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ARIZONA ROOFING INDUSTRY
FOUNDATION



NRCA



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Letter from the President

Greetings Fellow ARCA Members:

This is my first address to the membership as president. I have been involved in ARCA many years as chairman on the government affairs committee, membership and marketing committee, expo committee, and the riders rally committee. I have served on the board of directors as director, second vice president, first vice president, and now president. Through that time, I have established friendships with many of you in ARCA. ARCA is the finest group of people the roofing industry has to offer, and I am proud to be a part of it.

Many of us recently enjoyed the ARCA expo in the cool pines of Flagstaff at the Little America Hotel. For those who weren't there, you missed out on great activities like the get acquainted barbecue, various sporting and roofing tournaments, industry trade show, educational seminars, and the annual awards banquet. The expo committee chairs, members, and sub-committee members deserve a round of applause for a job well done. I hope all ARCA members will attend next year's expo at Harrah's in Maricopa. For anyone who has ever asked, "Why is the expo never in the valley?" this one is for you. This will be a great opportunity to send members of your company to as many events as possible, since this will be so accessible to the valley.

Taking advantage of ARCA events and training is a great opportunity to meet others in the industry and discuss the issues affecting us all. We all know the struggles of supply chain issues impacting our industry. I wish I could say the end of the supply chain issues is in sight, but, as many of you are aware, the can keeps getting kicked further down the road and material prices continue to soar. Through interaction with others, you may discover new ways to meet these challenges. You may meet someone who can help resolve an issue you are struggling with. For more on supply chain issues, please [follow this link for the latest from the NRCA](#).

Another challenge affecting us all is labor shortages. I encourage all contractor members in charge of labor to make use of the many training opportunities offered by ARCA. Better trained employees are happier and more confident in their job. Showing confidence in an employee by encouraging training may improve their morale and loyalty and even encourage them to tell others what a great employer they have. Small steps can have big impacts. When I was new to this industry, I encouraged many of my friends to work with me. I have been fortunate to work for great roofing companies, starting with JBS Roofing in 1984 as a laborer. I was quickly trained offered opportunities such as leading a tear-off crew, operating a forklift, loading shingles, installing shingles, tiles, and BUR. Then I was offered the chance to move to residential sales, and later into management. If my employer had not offered to train me and provide growth opportunities, I would not be addressing you today.

I hope to meet all of you at an upcoming ARCA event. For a complete list of events, please [follow this link](#). Get involved—many of these activities are just for fun. Consider joining a committee or the board of directors. ARCA has a lot to offer, but you have to take the first step. Have a happy and safe holiday season.

Sincerely,

Larry Miller, Gorman Roofing
ARCA President

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LEGISLATIVE UPDATE

By Meagan Johnson, Demenna Public Affairs

68 DAYS UNTIL THE 2022 LEGISLATIVE SESSION

There are 68 days left until the Arizona State 2022 legislative session convenes, the second Monday of January. As a refresher, here are some terms to understand the timeline of the legislative session:

- **Start Date**—The legislature, as prescribed by the Arizona Constitution, begins the second Monday in January.
- **100th Day**—At this point, the legislature needs to have a majority vote to continue the session every week following the 100th day. This serves as a subtle “kick in the pants” to remind lawmakers to finish their work.
- **Sine Die**—In this instance, sine die translates to “with no appointed date for resumption.” Once the work of the legislature is completed, they adjourn sine die and will not return to pass any laws until the second Monday in January of the following year.
- **General Effective Date**—Unless explicitly stated in the bill, all legislation takes effect 90 days after the legislative session ends, known as the General Effective Date.

LEGISLATIVE MAKEUP AND TURNOVER

The Legislative Republican-Democrat split is set with the Senate having 16 Republicans and 14 Democrats and the House with 31 Republicans and 29 Democrats. However, there are several legislative vacancies that need to be filled due to resignations, job changes and scandals. Several vacancies have now been filled, some by sitting legislators from the opposite chamber.

SENATE REPLACEMENTS:

- Senator Stephanie Stahl Hamilton (D) who replaced the Honorable Kirsten Engel (D) for LD 10 (Tucson)
- Senator Raquel Teran (D) who replaced Tony Navarette (D) for LD 30 (Glendale, Phoenix)

HOUSE REPLACEMENTS:

- Sarah Liguori (D) who replaced former Representative Aaron Lieberman (D) for LD 28 (Phoenix, Paradise Valley, Scottsdale)
- Neal Carter (R) who replaced former Representative Bret Roberts (R) for LD 11 (Casa Grande, Marana, Maricopa)
- Teresa Martinez (R) who replaced the late Representative Frank Pratt (R) for LD 11 (Casa Grande, Marana, Maricopa)
- Christian Solario (D) who replaced now Senator Raqual Teran (D) for LD 30 (Glendale, Phoenix)

SEATS THAT STILL NEED REPLACEMENTS:

- Senator Stephanie Stahl Hamilton’s (D) House seat left vacant by her moving to the state senate.
- Representative Becky Nutt (R) in LD 14 (Benson, Bisbee, Safford).

SINGLE SUBJECT RULE

On September 27th Arizona Trail Court Judge Katherine Cooper ruled that several budget bills violated the

constitution’s single subject rule just before the General Effective Date on September 29th. On November 2nd, the Arizona Supreme Court upheld the lower court’s ruling unanimously. We have included a list of provisions affected by this ruling below.

For background, the Arizona Constitution states that every legislative act “shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title.” The Supreme Court has yet to issue their official opinion, but in September Judge Cooper wrote that what lawmakers approved were four bills with general titles about appropriations and budget procedures: “Their function was to enact laws to effectuate the budget,” Cooper wrote. “It was not to enact laws prohibiting mask mandates, regulating school curriculum, or authorizing special interest projects unrelated to the budget or budget reconciliation.”

- HB 2898 (K-12 education; budget reconciliation; 2021-2022.)
 - Section 12: Mask mandate prohibitions
 - Section 21: Critical race theory
 - Section 50: Civil suits against public employees who organize strikes
- SB 1819 (budget procedures; budget reconciliation; 2021-2022)
 - Ruled unconstitutional in its entirety
- SB 1824 (health; budget reconciliation; 2021-2022) -
 - Sections 12: Prohibition on school vaccine requirements
 - Sections 13: Prohibition on local government vaccine passports
- SB1825 (higher education; budget reconciliation; 2021-2022.) -
 - Section 2: Prohibition on vaccine requirements 

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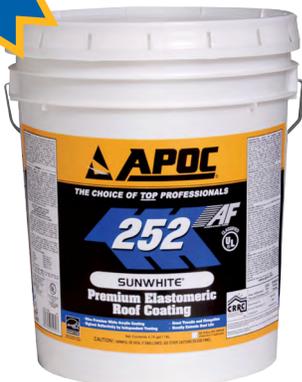
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Are You Getting the Most Out of Your Banking Relationship?

By Kristi Richards, Western State Bank

OVER THE PAST couple years, we've all experienced change. People and businesses have had to adapt to a new normal, and you've probably noticed some changes at your own bank.

During challenging times, it's important to work with a bank that shares your values and wants your business to succeed. Here's what you should expect — and what you deserve — from your bank.

AN INSTITUTION YOU CAN TRUST

The most important part of a banking relationship is trust. During any major event, you should feel confident your bank will provide stability. If you're at the right bank, your money is safe and services will remain consistent.

FDIC INSURANCE

FDIC-regulated banks are required to insure accounts up to at least \$250,000 per depositor. That means at a stable bank, your money is protected. Since 1933, no depositor has lost any amount of FDIC-insured funds.

LONGEVITY AND EXPERIENCE

Experience is important when times are tough. If your bank is newly established, it may lack key insight during economic downturns. You need a bank that's survived the test of time.

CONVENIENT OPTIONS

Your bank should offer safe, convenient ways to make account changes, withdraw money, and take care of other business banking needs. For example, Western State Bank offers consistent service through online, mobile, and drive-up banking.

ONLINE OPTIONS

When you can't stop in, your bank must provide online support through email, social media, or additional online help. Customer service should be available through email and their website, and you should be able to reach out through social media.

SUPERIOR CUSTOMER SERVICE

When you reach out with a question, does your bank offer a superior experience? It can be frustrating to be on hold for hours or be unable to reach a real person at all. At Western, every team member shares our values and cares about your personal needs and experience.

SMALL BUSINESS SUPPORT

If you're a small business owner, you need support from your bank during any financial downturn. If there are resources available, your bank should keep you informed about them.

For example, the Paycheck Protection Program (PPP) helped business owners through the shutdown. Community banks like Western provided support and turnaround times that larger banks couldn't match.

HELP TO ACHIEVE YOUR BUSINESS GOALS

Your business banker should be a true partner. A bank that's right for you will take the time to understand your business goals and do everything they can to help you reach them.

THE BANK YOU DESERVE

Customer experience matters. If you value stability, want true customer service, and care about working with a bank that supports local businesses, Western State Bank is a great choice.

To learn more, stop by any of our seven Arizona locations or visit us online at westernbanks.com. We'd love to discuss your goals and needs and see how we can help. 🏠

→ For more information:

Kristi Richards, Vice President/
Business Banking Officer
Western State Bank (Member FDIC)
623-544-5017
kristi.richards@westernbanks.com

Amazon Smile

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.





Do You Know How Your Customers Like to Learn?

By Heidi J. Ellsworth

Giving people more than one way to digest information helps your message bridge generations.

OUR NEW NORMAL has challenged people and industries to embrace technology and digital resources. It has also catapulted the roofing industry into the digital age as contractors and roofing companies have had to alter how they communicate with customers and do business. With that being said, it's crucial that the industry adopt generational solutions for reaching and engaging with their customers.

It's a fact that every person has different tools and preferences in how they learn. Understanding that some people may need to read information to comprehend it while others may need to listen or watch a demonstration before they can truly absorb the knowledge is crucial. Using multimedia solutions becomes increasingly important for generational learning.

[Studies show 81 percent](#) of people will do research online before completing a purchase and that includes roof repairs or replacement. Knowing that your customers represent multiple generations with different styles of learning, it's more important than ever to offer content in different forms.

This is why RoofersCoffeeShop® offers the RLW option for people to learn how they want. With the Read, Listen, Watch® (RLW) initiative, RCS has made it possible for professionals in the roofing and construction industries to read a transcript before bed, listen to a podcast in the car, or

watch a webinar while enjoying morning coffee. So, how do people like to learn?

READ

The written word, whether it's printed or digital, is here to stay. In 2019, [Library Journal](#) reported the following percentages of demographics identified as avid readers:

- Gen Z (age 9-24): 36.3%
- Millennials (age 25-40): 47.9%
- Gen X (age 41-56): 50.7%
- Baby Boomer (age 57-73): 55.7%

From a marketing standpoint, this data demonstrates each new generation utilizes different ways of learning besides traditional reading.

LISTEN

Podcasts are a popular media form by which to learn new things, consume information, and stay up to date on industry trends. A survey by [Jacobs Media](#) established the following percentages of demographics listen to podcasts at least once weekly:

- Gen Z: 37%
- Millennials: 43%
- Gen X: 28%
- Baby Boomer: 19%

Podcasts are a great way to engage with younger generations. Studies show that millennials prefer to learn and understand

processes and installation methods, not just be told about them. Sharing how the roofing process works, the culture of roofing companies and the opportunities for progressive products is an especially important engagement strategy.

WATCH

Nowadays, almost everyone uses videos for problem-solving, installations, and how-to's. While YouTube attracts users of all generations, [The Manifest](#) found that Gen Z'ers use video and online learning far more than all other generations:

- Gen Z: 89%
- Millennials: 86%
- Gen X: 68%
- Baby Boomer: 52%

Studies also show the great influence Gen Z'ers have on their parents in terms of embracing the digital age. For roofing companies, this means that video will continue to play an important part in reaching audiences.

KNOW YOUR AUDIENCE

Knowing the age demographics of your market and understanding how your audience wants to receive information is invaluable. With remote work and online learning at an all-time high, it's more critical than ever for your business to embrace new learning and messaging styles. 🏠



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ARCA'S 52ND ANNUAL EXPO AND TRADE SHOW

Reunited and it felt so good.

We would like to thank everyone who stuck with us through COVID and who came out to see us in Flagstaff this year for the long-awaited return of ARCA's annual roofing expo and trade show. It was a fantastic opportunity to reconnect and reenergize, and a truly great time was had by all.

→ **SAVE THE DATE**

Next year's expo and trade show will be held in **Maricopa** and is scheduled for **September 29–October 1, 2022.**



EXPO SCOREBOARD



Sporting Clays Winners

Men's Flight

- 1st Place Ron Brown — Score of 88
- 2nd Place Scott Brown — Score of 87
- 3rd Place Patrick Szoke — Score of 85

Women's Flight (Sponsored By Western Colloid)

- 1st Place Jessica Rudd — Score of 59
- 2nd Place Jennifer George — Score of 28
- 3rd Place Minerva Robles — Score of 26

White Clays Winners

- Jonathan Smith
- Kiley Stevensen

Cornhole Winners

- 1st Place**
Scott Brown
Chester Goldmeer

- 2nd Place**
Taylor Skarphol
Mike Hopkins

EXPO SCOREBOARD

Golf Tournament Winners

FLIGHT A

FIRST PLACE	SECOND PLACE	THIRD PLACE
Robert Villalobos	Glenn Milum	Kevin Blackburn
Joseph Marron	Dan Radney	Ben Garland
Tim Kepler	Russ Hyman	Bryson Hevner
Ryan Sims	Steven Ramirez	Travis Weza

FLIGHT B

FIRST PLACE	SECOND PLACE	THIRD PLACE
Bob Livingston	George Smith	Larry Miller
John Alling	Bill Grier	Kevin Looney
Grant Gosselin	Taylor Skarphol	John Nassivera
Brian Stone	Walter Dweitt	Matt Pribyl

COMPETITION HOLES

Closest to the Pin Men's

Ben Rucka

Longest Drive Men's

Kevin Blackburn

Closest to the Pin Women's

Renee Milum

Longest Drive Women's

Renee Milum

Longest Putt

Dave Skierkowski

Doing Your Part While Doing Your Job

‘A licensed contractor called. He didn’t know who else to call but knew he needed to let someone know what he saw.’

The work of construction businesses and their employees often takes place inside a residence, making it increasingly possible for these individuals to notice a child or vulnerable person in need of help.

Adults and children of any age can be the victims of neglect or abuse, including domestic violence. Adults with disabilities, children and the elderly are the most vulnerable for these situations.



What is abuse or neglect?

“Child Abuse,” simply put, means physically injuring or being sexual toward a child, but does not include reasonable discipline of a child.

Child abuse also includes putting a child in a dangerous situation such as having a child stay in a house where there are dangerous chemicals used to make drugs.

Abuse can also include making a child or vulnerable adult stay in a house that is so filthy or uninhabitable (such as no running water or electricity) that the person’s health is in jeopardy.

“Neglect” means not providing the essentials of life: food, water, clothing, shelter, supervision, medical care.

“Domestic Violence” could be physical or verbal, violent or aggressive behavior within the home from one spouse or partner towards the other.

So what can you do?

If you come across a situation where you have a reason to believe that a child or adult is suffering abuse or neglect, there is a way to ask trained people to check the situation out. You may be the difference someone needs. Numbers to call:

Children: 1-888-767-2445

If you’re unsure whether to report, and just want to talk it through with someone:
1-800-422-4453

Vulnerable Adults (adults with disabilities or elderly): 1-877-767-2385

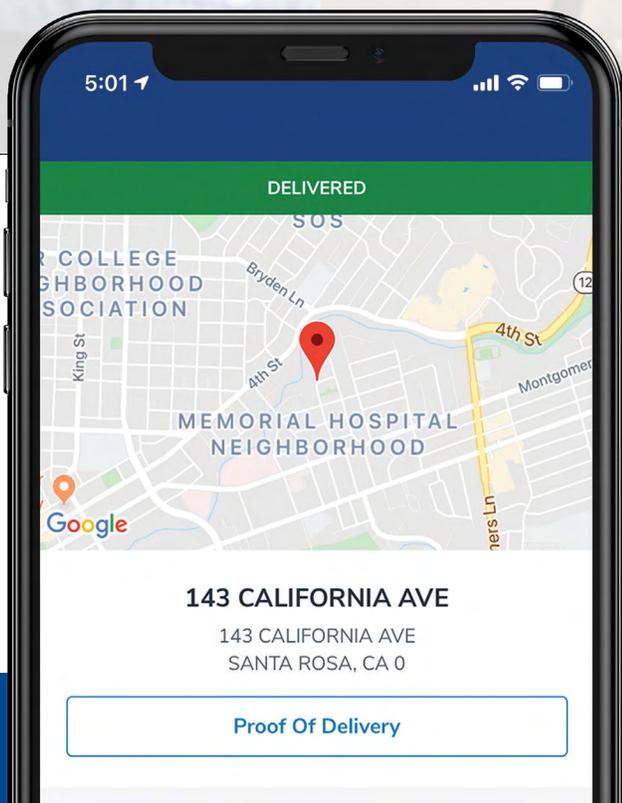
Domestic Violence: Call the local police department.

If you’re unsure whether to report, and just want to talk it through with someone:
1-800-799-7233 (National Domestic Violence Hotline)

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Suicide Prevention in the Construction Industry



By Morgan Tanner, Insure Compliance

THE RISK

CONSTRUCTION WORK IS hazardous. Every year there are thousands of construction-related injuries and hundreds of deaths. We are familiar with safety policies and procedures to help employees work more safely, including training, safety inspections, and wearing PPE. However, one of the leading and most overlooked causes of death in the construction industry is suicide.

In 2018, the Center for Disease Control and Prevention (CDC) published a study revealing males in the construction industry accounted for more US suicides than any other profession. Many factors contribute to this alarming statistic, yet—as with any risk—these factors can be mitigated by implementing policies and practices to help identify warning signs and ensure employees receive appropriate help before it is too late.

THE FACTORS

In the construction industry, 38% of employees are males between the ages of 45 and 64. This coincides with the American Foundation for Suicide Prevention statistic revealing the highest suicide rate in the US to be among males between age 45–54. Additionally, the construction industry's culture of stoicism, self-reliance, and risk-taking increases the risk for suicide. This demographic is least likely to reach out to others if there is a problem.

As if the risks inherent to construction work aren't enough, opioid abuse by construction workers as a means of pain management increases the likelihood of attempted suicides. Opioid use among all industries, especially the construction industry, has reached epidemic proportions. This past year saw a 30% increase in deaths related to opioid use across the United States.

Still other factors can contribute to the risk of suicide: job strain, lack of sleep, harassment, and other workplace stresses.

SPOTTING THE WARNING SIGNS

Those who contemplate suicide, especially among the middle-age male population, often hide their feelings and thoughts. Managers and supervisors can keep an eye out for warning signs and can reach out to provide support and help to address potential problems. Some of the warning signs include:

- Absenteeism
- Declining performance
- Decreased communication
- Changes in personality or behavior
- Talk focused on stress inside and outside of the workplace

For example, if an employee always shows up on time and ready to work, then suddenly starts calling in sick, it could be an indicator that something is wrong. An employee who starts arguing with others or spends more time finding excuses not to work may also be at risk. These few examples and indicators are not an extensive list but can help point to potential problems.

PREVENTION

Companies should implement a positive suicide prevention program that helps ensure employee mental health and safety. Managers and supervisors should be trained to spot the warning signs and to take action when necessary.

Some of the most effective suicide prevention tactics are actually easy to employ. Here is the short list:

Open and Regular Communication

Communication is key to suicide prevention. Supervisors should regularly

check in with employees and get to know them. Ask them to share concerns about problems at work or at home. Let employees know that, along with physical safety, mental safety is also a priority. Keep an open-door policy. Create a culture that reduces the stigma of mental illness.

Monitoring

If an employee shows signs of declining mental health or suicide, the employee needs to be monitored closely. Make sure the employee is never alone at work. Train all managers, supervisors, and employees to recognize the warning signs of suicide and how to respond appropriately. Everyone should participate in maintaining a safe workplace.

Get Employees Help

If an employee shows signs of declining mental health or warning signs of suicide, it is important to get them professional help. Encourage employees to seek mental health assistance when needed.

Provide Resources

A company policy that addresses mental health and suicide prevention should include resources related to these issues. There are dozens of state, local, and online resources available that can provide information and assistance.

While most companies in the construction industry focus on employee safety, we often forget that mental health also needs protection to produce a safe, efficient, and happy workforce. If you would like more information on how to implement a company-wide policy to protect the mental health of your employees, the professionals at Insure Compliance can help. Contact **Nat Carroll** by email at nathan@insurecompliance.net or visit insurecompliance.net. 



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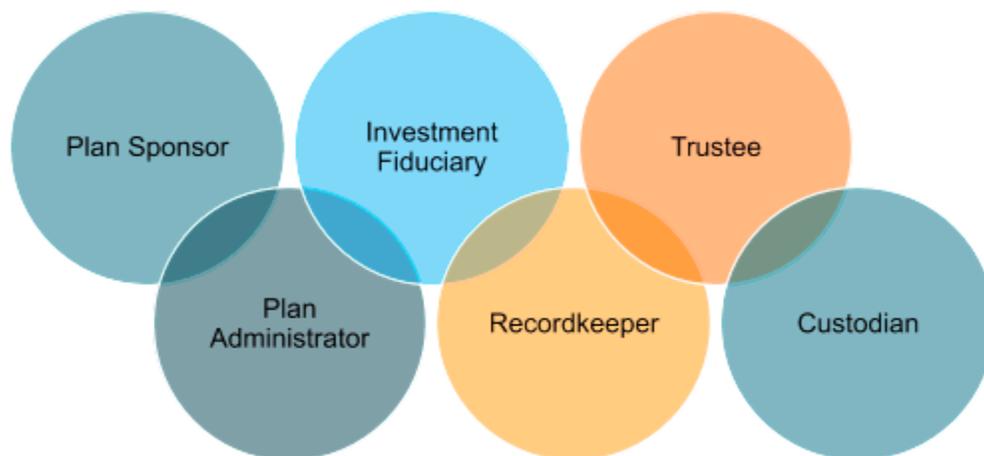
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What's an MEP and why should I join?

According to the Bureau of Labor Statistics, only 48% of employers with fewer than 50 employees sponsor a 401(k) plan. Stand out from the crowd.

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5. Separate eligibility and entry dates
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7. Reduced administrative burden
8. Economies of scale, increased buying power
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What's involved?



ICA Chairman's Roofers Alliance Meeting



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Working for Safety
The Arizona Division of Occupational Safety and Health (State OSHA Program), is in an Alliance with 17 of the largest Roofing Companies working in the State.

Alliance members focus on:



1. Training for employees
2. Develop materials for fall protection awareness
3. Communicate fall protection measures that work and best practices above the OSHA Standards
4. Discuss current ADOSH Enforcement

If you are interested in joining...

Date of Meetings: Third Tuesday of Every Month

Location: 800 West Washington Street., Phoenix, AZ 85007—*In Person & Virtually (Google)*

Time: 9:00 AM

Additional Information Call: 602-542-1693

or Contact one of our Alliance Members directly:



602-237-2478



602-997-0529



602-870-8322



480-268-7379

There is No Such Thing as a 1099 Employee

By Tonya Schulte
The Profit Constructors



A CURRENT HOT TOPIC in the construction industry is determining who should be considered an independent contractor versus who should be considered an employee of the business.

When you have determined you need to hire someone to perform a task for your business, many factors must be considered in determining this distinction.

In recent years, as the “gig economy” has grown, we have seen a heightening of interest around this subject as governments large and small worry they are not getting their full share of the pie. In 2020, California voters passed Proposition 22 which enacted an incredible amount of new rules around who could legally be considered to be an independent contractor. While legal battles continue to rage around this proposition, it highlights the winds of change are blowing regarding this hot button issue. It’s clear that how a company chooses to pay and classify those whom it hires is an issue that should be clearly understood by management.

Another sign of this changing focus across the nation is the recent reversal

by the IRS to an older policy of requiring non-employee compensation to be reported on a dedicated form separate from other types of income (such as rents and lottery winnings). The 1099-NEC was resurrected from the dusty IRS basement in the same year California passed Prop 22 and accountants across the nation are noting IRS interest in 1099s seems to be heightened. A recent (though informal) survey conducted by our firm found accounting firms are seeing higher than normal numbers of Notice CP-2100As being sent to their clients regarding inaccurate reporting of information on 1099 forms.

So business owners should definitely educate themselves on the ins and outs of what both the IRS and other entities such as state and local governments and even their insurance carriers have to say about who *is* and who *isn't* considered an independent contractor.

IRS 1099 RULES

First, let’s examine the determining factors the IRS looks at regarding who can and who cannot be classified as an

independent contractor. The IRS focuses on three categories of degrees of control and independence:

- Behavioral
- Financial
- Type of relationship

Behavioral

From a behavioral perspective, the IRS seeks to understand what types of instruction are given to individuals performing certain tasks, what the degree of instruction is, what type of evaluation system is in place, and if the business is providing a lot of training.

If you tell your new hire when and where to go every day for work, what tools or equipment they must use, where they must purchase supplies, and what order or sequence to follow when performing the work; if you give extremely detailed instructions, if you evaluate them on the details (rather than the results) of their work, and if you train them in the specifics of their job, there is a high likelihood that they should, in fact, be classified as an employee.

For example: If Roofing Company A

hires someone to perform inspections for them and simply says, "Here is a list of places that we need you to inspect. We expect reports from you by the end of next week. Thanks for your help!" that hire would seem, from a behavioral standpoint, to not be an employee of the company. The roofing company is not dictating which software to use, providing any training on how to inspect, or evaluating on anything besides the final reports. On the other hand, if the same roofing company hires someone to install shingles and says, "You'll need to be at the Smith home by 6 pm on Monday. I'll meet you there with a uniform and your tools. You'll need to clock in on our timekeeping system and hand me a report of your hours at the end of the week. John will be training you on our installation procedures and after 90 days we'll be measuring how many shingles you can install for your performance reviews." that new hire would seem from a behavioral standpoint to be an employee. The roofing company is dictating all of the processes and procedures necessary to do the work, and even providing the tools.

Financial

When the IRS considers this metric, they will consider whether or not the person being hired has made their own significant investment in items such as tools, equipment, etc. They'll also seek to understand if expenses incurred by the hire are reimbursable, what their method of payment is (i.e. on a fixed regular basis or only when projects are completed) and are their services also available to others regularly. Significantly, they'll consider whether or not this person has the ability to make a profit or a loss.

To use our earlier example of a roofing company: in the case of the first hire, a roofing inspector, they are probably inspecting roofs for a dozen other roofing companies, have their own truck and tools and are paid when they turn in the inspection reports. In the case of the person installing the shingles, they are handed tools and equipment owned by the company to perform the work, so they make no investment there, they are working a full 40 hours a week for the roofing company and not for any other business, and they can turn in expense reports. Now it becomes even more clear that the first hire is an independent contractor and the second should be

treated as an employee.

Type of Relationship

When it comes to this point, much is often made of the idea of written contracts being a determining factor. This is sometimes misleading. Regardless of what a contract states about whether a person is an independent contractor or an employee, the IRS may still weigh other factors more highly. Additionally, an argument is often made that because the company is not offering benefits to those it contracts with, that they are not employees, but this is not always a very important determining factor either. Permanency is a very strong indicator. (If the roofing inspector is sometimes hired by the company and sometimes not, then they are likely independent contractors, but if they are the only inspector ever hired and they work for no other company, suddenly their classification could come into question.)

Key in the discussion about Type of Relationship these days is "are the services provided as a key activity of the business". What makes this so key is that Proposition 22 made it nearly impossible for anyone to be considered an independent contractor if they are performing the main work of the business.

To frame this in an example, let's continue with the roofing industry, but examine a different scenario. Suppose a local independent contractor named Joe often advertises himself as a handyman and performs odd jobs including roofing repairs. Now let's say Roofing Company B is overworked and having a hard time finding staff to complete some of their smaller roof repair jobs. They see Joe's ad and request his help on a few of their smaller jobs—they want to subcontract to him, and he is glad to take the work. He doesn't intend on becoming one of their employees, but he is happy for the extra work and they give him a large number of jobs over a few months. In the state of California, it would be nearly impossible under Proposition 22 to make the case that Joe should be paid as an independent contractor simply because roofing repair is a key activity of Roofing Company B's business.

To be clear, the IRS rules are not as stringent as California's Prop 22 rules, but it is still worth thinking about this very important distinction because phrasing about key aspects of the business is also

included in current IRS documentation. Considering this point can be critical to avoid ending up in hot water.

WORKER'S COMPENSATION RULES

Besides government agencies valuing their input, insurance companies are becoming increasingly sensitive on this subject as well. In the past, subcontractors who were being paid under a 1099 were often overlooked on worker's compensation reporting.

However, more and more insurance companies have been embroiled in trouble when workers are injured on the job and can prove they should have technically been treated as an employee rather than an independent contractor. This means they, too, are now tightening their focus and requiring not just certificates of insurance for larger construction subs, but to be paid (and obtain reports) for the small independent contractors you hire for labor.

COMPLAINTS AND INVESTIGATIONS

There are multiple ways an investigation could be triggered into an employers business regarding their employment practices:

- A complaint regarding wages or overtime disputes filed with the state DOL.
- During an investigation regarding past due taxes or incorrect taxes uncovered during a tax audit or upon the complaint of an employee.
- Many states have a Memorandum of Understanding with the IRS which allows the free flow of information back and forth between the agencies.

This means a complaint from any one direction (insurance-related, IRS-related, or state-DOL-related) can come with steep penalties and fines from more than one direction as well.

NOW FOR THE SCARY STUFF: PENALTIES AND FINES

Any or all of the following could be assessed for failure to classify workers properly:

- A fine for each W-2 the employer failed

to file

- Penalties for failure to withhold income taxes
- Penalties for failure to withhold Social Security and Medicare taxes
- Unpaid employer taxes
- And, of course, penalties and interest for all of the above

Fines and penalties could also be faced at a state level with enforcement being carried out by the agency that is in charge of Worker's Compensation regulations. Many states now have an Uninsured Employer's Guaranty fund and the employer could be assessed the full amount advanced by the fund to pay for any workers who are not properly covered. The injured worker also has the right to sue for negligence.

If a tax agency finds the misclassification was intentional or fraudulent, they may even refer the case to a criminal agency.

MORE INFORMATION

For more specific information from the IRS on these distinctions and how to make a determination, you can [visit the IRS website's informational page](#).

To learn more about how to file a complaint with the U.S. Department of Labor, you can [visit the DOL complaints page](#).

If you are still struggling with classification of employees, or if you would like our team to evaluate the classification of your current workers, please contact The Profit Constructors Team at 480-442-4032 or email hello@theprofitconstructors.com

→ **Tonya Schulte** of **The Profit Constructors** is a profitability educator and construction accounting specialist. She founded the company five and a half years ago to help mid-sized companies in the construction industry, "run with the big dogs." In so doing, she delivers advisory board level counsel and instruction centering around their accounting and systems needs. Like the construction firms she serves, she is dedicated to superior craftsmanship in her trade.

New Arizona Legislation Eases Advertising Requirements for Licensed Contractors

By Jason Clark

FOR YEARS, ARIZONA law required licensed contractors to display their Arizona Registrar of Contractors (ROC) license number on "all broadcast, published, internet or billboard advertising, letterheads, and other documents used by the licensee to correspond with the licensee's customers or potential customers."

While including the license number in printed media was not a burden, working it into other forms of advertising — particularly broadcasting — posed some significant challenges.

This is no longer an issue. In March, Governor Ducey signed into law H.B. 2545 which provides an exception to the longstanding advertising requirement.

Specifically, licensed contractors are excused from displaying or mentioning their license number on broadcast, internet, or billboard advertising (including vehicle signage) if the ad includes a web address that "prominently displays the licensee's name and license number." (See the revised A.R.S. §

[32-1124](#).)

For these purposes, [the ROC has specified a licensee's name and ROC license number are deemed "prominently displayed"](#) under the following conditions:

- the information appears directly on the home page of the website (in a location other than the footer);
- the information is clearly visible without obstruction from photos or other graphics; and
- the information appears in an appropriate font size.

Please note the new exception applies only to internet, broadcast, and outdoor advertising. Contractors are still required to display their ROC license numbers on all written bids, estimates, print advertising, letterhead, and any other documents that the contractor uses to communicate with customers or potential customers. 🏠



ROC 205554

Lyons Roofing remains grateful for all ARCA does to advance the success of our Roofing Community.

To all members of ARCA; Lyons Roofing wishes you a healthy and prosperous 2021.





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OSHA Vaccine Rule Blocked Permanently by Fifth Circuit, But Judicial Review Will Continue

A THREE-JUDGE PANEL ON the Fifth Circuit Court of Appeals has now permanently blocked OSHA from implementing and enforcing its vaccine rule, which impacts employers nationwide.

This is not the end of the judicial review road for the vaccine rule. Challenges to the rule were filed in multiple federal circuit courts across the country. When there are multiple filings like these, a multi-circuit “lottery” system is utilized for purposes of consolidation and clarity. All of the appeals are consolidated before the circuit court selected in the blind lottery, which will then hear the challenge to the rule. That lottery is expected to take place on

or about Monday, November 16th.

If the Fifth Circuit is not selected in the lottery, then another appeals court will have an opportunity to issue the controlling decision here (which could, among other things, lift the Fifth Circuit’s stay). After that, regardless of the outcome, the Supreme Court will likely have the final word.

While the future of the vaccine rule continues to remain unknown, notwithstanding this latest decision, covered employers should consider continuing to take steps to come into compliance, given the short compliance window provided by OSHA if the rule is ultimately upheld. 🏠

An aerial photograph of a small wooden cabin with a dark roof, situated in a dense forest. A yellow boat is parked on a path leading to the cabin. The scene is lush and green, with sunlight filtering through the trees.

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New 2022 Minimum Wage (Effective January 1)

IN ACCORDANCE WITH A.R.S. § 23-363(B), Arizona's minimum wage will increase from \$12.15 to \$12.80 effective January 1, 2022. The 65 cent increase in minimum wage is based on the increase in inflation between August 2020 and August 2021, as published in the U.S. Bureau of Labor Statistics' Consumer Price Index.

Posters, which are to be displayed in a place accessible to employees, may be found on the [Industrial Commission's Labor](#) page. The minimum wage posters include information on exemptions, tips and gratuities, retaliation, and more.

- [English Minimum Wage Poster](#)
- [Spanish Minimum Wage Poster](#)

If you have any questions regarding the upcoming minimum wage increase, please contact the Labor Division within the ICA at (602) 542-4515 or refer to our FAQ page:

[Minimum Wage FAQs](#)

Regards,

**THE INDUSTRIAL
COMMISSION OF ARIZONA**

A MESSAGE FROM ARCA'S EDUCATION PROGRAM CHAIR, JERRY BROWN

OUR EDUCATION PROGRAM has now been in effect for over three years and we are ready to advance the program.

We need more people to get involved and assist in teaching these classes.

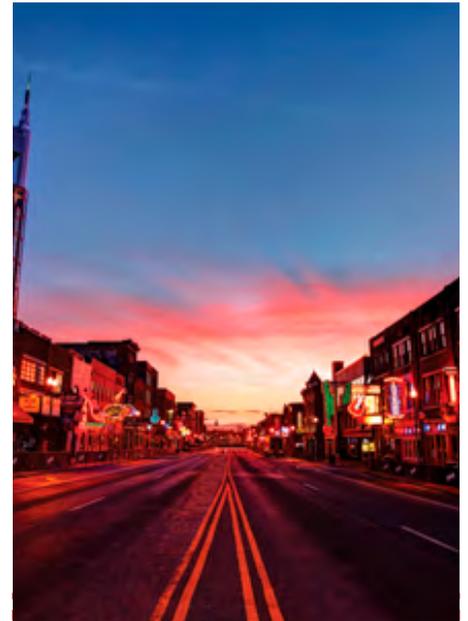
Our next step is twofold:

1. Provide the applicator classes, which will enable participants to complete the courses necessary to achieve accreditation in a specific trade, such as shingles, tile, single ply, coated foam, etc. For example, the course curriculum for the trade of single ply would include classes on TPO, PVC, (EPDM & CSPE to a lesser degree) insulation, flashings, adhesives, mechanical attachment, and tools.
2. Open this program to Spanish speaking personnel. To achieve this, we will need members willing to teach these classes in Spanish.

CLASSES FOR WHICH WE NEED TEACHERS:

BUR, Modified Bitumen, Single Ply, Coated Foam, Shingles, Tile, Metal, Insulation, Metal & Liquid Flashings, Adhesives, Coatings, Waterproofing, Deck Coating, Estimating, Markup & Profit, Plan Reading, Construction Documents & Wooden Shingles & Shakes

Are you (or any individuals with whom you work) an English-speaking and/or Spanish-fluent ARCA Member well-versed in any trades listed above and willing to invest in the advancement of skills in the roofing industry? Please contact the ARCA office today (arca@azroofing.org, 602-335-0133)—we need you.



Register Online for 2022 IRE

Online registration is available for the 2022 International Roofing Expo,[®] which will be held at Ernest N. Morial Convention Center in New Orleans, Feb. 1-3, 2022. [Registration can be completed by visiting www.theroofingexpo.com.](#)

Early registration offers select benefits, including discounts on Expo Only admission and conference packages and securing your choice of educational seminars. NRCA members receive a discount on all packages.

NRCA's 135th Annual Convention will be held Jan. 30-Feb. 3 in conjunction with the IRE.

For more information about the 2022 IRE, visit [www.theroofingexpo.com](#).



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- ▶ Waterproofing



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Castagra Products is pleased to announce the winner of the 2021 Castagra Roofing Scholarship Program!

The Castagra Roofing Scholarship Program was designed to support individuals pursuing a career in roofing (or a similar field), who are passionate about innovation and/or sustainability. Our team was overwhelmed by the number of qualified applicants, and picking a winner was no easy task! Thank you to everyone who applied.

The winner of the 2021 Castagra Roofing Scholarship Program is Sarah Dalby, an Architectural Engineering student at the University of Texas! She's passionate about the building industry and is pursuing her degree to learn about structural methods and materials in order to design a sustainable solution to help the homeless. She's been researching 3D-printing technology and how it can be expanded in order to 3D-print houses with organic materials.

Congratulations Sarah!



"One of the biggest obstacles in this method of construction is how to create a roof. Currently, conventional methods of roofing are used on these technological marvels, consisting of typical lumber and asphalt or other roofing materials. The next step in engineering these types of buildings would be figuring out how to create a roof efficiently and sustainably to match the methods used to 'print' the walls and floor. I think this obstacle presents some really interesting roofing solutions."



Applications for the 2022 Castagra Roofing Scholarship Program are opening soon!
Follow Castagra on social media to learn more.





Have you Downloaded our Events App?

*Tracking your ARCA expo itinerary
has never been easier.*

Did you know about ARCA's event app? **Perfect for tracking all your 2022 ARCA events**, ARCA's event app can be used all through the year to stay in the know about your favorite ARCA happenings.

- Conveniently manage all ARCA events in one place
- Plan your calendar for the 2022 Expo & Tradeshow!
- Access event maps from the palm of your hand
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- Event sponsorship recognition
- Easily view prizes and auction items

To start using ARCA's event app, first download the Yapp app from your mobile app store. Then, log in using 'ARCAEVENTS'.

UPCOMING EVENTS

DEC 7 1:00 PM–2:00 PM	ARCA MEMBERSHIP PRESENTATION <i>Webinar login details provided upon registration.</i> Register here.
DEC 9 4:00 PM–6:30 PM	ARCANSTRUCTION - 9TH ANNUAL HOLIDAY PARTY ARCA OFFICE 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
DEC 10 7:00 AM–9:00 AM	OSHA FALL PROTECTION TRAINING (ENGLISH) ARCA TRAINING ROOM 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
DEC 10 9:30 AM–11:30 AM	OSHA FALL PROTECTION TRAINING (SPANISH) ARCA TRAINING ROOM 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
DEC 17 7:00 AM–9:00 AM	OSHA FALL PROTECTION TRAINING (ENGLISH) THE MAHONEY GROUP 5330 N. LA CHOLLA BLVD TUCSON, AZ 85741
DEC 17 9:30 AM–11:30 AM	OSHA FALL PROTECTION TRAINING (SPANISH) THE MAHONEY GROUP 5330 N. LA CHOLLA BLVD TUCSON, AZ 85741
JAN 13 8:30 AM–1:00 PM	TILE ROOFING INSTALLER CERTIFICATION IN-PERSON ARCA TRAINING ROOM 5330 N. LA CHOLLA BLVD TUCSON, AZ 85741
JAN 13 11:00 AM–12:30 PM	NATIONAL WOMEN IN ROOFING AZ CHAPTER ATAS INTERNATIONAL 419 E. JUANITA MESA, AZ 85204
JAN 14 8:30 AM–1:00 PM	TILE ROOFING INSTALLER CERTIFICATION IN-PERSON ARCA TRAINING ROOM 5330 N. LA CHOLLA BLVD TUCSON, AZ 85741
JAN 21– FEB 11 7:00 AM–4:00 PM	OSHA 30-HOUR TRAINING (ENGLISH) ARCA TRAINING ROOM 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
JAN 28 11:00 AM	ARCA 4TH ANNUAL GOLF TOURNAMENT ARIZONA BILTMORE 2400 E. MISSOURI AVENUE PHOENIX, 85016
MAR 9 12:30 PM	SPRING TRAINING SOCIAL EVENT SLOAN PARK 2330 W. RIO SALADO PKWY MESA, AZ 85201

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RWC BUILDING PRODUCTS

SCOTT ROOFING COMPANY

SECTION 7 MARKETING, INC.

SUREBUILD LLC

VERDE INDUSTRIES, INC.

VERSICO ROOFING SYSTEMS