



TENNESSEE ASSOCIATION OF ROOFING CONTRACTORS

THE VOICE OF LICENSED PROFESSIONAL
ROOFING CONTRACTORS

TARC Newsletter

Winter Issue, 2019

PRESIDENT'S CORNER

By Clark Napier, TARC President



This winter has been wet and cold, but it's almost over. Spring is right around the corner, and with it sunshine, flowers, and happy roofing days! I want to thank everyone that came out to the 2019 Mid-Winter meeting. It was a very successful meeting with a lot of wonderful speakers, including keynote speaker Greg Hayne, President and Founder of Hayne Coaching Group, Inc. During the meeting, the NWIR TN Council made a presence and collected used shoes for Soles for Souls. Thank You for the donations to this great cause! We also saw several new faces representing both contractors and associate members and hope this event grows even bigger in 2020.

The International Roofing Expo will be February 11-13 in Nashville at the new Music City Center. We will have a booth set up and look forward to seeing everyone there. Visit our website at www.tarcroof.org for more info. Also, if you have not been able to renew your TARC membership or still owe dues, please make sure you get those in soon.

On April 3-4, the roofing industry nationwide will come together in Washington, D.C., to meet with members of Congress on Capitol Hill during Roofing Day. We would like to be well represented this year. Anyone needing information please contact NRCA's Washington, D.C., office at 800.338.5765.

Finally, our summer convention will be back at the Hilton Pensacola Beach Gulf Front in Pensacola, FL from June 5 - June 8. Please consider booking your room now and make plans to attend! Registration for the meeting is online now. I hope to see everyone there and I wish everyone a busy and successful 2019!

Clark Napier

TARC President, 2018-2019



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Mid-Winter Meeting 2019

TARC's Mid-Winter Meeting was held January 11-12 at the Cool Springs Marriott in Franklin, TN. With nearly sixty participants, the meeting showcased an array of notable speakers who delivered topics to help elevate the roofing industry through motivation, inside legal tactics and business growth into a great service company.

Jared Ribble, a Nashville local with NRCA, presented the 2019 legislative initiatives and encouraged TARC members to get involved in Roofers Day on the Hill (see article on page 3). Ryan Groth, sales guru for Construction Sales Technology, shared his insights on *Predictable Revenue: Getting off the Revenue Rollercoaster*. Legal Counsel team member Liz Tipping, with Cotney Construction Group, presented *What Every Roofer Should Know But is Afraid to Ask*. Brink Fidler, founder and president of Defend Systems gave a special session about *Awareness and Response to Active Shooter Threats*. The day wrapped up with Keynote Speaker Greg Hayne, CEO of Hayne Coaching Group, who gave a two-part series on how to *Start and Grow a True Service Company*.



The National Women in Roofing TN Council joined TARC for a joint reception on Friday night of the convention and showcased their shoe collection from the Soles for Souls drive held during the day. Three large boxes of shoes were collected to be donated to those in need. NWIR TN Council held a meeting on Saturday morning and a special social after. The NWIR is a volunteer-based organization that supports and advances the careers of women roofing professionals.

IRE TARC Booth

TARC will have a presence at the 2019 National Roofing Expo and Convention here in Nashville February 11—13 at the Music City Center. Visit us at booth #2955 and say hello!

Utilizing this event for a membership drive, TARC will be giving away prizes to those new members who fill out membership applications onsite. TARC Members will volunteer to staff the booth and mingle with potential TARC friends! **If you would like to volunteer, call the TARC office as soon as possible at 615.515.5299.**

TARC Members: You may park on the street at the TARC office in East Nashville and catch an Uber or Lyft to the convention center to avoid downtown parking costs. Call the TARC office for more information.

VISIT US

#2955



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Roofing Day in D.C. 2019 – You Need to be There!

By Teri Dorn, NRCA's Director of Federal Affairs

On April 3-4, the roofing industry will come together in Washington, D.C., to meet with members of Congress on Capitol Hill during Roofing Day in D.C. 2019. At this event, participants will deliver our message about the most important legislative issues

affecting the roofing industry and your business. As the premier industry advocacy event of the year, this will provide the opportunity for the roofing industry's collective voice to be heard in our nation's capitol. All roofing industry professionals are urged to participate in this transformational event, and company owners and managers are being urged to bring along field employees to participate in this event. "Roofing Day was the best event we attended all year," raved Michelle Boykin, COO of Rackley Roofing, TARC Member, who attended last year's inaugural event.

This new annual roofing industry event is the fulfillment of NRCA CEO Reid Ribble's vision of how the industry can expand its influence and enhance its image in Washington, D.C. Roofing Day in D.C. 2019 promises to be even larger and better than the inaugural event in 2018, which drew over 400 participants and was one of the largest advocacy events held by any industry in Washington, D.C.



ROOFING DAY IN D.C. Thursday, April 4, 2019

Participants will travel to our nation's capitol on Wednesday, April 3rd, and kick off the event at 3 PM with invited keynote speaker Alexander Acosta, Secretary of Labor, followed by advocacy training and a networking reception from 5 to 6:30 PM. This training will prepare you to best communicate with members of Congress and their staffs, and you will be provided with issue papers to present to your Senators and Representatives.

On Thursday, April 4th, attendees will gather for breakfast at the hotel before heading up to the House and Senate office buildings for the main event – their meetings with lawmakers on Capitol Hill. All participants will have between 3-5 meetings with their Senators, Representative or congressional staff. Your Congressional appointments will be scheduled for you; they will start at 9 AM and continue throughout the day and you'll receive your schedule of meetings and talking points on key policy issues upon arrival at the Hyatt Regency. There will also be an optional reception that evening for those interested in unwinding and sharing stories.

Hotel rooms and event space for this unique advocacy event have been secured at the Hyatt Regency Washington, located just a few blocks from the U.S. Capitol, in a limited room block at a special rate of \$299 per night. Registration for Roofing Day in D.C. 2019 is only \$75 for company representatives and \$25 for roof system installers and students. Visit www.nrca.net/roofingday to register, make your hotel reservations and for more details. If you have any questions, please call NRCA's Washington, D.C., office at 800.338.5765.

Do You Really Have to Pay Overtime?

By Elizabeth Tipping, Partner at Cotney Construction Law, LLP



The holidays are behind us and we've started a new year. Now is a time for making resolutions. A time for looking back over the previous year and making goals for the new one. As we begin this new year, it

is also wise for construction businesses to review their policies and confirm that proper procedures are in place to meet state and federal laws.

Let's talk about one area in particular – whether you need to pay overtime and to whom.

At first, this question seems easy when talking about the construction business. The law says you need to pay overtime to employees but not to independent contractors. Doesn't that mean that construction companies don't need to pay overtime to the folks they have hired as "subcontractors"?

The answer is not that simple.

Last year alone, because of Department of Labor investigations, more than 60 construction companies agreed to pay over \$25 million in back pay and penalties after failing to pay overtime and other benefits to their workers. These included general contractors, roofing companies, drywall and framing companies, painting companies, electrical companies, and concrete companies.

Most of these companies weren't trying to skirt the law or take advantage of their workers. They probably just believed – incorrectly, as it turns out – that they did not have to pay overtime to their 1099 workers or their site managers.

So how do you avoid being one of these companies? How can you tell which of your workers are entitled to overtime?

First, don't assume that the word subcontractor is the same as the phrase "independent contractor" used by the Department of Labor or Internal Revenue Service. The DOL and the IRS look beyond the title given to workers.

Second, don't decide that a worker is not an employee because you hired him as a "1099 worker." I frequently hear this explanation given for why a company doesn't consider its workers to be employees. This is a case of putting the cart before the horse – simply put, the decision to issue either a 1099 or W-2 to your worker is based on whether he is, in fact, an independent contractor or an employee. Not the other way around.

Third, don't conclude that a worker should not receive overtime because of how he is paid – salary, piece rates, daily rates, or otherwise. Again, the DOL and IRS are going to look deeper than this.

As you might have already surmised, answering the question of whether a worker is an employee or an independent contractor is based on the circumstances surrounding their employment. The key is the relationship between the worker and the hiring company.

It is important to note that a company cannot simply call a worker a "contractor" in order to avoid paying overtime. The company and worker cannot sign a contract stating that the worker will be a "contractor" and automatically make that worker a "contractor." Nor can the company ask the worker to form a separate company (for example, Joe Worker, LLC) to make the worker a "contractor."

Both the DOL and the IRS look at the relationship between the worker and the hiring company to decide whether a worker is an employee. The government agencies look at different factors that essentially boil down to how much independence the worker has in the employment relationship. The DOL or IRS will likely consider a worker to be an employee instead of an

independent contractor if the construction company is: (a) telling the employee when and where to work; (b) training the employee how to perform the work; or (c) providing the employee with the tools or equipment needed to complete the work. And, of course, there are other factors that may be considered beyond these three.

If the factors indicate that your workers are employees instead of independent contractors, you must pay overtime and benefits (unless they fall within an “exempt” category – a topic that could easily fill another article). Do not become one of the roofing companies included in the Department of Labor’s 2019 investigations because you misclassified your workers!

The information contained in this article is for general educational information only. This information does not constitute legal advice, is not intended to constitute legal advice, nor should it be relied upon as legal advice for your specific factual pattern or situation.

TARC 2019 SUMMER CONVENTION

HILTON PENSACOLA BEACH GULF FRONT

June 5 – 8, 2018



Reserve your hotel space today!

Start planning for 2019!

TARC has available two room suites and other great spaces through the Hilton Pensacola Beach Gulf Front. The larger suites will not last! The suites typically sell out in the early months of the year.

Call: 850.916.2999 | Code: TRC

**Your credit card will be charged for only one night for pre-booking.
The remaining balance is charged when you check in.**



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