Greetings Fellow ARCA Members:

Just when you think you’ve been there, done that, and seen it all, life throws you an unhittable knuckle ball. Not in my wildest dreams could I have conjured up the coronavirus pandemic and resulting economic chaos it has inflicted on the world. First and foremost, let me join with you in expressing sorrow for the tremendous loss of life—our economy will eventually recover, but the relationships lost and the general fear of a virus prematurely taking loved ones and close friends from us will linger on for years.

As we all recalibrate and try to shift gears back to a sense of normalcy, I want to take this opportunity to thank all of you who, at ARCA’s request, drafted letters to Governor Ducey pulling for the construction and roofing-related businesses to be considered an “essential” trade and workforce. Your efforts paid off, as this allowed everyone in our industry the “option” to continue working. Not being restricted by a one-size-fits-all change in processes and procedures allowed our businesses to continue operating. Depending on the company’s size and manpower, many creative variables were utilized, such as reducing crew sizes, limiting carpooling to job sites, underwriting fuel for employees using their own vehicles, and giving employees orientations on social distancing. In general, everyone had to rethink the mechanics of work to ensure workers’ safety. To all of you, I say, “congratulations on a job well done!”

ARCA, too, had to recalibrate its delivery system; after the slew of class cancellations, I’m sure you noticed the shift to webinar-type trainings for fall protection and other safety topics. We petitioned OSHA to allow for remote/web-based training for OSHA 10-hour and 30-hour training so we can continue offering this vital series of classes. We are still waiting awaiting their response.

Not only did we have to cancel our normal safety and education classes, but, regrettably, our social offerings were also curtailed. Most notably, we were forced to turn down 150 shooters who had signed up for the April 10th ARIF clays tournament and 180 golfers for the May 15th spring golf event.

We also had to cancel this year’s charity bowling tournaments in Phoenix and Tucson. This one really hurt, as homeless youth in both communities need our help more than ever—but we can still come through. Plans are underway for a back-to-school drive to support efforts by New Pathways For Youth and Youth on Their Own to aid this vulnerable population. (We will keep you posted as this develops.)

To throw an additional monkey wrench into the machine, ARCA’s five-year lease on the 7th Street location was set to expire on May 31st and renewal terms were not acceptable. The ARCA Board authorized moving to another building and a favorable central-city location was secured at 3839 North Third Street. Please see Page 12 announcing the details and update your records for all accounting, training, and committee meeting locations.

I want to thank you all for your continued support as we work our way back to a healthy and safe environment.

Sincerely,

Russell Hyman, Gryphon Roofing
ARCA President
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AmazonSmile customers can now support Arizona Roofing Industry Foundation in the Amazon shopping app on iOS and Android mobile phones! Simply follow these instructions to turn on AmazonSmile and start generating donations.

1. Open the Amazon Shopping app on your device

2. Go into the main menu of the Amazon Shopping app and tap into ‘Settings’

3. Tap ‘AmazonSmile’ and follow the on-screen instructions to complete the process

If you do not have the latest version of the Amazon Shopping app, update your app.

Click here for instructions.

Turn on AmazonSmile in the Amazon app to generate donations.

Batters Up

Little did we know that our 2020 spring training social event in late February would be the last time we heard the fabled cry. Shortly after our event, the whole season was postponed indefinitely due to the pandemic and social gathering concerns.

We had originally “struck out” at securing tickets to a Diamondbacks game, but, while the Cubs were our second choice, they turned out to be the right choice. On February 26, 150 ARCA attendees mingled, networked, and occasionally even watched some ballplayers duking it out on the field at Sloan Park. When it comes to spring training games, only the most hardcore baseball zealots care about who wins or loses—for the rest of us, it’s all about the food, drinks, and camaraderie. A beautiful facility and tasty treats overshadowed even the blustery and sometimes frigid wind chill factor that day; next year, everyone will be reminded bring a warm jacket.

L
STATE OF ARIZONA

Securing inclusion of roofing as an “essential” trade in Governor Ducey’s pandemic proclamation became our overnight priority as the effects of the pandemic became apparent to us all. While several of our members choose to curtail operations, most altered processes and procedures to ensure worker safety and continued to operate during the stay-at-home mandate.

This year’s legislative session lasted 135 days. There were 1,607 bills introduced and 127 memorials and resolutions. Of these 1,607 new bills, the Legislature passed 90—and the Governor signed all 90. No bills were vetoed this year. This year holds the record for both the most bills introduced and least passed in Arizona history. Unless a bill has a delayed effective date or an emergency clause, all bills carry an effective date of August 25th, 2020, which is 90 days after the Legislature adjourned.

Virtually none of the bills that made it through the process directly impact the construction trades. ARCA’s legislative priority to expand the “Proportional Liability” provision from the governmental and residential markets to the commercial sector was truncated with the sudden adjournment of the Legislature due to the coronavirus outbreak. We will be working with key legislative champions between now and the 2021 session trying to secure support for passage of this vital legislation.

There will be an upcoming special session (exact date TBD) to address virus-related topics.

FEDERAL

Cancellation of NRCA Roofing Days in D.C. NRCA Roofing Days in D.C. has been cancelled this year and will resume on March 23 of 2021. We urge you to plan on joining fellow roofing professionals when we take our priorities straight to Capitol Hill at next year’s event. It is crucial that members of Congress see you face-to-face and hear from you directly about the critical issues facing your company. In order to be seen and heard, we need the industry speaking with one voice in Washington, D.C. Do not miss this opportunity to make a difference for your business and our industry—mark your calendars, save the date, and remember to include this event in next year’s budget.

The Federal Legislative process has basically ground to a halt, and if an issue is not pandemic-related, it is not relevant or being worked on at this time. Recovery and kickstarting the economy as stay-at-home orders are lifted have become the new focal points.

Of particular interest to our roofing industry are the following provisions:

Congressional COVID-19 pandemic response. After enacting four major laws providing roughly $3 trillion in funding to address the COVID-19 pandemic on a largely bipartisan basis, partisan fissures are growing as lawmakers consider further legislative relief. Senate Republicans are also pumping the brakes on new spending provisions while highlighting the need to pass legislation to provide some form of liability protection for businesses in the new environment. There is a recognized need for liability protection legislation that provides “fair, sensible rules that protect businesses that have worked to keep Americans safe and healthy during our response to the crisis.”

Occupational Safety and Health Administration guidance regarding COVID-19. OSHA has issued guidance for employers with respect to various health and safety issues related to the COVID-19 pandemic. Topics include potential worker exposure, hazard recognition and control, risk reduction, enforcement memos, and other information organized by industry sector. This information is presented in English and Spanish and can be found on OSHA’s website. Health and safety information designed specifically for the construction industry is also available.

COVID-19 paid leave benefits. In March, Congress approved and President Trump signed the Families First Coronavirus Response Act, which requires all employers with 500 or fewer employees to provide new paid leave benefits to employees directly affected by the COVID-19 pandemic. The new law requires the provision of up to two weeks of paid leave benefits for workers who meet certain COVID-19-related qualifications and up to 12 weeks of paid benefits under the Family and Medical Leave Act for employees who are unable to work because of childcare requirements associated with school and daycare closures. Employers that must provide the COVID-19-related paid leave benefits or expanded FMLA benefits are provided with a refundable tax credit equal to 100% of the qualified sick leave wages to offset the cost. The law contains an exemption process from the new requirements for employers with fewer than 50 employees, but the exemption process is limited and applies only in certain circumstances where the viability of the business is in question.

Effects of COVID-19 on solar industry. As the economic fallout from the COVID-19 pandemic continues, it is clear the solar industry especially is being affected. Solar companies face obstacles, such as supply chain delays, tightening of tax equity markets, and homeowner financial concerns as a result of stay-at-home orders. Left unaddressed, this situation could lead to a loss of up to half the industry’s workforce and declines in business of as much as 70%. This will dramatically decrease the number of gigawatts of solar energy deployed, severely damaging efforts to expand this critical renewable source of energy for many years. To address these concerns, NRCA is advocating for legislation to provide relief to the solar industry by extending the Solar Investment Tax Credit at 30% for three years. Enacted with bipartisan support, the STIC has a strong record of spurring clean energy deployment, helping create nearly a quarter million well-paying jobs and reducing electricity costs for consumers, businesses, and municipalities. NRCA will continue working with allied organizations to ensure the crisis in the solar industry is promptly addressed to prevent massive layoffs and sustain the solar industry.
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A letter from the CEO of New Pathways for Youth: Treading New Pathways During the Pandemic

We may be in the midst of a worldwide crisis, but New Pathways for Youth is still open for business.

NPFY is committed to breaking the cycle of poverty and adversity through one-to-one mentoring, education and training. Our work on behalf of our community is essential, especially as our youth navigate the complexities of this pandemic.

We recognize young people in the population we serve often find a sense of belonging with delinquent peer groups, gang affiliation, drug use, and so on. Many of our youth have communicated that they are really missing the sense of community and belonging that New Pathways provides. That’s why we’ve found creative ways to continue to provide a positive environment and help our youth break the cycle of adversity—virtually.

Our program team and volunteer mentors have increased activities to keep our youth connected and focused on their goals through this time. We’re continuing to provide NPFY teachings to our matches and provide a safe place to share and connect with our larger community at Community Curriculum Connect—a Zoom meeting we host weekly. We’re also getting together in small groups—or pod calls—as a mechanism to check in and support each other. We’ve increased our mentor check-ins with youth and their families from 2–3 times monthly to 2–3 times weekly.

We also haven’t slowed down on our goal to double our impact and support twice as many youth in the Valley. We are providing online mentor recruitment resources and training sessions to those looking to get involved as mentors. If you’re interested in having your team learn about becoming a mentor with New Pathways for Youth, email us at info@npfy.org and we will send you a mentor recruitment toolkit and put you in touch with our mentor recruiter.

We wouldn’t be able to do this work without the crucial support of partners like the Arizona Roofing Contractors Association. As an ARCA member, you are truly investing in the future of our whole community.

Warmly,

Christy McClendon, CEO
As workers return to their workplaces, employers should be alert to whether employees’ COVID-19 illnesses are work-related and thus recordable.

Under OSHA’s most recent interpretation of its recordkeeping requirements, COVID-19 is a recordable illness, and most employers (see exceptions below) are responsible for recording cases of COVID-19, if the case—

• is confirmed to be COVID-19 (see footnote 2 in OSHA’s May 19 memo);

• is work-related (see footnote 3 in the same memo); and

• involves one or more of the general recording criteria (see footnote 4).

Recording a COVID-19 illness does not mean that the employer has violated an OSHA standard.

Exceptions

Employers with 10 or fewer employees, and certain employers in low-hazard industries, have no recording obligations; they need to report only those work-related COVID-19 illnesses that result in an employee fatality or in-patient hospitalization.

Recordkeeping Criteria and Investigation

Because it is difficult to determine whether a COVID-19 illness is work-related, OSHA is exercising its enforcement discretion in order to provide certainty to employers and workers.

Until further notice, OSHA is enforcing the recordkeeping requirements for covered employee COVID-19 illnesses according to certain criteria:

• the reasonableness of the employer’s investigation into work-relatedness, including asking the employee to describe whether work or out-of-work activities may have led to the illness (while respecting employee privacy);

• the evidence available to the employer; and

• the evidence that a COVID-19 illness was contracted at work.

OSHA has opined that if the employer has made that inquiry but still cannot determine “whether it is more likely than not that exposure in the workplace played a causal role” in the contracted illness, then “the employer does not need to record that COVID-19 illness.”

See details on these criteria.
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What a wild year this has been so far. It looks like COVID-19 is going to restrict our normal lives for a while longer and, due to the uncertainty of short-term restrictions, we are postponing our charity bowling event until July of 2021.

The Southern Arizona team was off to a great start, and Seth and I deeply appreciate everyone’s efforts to get things started. We are extremely disappointed to not be able to hold the event this year. Youth On Their Own always values our assistance and was looking forward to this event with great anticipation.

While we cannot follow through on this year’s event, we can still contribute to the great programs YOTO provides. We are asking the members of ARCA—and any other interested parties—to help us gather back-to-school supplies that will go directly to the students YOTO helps. These kids need standard school supplies, backpacks, and everyday toiletries.

It is difficult to fathom, but many of these students do not know where they are headed after school or where they will sleep each night, so the toiletries would need to fit into the backpacks they use for school. The Southern Arizona roofing distributors (ABC, Allied/Beacon, Elite Roofing Supply, and Roofline Supply) and the Tucson Rubberized Coatings locations have all agreed to gather donated items for Seth and me so we can forward them to YOTO. We would like to have all the items purchased, collected, and ready for drop-off by August 1st so the items can be distributed before school starts.

To all those interested in helping—we are taking monetary donations. Please contact the ARCA office at 602-335-0133 and they will take your information and donations. Once the monetary donations have been accumulated, needed items will be purchased and delivered. These donations are 100% tax deductible and a huge assistance to kids that are thrown into situations beyond their control.

The Southern Arizona ARIF YOTO committee thanks you for your support during this difficult time. Let’s share some love!
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Earlier this month, Congress passed the Paycheck Protection Program Flexibility Act of 2020 (the “Flexibility Act”), which provides greater flexibility in how borrowers may use Paycheck Protection Program (“PPP”) loan funds and receive loan forgiveness. It is anticipated that the Act will be signed into law by the President in short order. Under the act, businesses that have not already received a PPP loan will have until December 31, 2020 to apply, subject to continuing availability of funds. PPP monies are still available.

The Flexibility Act also extends the covered period used to determine loan forgiveness. Increased from 8 weeks, borrowers may now receive loan forgiveness for amounts spent on forgivable expenses during the 24 week period following loan origination, or December 31, 2020, whichever comes first. This is welcome relief for many businesses.

The rehiring safe harbor time period also has been extended to December 31, 2020. This extension allows borrowers who rehire employees that were laid off or had salaries and wages reduced between February 15, 2020 and June 30, 2020 to still qualify for loan forgiveness past the original 8-week period. Under the Flexibility Act, borrowers now have until December 31, 2020 to rehire employees or restore payroll levels without incurring any reduction in the forgiveness amount.

Additionally, in order to qualify for forgiveness, borrowers must now use at least 60% of the PPP loan for only payroll costs. This has been lowered from the initial 75% requirement. This means that up to 40% of the loan may be used for other eligible expenses, including mortgage interest, rent, and utilities and over a longer time period to qualify for loan forgiveness.

The Flexibility Act also prevents loan forgiveness from being reduced if a borrower is unable to rehire an employee or hire a replacement, or if a borrower is unable to return to its pre-pandemic levels of business due to certain governmental orders related to COVID-19.

Finally, the minimum maturity for PPP loans has been increased from two years to five. This gives borrowers additional time to repay any unforgiven portions of their PPP loans.

PPP borrowers should be aware that their loans are subject to government audits. We recommend that all PPP borrowers prepare a substantiation memorandum to support and contemporaneously document the necessity for their loan and also to support their forgiveness application and other loan certifications. Our firm is helping many PPP borrowers to prepare such a memorandum that can be used with your tax accountant, banker, and potentially a government auditor, and we would be happy to assist your company with this process as well.

This article does not constitute legal advice and we recommend that you consult with a lawyer regarding your specific facts and circumstances.

Please contact Julie Pace, Tim Forsman, and Chris Koester for more information on how your business can take full advantage of the Paycheck Protection Program in light of this new legislation, or for assistance with other Federal resources and requirements associated with the COVID-19 pandemic.

You may also go to our dedicated COVID-19 page where we have listed all relevant articles.
The U.S. Supreme Court today ruled that the ban on discrimination based on “sex” in the Civil Rights Act of 1964 prohibits discrimination against gay, bisexual, and transgendered persons. The 6-3 decision was written by Justice Neil Gorsuch, the first appointee of President Trump, and joined by Chief Justice John Roberts and the court’s four liberal members.

The decision should lead employers to take several steps to reduce their risk of claims, and the decision also has some special implications for Arizona businesses.

Steps to Take Now

Employers should review their employment handbooks, manuals, and policies to make sure their policies on nondiscrimination and anti-harassment cover sexual orientation and gender identification, along with the protection of employees based on age, race, sex, national origin, color, religion, and disability. If not, handbooks and policies should be updated to include LGBTQ protections.

Employers should incorporate LGBTQ protections into their anti-harassment training programs. Now would be a good time to conduct refresher training on respectful treatment at work, as comments by coworkers can lead to hostile work environment sexual harassment claims. It is possible that employees may now bring claims based on comments that were made in the past, which people previously tolerated because they did not think they had legal rights and protections. The Supreme Court just ruled that these rights and protections do exist.

Effects of the Decision on AZ Law

Today’s decision leaves several open questions and special considerations for Arizona employers. The most important of these is whether the protection of LGBTQ persons will apply under the Arizona Civil Rights Act.

The Supreme Court’s decision interprets the federal Civil Rights Act of 1964. The Arizona Civil Rights Act’s employment provision, passed in 1974, was patterned after the federal law. When deciding cases under the Arizona Civil Rights Act, courts traditionally look to what the interpretation was of the federal Civil Rights Act in 1974 to determine the intent of the Arizona Legislature when it enacted the state law.

Today’s decision by the U.S. Supreme Court was not based on legislative intent when Congress passed the law in 1964, as Congress certainly did not intend to cover LGBTQ persons at that time (as most courts have ruled when addressing this issue during the past 50+ years). Instead, the Supreme Court found that the prohibition on discrimination based on “sex” applies to sexual orientation and gender identification. The Court reasoned that LGBTQ status is a matter of “sex.”

The Arizona Civil Rights Act also prohibits discrimination based on “sex,” not merely “gender.” It is therefore possible that courts may in the future interpret the Arizona Civil Rights Act to prohibit discrimination based on LGBTQ status. Why does this matter if the federal law now covers LGBTQ discrimination? There is a unique provision in the Arizona law that has expanded coverage for sexual harassment that may now be triggered due to today’s court decision.

The federal and Arizona Civil Rights Acts both generally apply only to those businesses that employ 15 or more employees (measured by the number or employees during 20 or more weeks of the current or preceding calendar year). There is a special provision of the Arizona Civil Rights Act that applies to all employers, even very small employers, in prohibiting sexual harassment. Therefore, it is possible that small employers in Arizona could face claims in the future for offensive work environment harassment or tangible job action harassment based on the treatment of LGBTQ employees by coworkers or even customers.

Additional Insights

Today’s Supreme Court decision has some very unusual aspects to it that may be of interest. Two different agencies of the federal government filed briefs with the court taking opposition positions. The Justice Department opposed extending protection to LGBTQ persons. The Equal Employment Opportunity Commission (EEOC) filed a brief arguing that the 1964 law covers LGBTQ persons. The EEOC is not part of the President’s cabinet, but is an independent agency governed by commissioners appointed to staggered terms over successive administrations.

Usually, courts try to decide cases interpreting statutes by determining the legislative intent at the time Congress or the State Legislature passed the laws at issue. That did not occur in today’s case. There is virtually no legislative history regarding the prohibition on discrimination based on sex in the Civil Rights Act of 1964 because the ban on sex discrimination was added to the legislation late in the legislative process by southern segregationists who were attempting to add a “poison pill” that would cause more Congressmen and Senators to vote against the bill!

The Supreme Court’s decision departs from the exercise of determining the intent of Congress at the time the law was passed. Instead, it is based on applying the words of the statute to the conditions that exist today.

Please contact authors Julie Pace, David Selden, and Heidi Nunn-Gilman if you have any questions.

By Julie Pace, Dave Selden, and Heidi Nunn-Gilman
Recently, Jason Kill and his Phoenix-based company, Roofing Solutions & Concepts, donated a roofing job to a family in need through the Habitat for Humanity program.

Jason Kill Of Roofing Solutions And Concepts Donates Roof To Habitat For Humanity House In Phoenix

Jason Kill, owner of Roofing Solutions & Concepts, has been involved with Habitat for Humanity for years. Roofing Solutions & Concepts has always focused on being involved in helping the community in whatever way possible and through their partnership with Habitat for Humanity Jason believes that his giving back makes a real difference for real people in need.

Kill said, "I truly believe in the mission and purpose of Habitat for Humanity to help families get out of poverty and realize the dream of owning their own home."

Habitat for Humanity offers a special program where low-income families can apply for a house that is built through the program or repair an existing house. Kill has partnered with Habitat for Humanity on roofing projects in his service area before. Habitat for Humanity homeowners help build their own homes alongside volunteers and pay an affordable mortgage.

Kill and his crew enjoy the time they spend helping Habitat for Humanity homeowners lead about the home-building process and plan to help with other Habitat for Humanity homes in the future when the opportunity arises in their local community.

When he is not helping out on Habitat for Humanity projects, Jason Kill and his crew are working hard to inspect roofs in the Phoenix area as the seasons change. In Arizona, Kill explained, it is especially important that homeowners pay attention to the state of their roof and get it inspected for damage before the harsh summer sun and heat and the rains come and potentially create water and mold damage to the home.

Right now, Roofing Solutions & Concepts is offering a seasonal roof inspection for free. Kill said, "Roofing Solutions & Concepts specializes in re-roofs, roof maintenance, cleaning and repair, and there hasn’t been a leak we can’t find and fix quickly. It is really important to maintain your roof from season to season to make it last as long as possible and to guard against potential damage from leaks which could be very expensive to fix!"

About Jason Kill

Roofing Solutions & Concepts is owned by Jason Kill. Jason has been deeply involved in the commercial and residential roofing industry in the valley for over 20 years; 17 of them working for the same company. Jason has filled every position in the roofing business in his long tenure and ultimately fulfilled his lifelong dream of owning a roofing company.

Kill’s well-rounded skillset includes an expert understanding of all commercial and residential roofing specifications, installation procedures, maintenance techniques, inspection processes, leak detection, and cleaning and re-roofing practices. His leadership in the Arizona Roofing Contractors Association and service as the secretary/treasurer and co-chairman of the Young Professional Committee further demonstrate his commitment to the highest quality standards in both roofing and customer service and satisfaction.

To learn more about Roofing Solutions & Concepts, or to schedule a free roof inspection, call (480) 276-8099 or visit https://rsc-az.com/.
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2020 Dan Cohen Memorial Scholarships Awarded

The Arizona Roofing Industry Foundation (ARIF) is pleased to announce this year’s scholarship recipients. The scholarships are named as a tribute to DAN COHEN, a former contractor, ARCA Life Member, and executive director of ARCA for 12 years. Since ARIF’s inception 11 years ago, 70 scholarships at $2,500 each have now been awarded.

With the virus-related cancellation of the 2020 Spring Sporting Clays Tournament—and the resulting loss of event revenue—fewer awards were given this year than anticipated.

All recipients were selected based on their academic records, potential to succeed, leadership and participation in school and community activities, honors, work experience, and the ARIF Board interview evaluation. To be eligible to apply for an ARIF scholarship, the applicant must be a full-time employee of an ARCA member (roofing contractor or associate member) or their dependent children or spouse. In addition, applicants must be either high school seniors/graduates planning to enroll or students currently enrolled in a full-time undergraduate course of study at an accredited two or four year college, university, or vocational technical school. The next scholarship applications will be released in April of 2020.

Justin Grady will be a junior at the University of Arizona. He has earned a 3.7 GPA as an engineering major. This is his second award. He is the son of Allison Grady from Star Roofing.

Ryland Phipps will be a junior at the University of Arizona. He has maintained a 3.8 GPA in pursuit of a degree in astronomy. This is his third award. He is the son of Donald Phipps from Roofing Supply Group in Tucson.

Olivia Raisanen is in her second year of the masters program in architecture at the University of Michigan where she has a 4.0 GPA. This represents her third award. She is the daughter of Warren Raisanen of Trades Unlimited.

Alex Riordan will be a senior at Arizona State University, where he maintains a 3.4 GPA as a finance major. This is his second award. He is the son of Michael Riordan from Banker Insulation.

Chad Lancucki will be a junior at Arizona State University, where he has earned a 3.6 GPA in mechanical engineering. This is his second award. He is the son of Veronica Lancucki from Allstate Roofing.

Daniel Hyman will be a senior at Arizona State University where he is an education major with a 3.3 GPA. This is his third award. He is the son of Russ Hyman from Gryphon Roofing.

Ryan Diaz will be a senior at Tarlton State University in Texas. He is majoring in accounting and has a 3.1 GPA. This is his second award. He is a full time employee at Flynn Southwest.

Simon Nichols just graduated from Marana High School where he maintained a 3.7 GPA. He will be attending the University of Arizona where he will pursue a business degree with an emphasis on finance. He is the son of Melissa Ziegler from Artisan Roofing Systems.
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We truly believe success in this industry is shared, and we’ve helped more contractors launch, build and sustain profitable businesses with unmatched expertise and support. “At RSG, roofing is not a job – it’s a career.”

At RSG, our experts have you covered.

At RSG, we work closely with contractors who strive to grow long-lasting, profitable businesses and who want to avoid the consequences of inaccuracies and poor project management all too common in our industry.

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