOUNCED

The 2020 IMSCA-PAC raffle drawing was held at IMSCA's virtual board and membership meeting on Friday, September 11th. IMSCA staff would like to send a big **THANK YOU** to everyone who supported our 2020 fundraising effort. Those taking home prizes this year include:

Bears Ticket Package: **PCA of Greater Chicago**  
Bulls Penthouse Ticket Package: **Mark Thomas, ECA Chicago**  
Blackhawks Ticket Package: **Mechanical Contractors Association of Chicago**  
Amazon gift card: **David Henderson, JJ Henderson & Son**  
Cabela's gift card: **Association of Subcontractors & Affiliates-Chicago**  
Best Buy gift card: **Giuseppe Muzzupappa, Northeastern IL NECA**  
StubHub gift card: **Giuseppe Muzzupappa, Northeastern IL NECA**

A big THANK YOU also goes out to our generous members who donated the awesome prize packages! Those who donated prizes this year include:

- Tom Morton, LLD Electric Co.
- Underground Contractors Association of IL
- Jim McGlynn, Sr., McWilliams Electric Company
- IL Plumbing Heating Cooling Contractors Association (PHCC)
- Electrical Contractors Association of Chicago
- PCA of Greater Chicago
- SMACNA Greater Chicago 


## MANDATORY SEXUAL HARASSMENT PREVENTION TRAINING

Public Act 101-0221 (commonly referred to as the Workplace Transparency Act), requires Illinois employers to provide sexual harassment prevention training to their employees on an annual basis, regardless of the size of the company.

Under this law, Illinois employers have until **December 31, 2020**, to train employees on sexual harassment prevention. The Act provides minimum standards that must be included in the training. To assist your business in complying with this new law, the Illinois Department of Human Rights has posted the following information on its website:

- A FAQ for Sexual Harassment Prevention Training
- Minimum Sexual Harassment Prevention Training Standards for All Employers

Employers must either develop their own sexual harassment prevention training program that equals or exceeds the minimum standards for sexual harassment prevention training outlined in Section 2-109(B) of the Illinois Human Rights Act, or they may use the model training provided by the IDHR. **The IDHR has released the model sexual harassment prevention training that can be used by Illinois employers.** The model training program can be downloaded by visiting <https://www2.illinois.gov/dhr/Training/Pages/State-of-Illinois-Sexual-Harassment-Prevention-Training-Model.aspx>

For more information please visit IDHR's website at [www.illinois.gov/dhr/training](http://www.illinois.gov/dhr/training). 

## ILLINOIS DCEO OPENS TWO NEW PTACs IN CHICAGO


The Illinois Department of Commerce and Economic Opportunity (DCEO) recently announced the opening of two new Procurement Technical Assistance Centers (PTACs) and ongoing support for another seven centers across Illinois. Supported by a \$2 million state and federal investment, these new centers will help more small businesses compete for contracts with local, state and/or federal government agencies where they can sell goods or services and in turn grow their business.

PTACs play a critical role in providing businesses with support needed to enter the world of government contracting. Last year alone, PTACs helped Illinois small businesses secure nearly 800 government contracts valued at over \$1.1

billion.

The State's investments pave the way for two new community-based centers and expand the reach of existing PTACs – bringing the statewide network to a total of 9 locations. The two new PTAC locations are:

- Greater Southwest Development Corporation
- Far South Community Development Corporation

To find a PTAC near you, visit [https://www.sba.gov/local-assistance?utm\\_medium=email&utm\\_source=govdelivery](https://www.sba.gov/local-assistance?utm_medium=email&utm_source=govdelivery) 



# HR Question OF THE MONTH

## PAY SALARIED NON-EXEMPT EMPLOYEE FOR ACTUAL HOURS WORKED?

### Question

If a salaried non-exempt employee works more than 40 hours in a workweek, the employer must pay overtime. If a salaried non-exempt employee works fewer than 40 hours in a workweek, may an employer pay them based on their actual hours worked (e.g., 38 hours)? It does not seem fair to the hourly employees if they are docked for working fewer than 40 hours in a workweek and yet a salaried nonexempt employee would not be.

### ANSWER

As background, non-exempt employees need only be paid for the time that they actually work. Apart from statutory paid sick leave requirements under some states' laws and now federal law (the latter pertaining to COVID-19 absences) or any contract providing otherwise, no federal or state employment law requires that they be paid when they do not work. Regardless of the form of compensation paid to nonexempt employees (i.e., hourly, salary, piece-rate, etc.), employers must ensure that such personnel earn compensation that equates to at least minimum wage for each hour that they work, plus overtime at the rate of one and one-half times the regular rate of pay for hours worked in excess of 40 in a workweek. When a non-exempt employee is paid on an hourly basis, it is easier to ensure that minimum wage and overtime requirements are met, and the calculations are often simpler to compute (assuming no additional remuneration). Indeed the employer simply multiplies the number of hours worked by the hourly rate of pay for straight time hours, and uses the applicable 1.5 multiplier for any overtime hours worked. For this reason, many employers choose to pay non-exempt employees by the hour.

That said, it is not unlawful to pay non-exempt employees on a salary basis and some employers do so. If a non-exempt employee is paid on a salary basis, the employer must still ensure that minimum wage and overtime requirements are satisfied. This means that the employer must take care to

ensure, each week, that when the salary paid to any non-exempt is divided by the number of hours that were worked (of which such employee should be keeping accurate records), the result is not a sub-minimum hourly rate of pay. If it is, the employer must true-up the compensation to meet the minimum wage standard. Employers must also ensure that salaried, non-exempt employees are properly paid if overtime hours are worked. This is ordinarily done by first determining the employee's regular rate of pay and then computing an appropriate overtime amount based on how many hours over 40 were worked that week (if the employer uses the fluctuating workweek method of compensation, please note that the recent federal guidance addresses the implication of bonuses, see **Fact Sheet #82: Fluctuating Workweek Method of Computing Overtime** <https://www.dol.gov/agencies/whd/fact-sheets/82-bonus-rule>). Because these calculations are often more administratively burdensome, it is less often the case that employers pay non-exempt employees on a salary basis. That said, so long as minimum wage and overtime requirements are satisfied, this is a lawful means of paying such employees.

Getting specifically to your question and assuming there is no contractual prohibition and the fluctuating workweek method is not in use, there is no law that prohibits an employer from prorating a non-exempt employee's salary commensurate with time missed from work. (That said, if the employer does so, it begs the question of why the employer is utilizing a salary basis of pay in the first place -- it may be easier to simply pay by the hour.) The employer should ensure that its policies and practices support salary proration for non-exempt employees and that no contract is violated if this done. You indicate that the employer presently pays certain non-exempt employees a weekly salary regardless of the number of hours worked, such that if fewer than 40 hours are worked in the workweek the same salary is still paid to them (whereas hourly workers are paid only when they work). There is no law that prohibits this, per se, although again the employer must still take care to ensure that minimum wage and overtime requirements are met.



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## Find Fire Before Fire Finds You

A pile of oily rags; an old power strip; a cigarette discarded in the wrong spot — fire risks can be anywhere. That's why it's important to be on the lookout for the hazards that can injure your employees and make your business go up in smoke. During 2020 Fire Prevention Week, October 4–10, review and revamp your business's fire-safety measures to help increase the chances that you'll find fire before fire finds you.

### An ongoing concern

While a spotlight shines on fire prevention around this time every year, your efforts to curb devastating blazes before they start should last all year long. There is no one-size-fits-all fire-prevention strategy. It's important to understand the basics, then use that knowledge to create a plan that fits your business's unique needs.

While every business presents unique fire hazards, some dangers are nearly universal. The following considerations are a great place to start when creating or strengthening your fire-prevention plan:

**Are your electrical systems current?** Faulty wiring, improper use of power strips and extension cords, and system overloads are leading causes of business fires. Regularly evaluate your electrical system and policies that govern its use.

**Is your equipment in good repair?** Continuing to use outdated equipment or trying to save some money by skipping maintenance could prove costly. Update or maintain your equipment according to recommendations from manufacturers or service professionals.

**Fires need fuel.** Starve fire of the materials it needs to get started and spread through your business. Make sure your work areas are tidy, your walkways are clear, and your storage spaces are orderly. Get rid of unnecessary clutter and combustibles throughout your building to help minimize the fire load.

**Comfort could come at a cost.** Space heaters can be just what you need to warm up a chilly spot, but these handy little devices are a significant cause of business fires. Remind employees to turn them off before they leave for the evening — or consider banning them from the business altogether.

### A team effort

Effective fire prevention takes the whole team. Cooperation from employees is essential, so involve them in every step of the process. Most importantly, let them know that they are the business's most important line of defense against devastating fires. Hold training sessions throughout the year, focusing on seasonal risks, best practices, and reinforcement of emergency procedures.

While completely removing all fire risks is impossible, creating a prevention plan that focuses on key hazards and employs a persistent, team-based strategy can help you find fire before fire finds you. Federated Insurance clients can access a variety of fire prevention risk management resources, including employee training posters, sample industry-specific fire hazard checklists, and more by logging in to mySHIELD<sup>SM</sup>.

*This article is for general information and risk prevention only and should not be considered legal or other expert advice. The recommendations herein may help reduce, but are not guaranteed to eliminate, any or all risk of loss. The information herein may be subject to, and is not a substitute for, any laws or regulations that may apply. Qualified counsel should be sought with questions specific to your circumstances. © 2020 Federated Mutual Insurance Company.*



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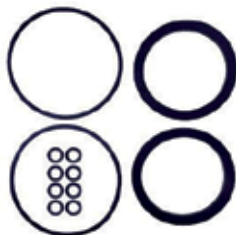


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