



Council of Industry Newsletter

Summer 2011
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Issue 7

2011 Manufacturing Summit in DC

By Harold King, Executive Vice President, Council of Industry

Last month I, along with Karyn Burns of the Manufacturers Alliance and hundreds of manufacturing executives from across the nation, visited Washington, DC, for the *Manufacturing Summit* to make the case that manufacturing success translates into more jobs for Americans. With well over 250 Congressional visits by manufacturers, legislators and their staffs heard firsthand about how policies impact manufacturers. We stressed three things: the need for globally competitive tax policies, passage of the Colombia, Panama, and South Korean free trade agreements, and the need to address excessive regulation. Here are some facts and arguments we presented to members of Congress during our visits.

Globally Competitive Tax Policies

U.S. manufacturers face higher tax costs than almost all of our competitors in other countries. The corporate tax rate in America is the second highest among developed nations, and it puts the manufacturing industry at a significant competitive disadvantage in the global marketplace. Tax cuts are proven ways to improve competitiveness and generate growth. Lowering the tax rate would provide for manufacturers with more resources to expand operations and create jobs. Predictability and consistency in the United States tax code would allow for the long-term planning and investments that enable us to stay competitive.

- Tax policy should promote economic growth, U.S. job creation and the ability of U.S. manufacturers to compete in world markets.
- Simplicity and stability should be important goals of federal tax policy.
- The tax burden should be as low as possible, broadly based and nondiscriminatory.
- The prime objective of long-term tax

policy should be to maintain competitive tax rates that are low enough to attract the capital formation and investment necessary to ensure durable economic growth.

Congress and the Executive Branch should work to control spending so that the federal revenue gain from economic growth and good tax policy can decrease future projected federal deficits.

Colombia, Panama, and South Korean Free Trade Agreements

Ninety-five percent of the world's consumers live outside the United States. U.S. manufacturing and trade must be able to reach those consumers to grow their businesses and create jobs. Manufacturers rely on bilateral free trade agreements as a proven, practical way of eliminating foreign trade barriers and creating new markets for American products.

Free trade agreements (FTA's) account for nearly one-half of U.S. manufactured goods exports. They lower the price for consumer goods in the United States as well as the costs U.S. businesses pay for imported materials. Bilateral free trade agreements also open foreign markets to U.S. goods, increasing employment in those export sectors. The Census Bureau reports that over the past two years, U.S. manufacturers had a \$50 billion surplus with their counterparts in FTA partner countries. Conversely, in the same time period,



NAM President and CEO Jay Timmons at the 2011 Manufacturing Summit.

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Training and Education

Time to Sign Up for Regulatory Refresher Training



DOT Hazardous Materials Training

The DOT Hazardous Materials training will address the following topics: Overview of Hazardous Materials regulations, Definition of Hazardous Material, How to properly name a Hazardous Material, How to package, label and prepare manifest for Hazardous Materials emergency Response. Who should attend the training? DOT regulation 49 CFR 172.700 requires that all “hazmat employees” be trained or re-trained every 3 years. “Hazmat employees” include anyone who labels, marks, loads/unloads, prepares shipping papers or transports hazardous materials by road, water, rail or air.

RCRA Hazardous Waste Training

The RCRA Hazardous Waste training will include the topics: Overview of RCRA, Definition of Hazardous Waste, Classifications of Hazardous Waste generators, Requirements of Hazardous Waste generators, Container Management, Universal Waste Enforcement, What to do if you are Inspected? and Site-specific Contingency Planning. Who should attend the training? Federal and State regulation require that individuals at facilities classified as Large Quantity Generators of hazardous waste (>1,000 kg/month) involved with the management and handling of hazardous waste (i.e. label drums, transport, etc.) must receive RCRA hazardous waste training on an annual basis.

HAZWOPER

The training will consist of four hours of classroom sessions including presentations, question and answer and video presentations, as well as four hours of hands-on training. This training will include: Classroom: Overview of HAZWOPER regulations; Health and physical hazards associated with spill response; Toxicology; Risk Assessments (electrical, confined space, heat, noise, etc.); Fire protection; Hazard identification and communications; Personal protective equipment; Hazard control; and Monitoring and Instrumentation.

Hands-on Training: Dress out Level D, C and B personnel protection; Methods of decontamination; Donning/doffing of respirators and their limitations; One drum scenario (recognize labels, reference materials, spill control, PPE selection, plug patch repair and over pack of drum, label over pack); Decontamination and Critique of scenario training.

10 Hour OSHA General Industry Course

The 10-hour General Industry Outreach Training Program is intended to provide entry level general industry workers broad awareness on recognizing and preventing hazards on a general industry site. The training covers a variety of safety and health hazards which a worker may encounter at a general industry site. OSHA recommends this training as an orientation to occupational safety and health. Workers will receive additional training on hazards specific to their job. Training will emphasize hazard identification, avoidance, control and prevention.

For dates, times, location and cost see Calendar on page 9

To register online go to: http://www.councilofindustry.org/training/category_courses.html#regulatory

Lean Six Sigma Green Belt Certification Program

The Council of Industry will partner with Dutchess Community College and the Rochester Institute of Technology (RIT) to present Green Belt training to members. Over the past few years the Council has presented nearly a dozen Yellow Belt certification courses with DCC and RIT. The time is now right to offer those who have attained that certification the opportunity to improve their skills and expertise even more through Green Belt.



Green Belt is a serious commitment. While the Yellow belt course takes 3 days to complete, the Greenbelt course takes 14 and the sessions will be spread out over 3 months (9/14 – 12/15) at Dutchess Community College this Fall.

The Green Belt class is limited to the first 20 registrants. The cost is \$3,700 per person or \$3,400 per person if two or more attend from the same company.

For more information or to register online: <https://connect.computility.com/form/index.php?id=265843f20adf822d37b508e13194e4d2>

Visit the Training page on the Council of Industry website—www.councilofindustry.org or e-mail training@councilofindustry.org or call (845) 565-1355.

The Green Belt is a serious commitment. While the Yellow belt course takes 3 days to complete, the Greenbelt course takes 14 and the sessions will be spread out over 3 months (9/14 – 12/15) at Dutchess Community College this Fall.



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Donning/doffing of respirators and their limitations; One drum scenario (recognize labels, reference materials, spill control, PPE selection, plug patch repair and over pack of drum, label over pack); Decontamination and Critique of scenario training.



Council News

HR Sub-council September Meeting on Wage & Hour Law

Topics: Wage Theft Prevention Act and Consequences of Worker Misclassification

When: September 16, 8:30 10:00 am

Where: The Orange County Business Accelerator, New Windsor NY

Cost: None for Members



Wage Theft Prevention

Act – Presented by *Michael D. Billok, Bond, Schoeneck & King, PLLC*. New dual language notice requirements; new content requirements for employee pay stubs; New record keeping requirements; New employer liability and enhanced penalties for certain violations; New powers granted to the NYS Dept. of Labor; Practical strategies for achieving compliance.

Mr. Billok concentrates his practice in employment counseling and litigation, and regularly represents employers in matters involving all aspects of the employment relationship. He has handled cases before the New York State Division of Human Rights and the National Labor Relations Board ("NLRB"), and counsels employers to ensure their workforce is in full compliance with immigration laws

Tax Consequences of Worker Misclassification

Presented by *Frank C. Mayer, Bond Schoeneck & King, PLLC*. New employment tax national research project; Triggers for IRS worker classification audits; Overview of the IRS 20 factor worker classification test; Civil and criminal penalties for the failure to collect or pay over employment taxes; Safe harbors and relief provisions.

Mr. Mayer's primary areas of practice include corporate and business law, tax planning for closely-held and public companies, and estate planning and administration with a concentration in tax related matters. Mr. Mayer is also a Certified Public Accountant.

To register contact Alison Butler at abutler@councilofindustry.org or call (845) 565-1355. Register online at our website www.councilofindustry.org.

Golf Anyone? Sign Up Your Foursome Today for CI's 2011 Golf Outing

When: August 22, 11:30 Lunch, 12:30 Shotgun start

Where: The Powelton Club, Newburgh, NY

Cost: \$145 per person, \$540 per foursome

The Council of Industry will hold its Annual Golf Outing on Monday, August 22nd at the Powelton Club in Newburgh. The Powelton is a beautiful course conveniently located just off of Route 9W in Newburgh, NY. Last year's event drew over 80 golfers from manufacturing firms throughout the Hudson Valley.

Registration and lunch will begin at 11:30 followed by a shotgun start at 12:30. Cocktails and a light dinner will follow at approximately 5:00 p.m.

The \$145 fee (\$540 per foursome) includes: lunch, golf, cart, cocktails, hors d'oeuvres, dinner, prizes and giveaways.

Sponsorships are available. Sponsors help make this event possible and one of the most enjoyable of the golfing season. Please support the Council of Industry and Hudson Valley manufacturing by becoming a sponsor.

Thank you to our sponsors so far:

Cocktails—The Chazen Companies

Hole-in-one—The Reis Group, Applied Underwriters

Prize - JABIL and Eastern Alloys

Tee Signs - BASF Corp., Elna Magnetics, Jackson Lewis LLP, Mid-Hudson Workshop, Pawling Corp., Riverside Bank, and Rondout Savings Bank.

Welcome New Member:

Mechtronics: Full service merchandising solutions company. Dutchess County. Contact : Julia Mercado.

New Associate Member:

B.K. Patents, Inc.: Patent preparation and prosecution. Ulster County. Contact: William Knowles.

Manufacturing Job Opportunities

If you have job openings and positions to fill—

- *Post it on the Council of Industry Website—*
- *Look at resumes from our member recommended For Hire page*

Contact Alison at abutler@councilofindustry.org for more info.

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Personnel Matters

The top tier needs include having a good relationship with the immediate supervisor, open and honest communications up and down the organization, and the opportunity to grow personally and professionally. Salary levels and benefits surprisingly fall into the second tier.

The Leader's Role in Motivation

By Gordon McAleer, President, McAleer & Associates

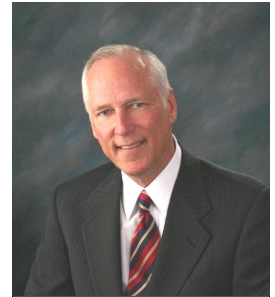
Fostering employee motivation is one of the key responsibilities of an effective leader. A good leader has the ability to unleash incredible potential from his or her employees. Aligning the employee's goals with those of the company will drive the company's success to new heights.

Industrial psychologists have identified two levels of motivation. The first is the intrinsic or self-motivated drive from within the person to feel competent, productive and raising one's status. The intensity of self-motivation varies among persons, but the trait is basic in all of us. The second level of motivation is extrinsic or external to the person and is a reflection of the work and community environment. The leader will have a major impact of the extrinsic motivation but can also give the employee the encouragement and support to foster the person's intrinsic motivation.

Thousands of employee satisfaction surveys consistently paint the picture of a hierarchy of employee desires. The top tier needs include having a good relationship with the immediate supervisor, open and honest communications up and down the organization, and the opportunity to grow personally and professionally. Salary levels and benefits surprisingly fall into the second tier. That explains why a salary increase has such a short term impact on employee morale. The adjustment is soon forgotten, but issues of communications and the quality of relationships have much longer staying power. However, salary and benefits can quickly rise to the top concern if the company is seriously lagging behind the market competition.

One of my lines of questions when interviewing a candidate involves asking the person to describe the profile of the person's best boss ever and the converse, the worst boss. The responses are revealing into the person's character and motivation. The profile of the best boss is quite consistent – someone who is smart, honest, competent, nurturing, and willing to take a true interest in the person to help the person to advance. The profile of the worst boss is pretty consistent, too. The traits include being self-serving, deceitful, quick to place blame on others and equally quick to take the credit from others who deserve the kudos for a job well done, and demonstrating an uncaring and disrespectful attitude toward the person. The employee just needs to be burned once to relegate the boss to the "poor" category, and the respect for and trust in the boss is gone forever. The productivity and commitment of the employee to the company quickly plummets. The top performing employees will leave for other opportunities in well managed companies.

The effective leader will be a good listener and coach to provide the nudge to have the employee unleash the intrinsic motivation to do better than ever. Moreover, the leader will spend the time and effort to find that "sweet spot" of a common ground of aligning the employee's goals with that of the mission, strategy and initiatives of the company.



A. Gordon McAleer,
President of McAleer
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McAleer & Associates is a member of the Council of Industry and is a professional and executive recruiting firm that has been serving the needs of business for securing top talent for over eighteen years. The firm has the exclusive endorsement of CI. Council of Industry members that use McAleer & Associates are eligible for a 25% discount of recruitment fees. Professionalism, confidentiality, and timely results are assured.



More Personnel Matters

7 Bad E-mail Habits and How to Fix Them

By Scott Young, From regan.com

Email is a shallow way to communicate.

It's easy, fast and lacks the depth of understanding most people get from talking face to face. Unfortunately, many people don't realize just how much of this understanding they lose by using email. As a result, they pick up bad habits and start driving co-workers, bosses and friends crazy.



Here are seven particularly bad habits, and how you can fix them so people won't want to kill you:

1. Hanging questions

Any email that involves a request or question requires a follow-up. Even something as short as, "K." However, some people seemed to have missed this point, and they leave requests or small questions completely unanswered. The problem here is that the sender has no idea whether you even read the message.

Here's the fix:

- **Answer small questions immediately after reading.** Get an auto-responder, or simply shorten emails to a few words if you're facing a time-crunch.
- **Tell the person if you can't answer their question yet.** If you won't know until the 15th, don't wait until the 16th to reply.

For difficult or long-winded answers, tell the person you aren't sure or don't have time to answer right now. If the message is important, add writing a response to your to-do list. If it isn't, just leave it there. Any response is better than silence.

2. Buried requests

A question or actionable information that is sandwiched between unimportant information is a buried request. Consider the difference between these two emails:

Hi Bob, I've been considering your new proposal for adjusting the customer service policy. I think we should meet up and talk about it. Your proposal seems actionable, but I have a few concerns.

Compare that with this:

Hi Bob, I've been considering your new proposal for adjusting the customer service policy. I think we should meet up and talk about it. Your proposal seems actionable, but I have a few concerns.

When do you want to meet up?

Important Notice to Employers: Interest Assessment Surcharge for 2011

From the New York State Department of Labor

The recent national recession led to record high levels of unemployed workers receiving unemployment insurance benefits. As a result, since 2009 New York State has borrowed over \$3 billion from the federal Unemployment Insurance (UI) Trust Fund. The American Recovery and Reinvestment Act (also known as the Recovery Act) provided interest-free loans to New York and other states with insolvent Trust Funds during calendar years 2009 and 2010. Thus far, Congress has not extended the interest-free loan provisions into 2011. As it stands now, New York must pay approximately \$95 million in interest on these loans to the federal government by September 30, 2011.

In order to pay the interest due for 2011 on these federal loans, New York State is required by state law to assess a temporary charge on employers, called an Interest Assessment Surcharge (IAS). Should Congress extend the interest-free loan provision, we will either credit your account or refund the money paid.

New York's Interest Assessment Surcharge rate for 2011 is 0.25%. Each employer's surcharge amount is determined by multiplying the total taxable wages in the most recently completed payroll year (October 1, 2009 through September 30, 2010) by the IAS rate of 0.25 percent. Therefore, the maximum amount that most employers will be assessed is \$21.25 per employee. Payment of the IAS is **due by August 15, 2011**.

If you have any questions, please call the Employer Accounts Adjustment Section of the UI Division at 1-888-899-8810.

Below is the link to the FAQ's on the NYS DOL website:

<http://www.labor.ny.gov/ui/employerinfo/interest-assessment-surcharge-faq.shtm>



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Legislative Matters

The passage of the property tax cap is a crucial first step towards not only curbing the increase in taxes, but eventually shrinking them. This tax, coupled with substantial mandate relief which we will be pushing for in the next legislative session, will help improve our economic climate and bolster competitiveness.

Overall, A Positive Legislative Session in 2011

By Karyn Burns, Director of Government Relations, Council of Industry

2011 highlighted a number of positive bills for manufacturers and businesses. There is always something good about balance of power, and with that balance came a much more business friendly agenda and outcome from the Assembly, the Senate, and the Governor's office, together. Here are a few of the major highlights manufacturers and businesses have reason to celebrate as outcome from 2011:

Recharge New York: This legislation is the result of much hard work, dedication and collaboration from a number of statewide business and member organizations, and quite a victory to say the least. With Recharge New York, a long term

economic power program, manufacturers and businesses statewide will have access to competitively priced electricity. This allocation based program will enable manufacturers and businesses to sustain and create good paying jobs and provide much needed economic rejuvenation to the State.

Qualified Emerging Technology Credits: Passage of this legislation was very exciting to the Manufacturers Alliance as we have been working with our small to medium sized manufacturers for years and encouraging those who were applicable to apply for and receive these credits. They were slated to expire in December of 2011. The bill that passed extended the credits, officially termed the New York State Qualified Emerging Technology Credits until 2016. In order to meet eligibility, a manufacturer or business must be in a targeted technology sector, have 100 or fewer employees in New York (with at least 75% of total company employment in New York), have a ratio of R&D spending to net sales of 6% or greater, with gross revenues not greater than \$20M annually. For recipients of the programs, manufacturers and business are provided refundable investment credits for research and development, testing, inspecting quality control and similar capital expenditures for qualified research expenses, and for high technology training expenses. The benefit is capped at \$250K per tax-

payer, per year. These current tax credits are utilized by manufacturers and businesses statewide, providing significant tax incentives to New York State businesses, encouraging them to grow and advance their businesses and practices in innovation and technology. If you would like to learn more about how your business can take advantage of these benefits,

please contact me directly.

2% Property Tax Cap: The property tax cap is another example of determination, persistence and collaboration from the business community. After much deliberation and working out of the details, a tax cap bill was passed

as one of the last bills of the legislative session. Unshackle Upstate, a partner group of which the Manufacturers Alliance is a proud member of, was one of the statewide leaders in pushing for this bill into Law during this session. With a property tax cap, this will institute much needed fiscal discipline on local tax jurisdictions by providing responsible limits on the frequent, year-to-year increases in property tax levies at 2%. The Manufacturers Alliance is in agreement with most that there is a desperate need for fiscal discipline in New York, and the unsustainable spending practices are adversely affecting our state's economic environment. The passage of the property tax cap is a crucial first step towards not only curbing the increase in taxes, but eventually shrinking them. This tax, coupled with substantial mandate relief which we will be pushing for in the next legislative session, will help improve our economic climate and bolster competitiveness.

Continued on Page 15




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More Legislative Matters

Two Newly Proposed Agency Rules Threaten to Hamper Employer Communications before Union Elections

From JacksonLewis.com

The National Labor Relations Board has formally issued proposed rule changes that, if adopted, will drastically expedite the union election process. The employer community has anticipated the NLRB's move to seek to expedite the representation election process. At recent Congressional hearings, Chairman Wilma Liebman hinted that such action was under active consideration.

Among other things, the Board proposes the following changes to the current process:

- Accelerate the initial hearing date following the filing of a representation petition;
- Mandate expansive pre-hearing discovery of issues;
- Significantly curtail the ability to litigate issues *before* an election;
- Eliminate the right to file post-hearing briefs;
- Bar pre-election requests to review regional decisions;
- Require lists of eligible voters be filed within only two days; and
- Provide the union with voters' phone numbers, e-mail addresses, and more.

Approximately 95 percent of all representation elections are held in 56 days. The new procedures, if adopted, could shave approximately 30 days. Under these changes, it appears elections could be held in slightly over three weeks (or possibly less) from the filing of a petition.

This is a profound change. It has been long recognized that the more opportunity employees have to learn about unions and collective bargaining, the less likely they are to vote for union representation. The proposed changes would cut that time by 50 percent. The need for employers to promote preventive labor relations in advance of union organizing is more important than ever.

Employers' ability to communicate with their employees also may become more challenging. It is no coincidence that the Department of Labor has proposed a new rule that would make more activity of attorneys, consultants, and employers publicly reportable. The Labor-Management Reporting and Disclosure Act (LMRDA) requires reporting of

arrangements, receipts, and expenditures derived from providing services called "persuader activity." Historically, attorney legal advice regarding lawful employer communications has been exempt from this LMRDA reporting requirement. The DOL's proposed rules would severely curtail this advice exception, rendering much of the advice provided by attorneys "reportable" under the law. It is irrelevant that the employer's communication is *lawful*.


For more than 50 years Jackson Lewis has counseled and advised employers with respect to their protected right to free speech and communication with their employees concerning the exercise of their rights to organize and bargain collectively. Most companies and their law firms have fit within the legal advice exclusion over the years. This is likely to change if these new rules are adopted.

The impact of the proposed DOL rule will be to inhibit employers from effectively and lawfully communicating facts and opinions to employees prior to elections. That, combined with the NLRB's accelerated election procedure, will diminish greatly employees' opportunities to obtain the information they need to make an informed choice in an NLRB election.

There is a 60-day public comment period for both proposals, followed by agency analysis and consideration, before final rules are promulgated. The final rules are subject to court review.



Approximately 95 percent of all representation elections are held in 56 days. The new procedures, if adopted, could shave approximately 30 days. Under these changes, it appears elections could be held in slightly over three weeks (or possibly less) from the filing of a petition.



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Compliance Matters

Creating A Culture of Compliance

By Michael A. Smith, Compliance Resource Group, Inc.

These are policies and procedures that form the core structure of an organization in tandem with the firm's mission and vision. It also acts as a way to resolve work issues of concern promptly. The cost for firms to develop or refine their compliance, especially small firms, does not have to be expensive.

Doing business in New York State has its challenges. There are a plethora of many statutory rules, regulations and mandates for business organizations ranging from manufacturers, healthcare providers, services industry, among others. Many of us are aware of state and federal agencies such as NYS-DOL, EPA, CMS, OSHA, NYSOMIG, as examples, but the overall trend is that the federal and state government has increased their surveys and investigations. In response, a number of firms have or are developing plans to make corporate compliance a part of their company culture.

Why are organizations looking to have their own corporate compliance or ethics plan? Whether a firm is a manufacturer or services, for-profit or not-for-profit, small or large, it represents an opportunity to put together, in one document, a written plan of expectations of the firm's mission, goals and conduct of its employees and to show government regulators that they are acting in good faith to have such a plan in order to detect and eliminate waste, fraud and abuse within their own firms.

It is important to also consider having your own compliance plan especially if you receive government reimbursements. Even if you are not direct recipient of federal or state monies, the compliance plan may be a factor in helping your company to be a victim of someone else's waste, fraud and abuse. According to the Association of Certified Fraud Examiners, the typical firm loses 5 to

6% of annual revenues to fraud. A good compliance program can reduce that expense risk, re-enforce your business mission, enhance communications, ensure good practices and help detect and identify areas to reduce and remove wasteful business activities.

The growth in compliance programs took a sharp

turn upward with the federal and state adoption of the False Claims Act of 2007 and its whistleblower provisions. Since this became effective over two years ago, there has been additional legislation from both the federal and state level, such as last year's health care reform act. Compliance plans, also known as Integrity, Ethics or Corporate Responsibility, provide businesses the best opportunity to thrive and prosper. Companies who self-report, cooperate with the government and have an effective compliance plan can receive a major reduction in fines of up to 95% under federal sentencing guidelines. For this reason, these plans have caught the attention of many firms whether in manufacturing, healthcare or other industries.



Compliance plans are best known as a series of codes of conduct for all employees including board of directors, management and vendors. These are policies and procedures that form the core structure of an organization in tandem with the firm's mission and vision. It also acts as a way to resolve work issues of concern promptly. The cost for firms to develop or refine their compliance, especially small firms, does not have to be expensive. There are plenty of resources available but the guidance of a professional is suggested in order to save time and money.

What are some of the key ingredients of an active and effective corporate compliance plan? Having been in manufacturing for seventeen years and working with compliance and ethical matters for over twenty, and from government sources, here are some essentials:

1. **Leadership from the Top:** The organization endorsement and active support is crucial. It sets the tone and encourages participation.
2. **Documentation:** Have the plan in writing for all to see and review and update it at least one a year.

Continued on Page 14

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CI Calendar of Training and Events

August 22	<u>Council of Industry Golf Outing</u> – 11:30 am lunch, 12:30 Shot gun start at The Powelton Club, Newburgh, NY. Cost: \$145 per person or \$540 for a foursome. Sponsorship opportunities are still available
Sept. 14 thru Dec. 15	<u>Lean Six Sigma Green Belt Certification Program</u> — 8:30-4:30pm at Dutchess Community College, Poughkeepsie, NY. Course takes place on 14 days over 3 months. Cost: \$3,700 per person, \$3,400 per person for two or more from the same company.
Sept. 15	<u>DOT Hazardous Materials Training</u> — 8:30 am –12:30 pm at Dutchess Community College, Poughkeepsie, NY. Cost to attend: \$120 single member, \$110 each for two or more from the same company, \$145 for a single non- member.
Sept. 16	<u>Human Resources Sub-council Meeting: Wage & Hour Issues</u> — 8:30—10:00 am at the Orange County Business Accelerator, New Windsor, NY. No cost for members.
Sept. 29	<u>RCRA Hazardous Waste Training</u> -8:30 am –12:30 pm at Dutchess Community College, Poughkeepsie, NY. Cost to attend: \$120 single member, \$110 each for two or more from the same company, \$145 for a single non- member.
Oct 13	<u>HAZWOPER</u> —8:30 am—4:30 pm at Dutchess Community College, Poughkeepsie, NY. Cost: \$240 single member, \$220 each for two or more from the same company.
Oct. 27 & 28	<u>10 Hour OSHA Training</u> – 8:00 am—1:00 pm at Dutchess Community College, Poughkeepsie, NY. Cost: \$ 120 single member, \$110 each for two or more from the same company.

You can find more information on the courses and events listed in our calendar by going to our website— www.councilofindustry.org or if you are reading our electronic version just press Ctrl and click the course title.

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Energy Matters

What is Your Corporate Energy Strategy?



Just to cite one example that may surprise you - the average data center uses the same amount of energy as 25,000 households and by 2020 the world's data centers could surpass some industries as the largest consumers of energy.

Manufacturers Electricity Aggregation



An Opportunity to Manage Your Electricity Costs

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Just a few short years ago concerns over climate change and the dangers of energy security brought energy awareness to the threshold of the next corporate crisis. Carbon footprint, peak oil, and green energy were common topics of discussion. Then came the economic recession and with it a steep decline in the demand for goods, a fall in fuel prices, and focused consumer and corporate minds on survival and the short term bottom line. Before things started to fall corporations were already aware of the need to manage energy use more actively and develop a corporate sustainability strategy.

What is your organizations energy strategy? Sixty nine percent of global executives in a recent survey believe there is a strong link between financial performance and commitment to sustainability in the long run. Only twenty four percent felt there was a strong link in the short term. Many companies are beginning to incorporate sustainability goals in their planning process but success in achievement may be lacking.

Energy consumes a significant portion of business spending whether it is quite obvious or it is in the form of energy intensive services that are outsourced. It is estimated that energy cost range from 5-20 percent of a typical Company's cost. Just to cite one example that may surprise you - the average data center uses the same amount of energy as 25,000 households and by 2020 the world's data centers could surpass some industries as the largest consumers of energy. It is a poor understanding of their energy consumption and how to reduce it that hinders companies in managing the cost of energy for their business and achieving a positive impact on their bottom line.

An energy strategy goes beyond the trendy green and actually becomes part of the decision making process to incorporate energy efficiency. Developing a corporate energy strategy requires kicking out the old stereotypes that energy efficiency implies deprivation. Conservation is often thought of as doing less with less; energy management by contrast is doing more with less.

“Negawatts”

Why Your Business Should Have A Sustainability Strategy: energy saved from efficiency efforts cost 1 to 5 cents per Kwh which is generally less than generating that same Kwh of energy.

Strategies that embrace energy efficient buildings can reduce energy consumption by 30 to 50 percent. Passive energy management in the form of energy efficient building does not rely on adjusting human behavior but on smart technologies that do everything from helping to design the building to managing the energy consumption of the various appliances within the structure. Achieving just a fifteen percent reduction in energy consumption can produce a bottom line savings to the building owners and better utilization of existing generation facilities.

Additional positive factors for companies that have a corporate energy strategy are customer loyalty and workforce satisfaction which also impact the bottom line. Customers and shareholders alike have also been sensitized to the “greenness” of products and the companies that produce them. A recent poll found that 67 percent of consumers agree that it is important to buy products with social and environmental benefits and at the very least support the companies and products that do the least harm. Employees want to be a part of organizations that enhance and support the local environment. Sustainability efforts and actively managing energy use can lead to greater job satisfaction and younger workers are looking at a potential employer's record on sustainability and environmentalism.

Every company has a business strategy, a risk strategy, a marketing strategy, and a human resources strategy. Many companies do not yet have an energy strategy or sustainability strategies to manage all resources. Energy and sustainability strategies are about basic core business decisions making processes related to managing resources and resource use. Creating an energy strategy creates positive attitude toward improvements that contribute to a better bottom line and the broader community.



Member Profile

Member Profile: Ultra Seal Corporation and Ultra Tab Laboratories

Year Founded: 1976

Location: New Paltz, and Highland, NY

Products: provide contract manufacturing and packaging services for companies engaged in the industrial first aid, health care, nutritional, food, and health and beauty markets.

Website: www.ultra-seal.com

When Dennis Borrello founded Ultra Seal Corporation back in 1976, the company's main objective was packaging food products in single serve flexible pouches. The equipment used was largely designed and built in-house. Over the years, the business has evolved to incorporate other types of packaging. Blister cards, tubes, and bottles, in sizes ranging from a single serving or dose, to larger institutional packages, are examples of the products manufactured by Ultra Seal.



As the packaging business grew, it became apparent that the best way to provide superior service to customers was to have the capability to manufacture as well as package their products. To that end, Ultra Tab Labs was started in 1996 to make

OTC (Over-the-Counter) tablets and antibiotic ointments for the Industrial First Aid market. Shortly thereafter, Ultra Tab Labs started making prescription drugs, and today Ultra Tab manufactures pharmaceutical, nutritional, and health care products in the form of tablets, capsules, liquids, gels, creams, ointments, and powders.

Ultra Tab and Ultra Seal cater to a wide range of customers, from small start-up companies to Fortune 100 Corporations. Ultra Seal's own pharmaceutical and healthcare products are manufactured and packaged in Highland and New Paltz. They are then distributed throughout North America and in Puerto Rico under private label



care products.

In addition to producing and packaging their own products, Ultra Seal manufactures and packages a wide variety of consumer health care products on a confidential contract basis. These products are sold nationally through chain drug stores like CVS, Walgreen's and Rite Aid, as well as through mass retailers like Wal-Mart and Target.

Among contract manufacturers and packagers, there are key areas where Ultra Seal and Ultra Tab stand out from their competitors. They have the ability to both manufacture and package products and can offer a complete turnkey service to customers, including sourcing raw materials and packaging design. Ultra Seal and Ultra Tab can work with almost all product and packaging formats. They can produce solid dose, liquids, powders, gels, creams, and ointments. In packaging they can do all types of flexible packaging, plus bottles, blisters and tubes. Finally, they have in-house machine design and tooling capability which allows Ultra Seal to design or modify equipment as necessary to provide custom solutions to meet client's packaging needs. This has allowed them to produce a number of custom solutions, such as:

- Unique die cut sample packets in custom shapes and sizes.
- A "paper bottle" for single doses of cough syrups and liquid antacid.
- A nitrogen flush system for preserving single serve packets of nutritional supplements.

With the continual innovation and consistent dedication to providing the answer to their customer's requests, it is no surprise that Ultra Seal Corporation and Ultra Tab Laboratories have a bright future ahead of them.



or as the Ultra Seal brand. Such products include aspirin, acetaminophen, and ibuprofen tablets, as well as cough syrups, antibiotic ointments, and skin

They have the ability to both manufacture and package products and can offer a complete turnkey service to customers, including sourcing raw materials and packaging design.



Financial Matters

Tax Credits and Incentives: Helping U.S. Manufacturers Remain Competitive

From *IndustryWeek.com*, By *Walter Marvin and Jeremy Troutman, alliant group*

Research activities such as developing new applications for an existing technology, conducting tests to satisfy foreign regulatory requirements, or generating prototypes and first articles of new products for testing and validation can be eligible for R&D tax incentives.

During these trying economic times, some manufacturing companies are looking to wring every last dollar out of operations, however, they may be overlooking a significant source of revenue for hiring additional workers and expanding operations: the research and development tax credit. One of the goals when Congress enacted this credit was to fuel innovation and hiring in the area which produces the most jobs in America: small and mid-sized companies. Recent changes to the credit have helped further this goal dramatically.

Eligibility Boosted

Over the last few years, Congress reduced the documentation and qualification requirements to make this credit accessible to companies outside of the Fortune 1000. Court rulings have also boosted eligibility and provided much-needed clarification. In the last two years, five major R&D tax credit court cases added additional guidance in this area. Further, all of these cases resulted in taxpayer-friendly outcomes providing a clear, consistent, affirmative message toward estimation and costs that can be claimed.

One case involving TG Missouri Corp., a Perryville, Missouri automotive supplier, had broad implications for companies in the plastics and manufacturing industry as a whole. Specifically, the court ruled that a company could capture supply expenses incurred for the development of tooling and dies sold to the client. Another case involving Trinity Industries reaffirmed this decision and expanded its applicability toward manufacturers developing products sold to clients. The court ruled that Trinity could capture all of the expenses related to some of the unique boats the company developed. When viewed through the prism of the manufacturing industry this applies

to the tooling and prototypes sold to clients such as the explosive bolt housing on a rocket or the plastic injection mold developed to make a plastic car part.

Last year, more than \$16 billion in federal tax credit

funds were made available for R&D activities, including R&D activities for within the manufacturing industry.

Consider, for example, if a company has invested time, money, and resources towards the advancement and improvement of designs and processes. If so, it may qualify for the R&D tax credit. Research activities such as developing new applications for an existing technology, conducting tests to satisfy foreign regulatory requirements, or generating prototypes and first articles of new products for testing and validation can be eligible for R&D tax incentives.

Hundreds of thousands of dollars could be at stake as companies with qualifying R&D activities are entitled to a 20% research tax credit, subject to certain limitations for previous years. The credit is much more powerful than a standard deduction because it offsets taxes owed or paid, dollar for dollar, as opposed to just reducing a company's taxable income. Further, a business can obtain the credit for all open tax years -- generally the last three or four years plus the current year. It can also carry them forward 20 years.

Not Limited to Products

The angel (as opposed to the devil) with this program is in the details. The key is to throw out the old definition of R&D, which many believe is limited to developing products that are new to the industry as a whole. For tax purposes R&D is defined as developing new or improved business components which are new to the company or application, including products, processes, formulas, techniques, inventions and software. Companies can realize significant tax savings by capturing expenses incurred during these qualified projects and activities. These expenses can include wages, supplies and outside contractor costs.

So a whole new host of activities that many businesses might view as operating expenses are today potentially eligible qualification under the R&D credit. Significantly important to manufacturers, the manufacturing processes developed for making parts can meet these requirements.

An automotive manufacturer and assembler with \$500 million in revenues realized a credit for a couple of years in excess of \$1.5 million due to changes

Continued on Page 15



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The Fidelity Navigator will be coming to your desk monthly, courtesy of the Council of Industry's endorsed 401(k) company.

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Member Benefits

Workers' Compensation & Employment Liability Program

The Council of Industry Board of Directors has endorsed a **workers' compensation & employer's liability program** for our membership from *Applied Underwriters* and *The Reis Group*. "The cost of workers' compensation in New York State is consistently among highest in nation. This program presents an opportunity for those companies that take workplace safety and risk management seriously to save money," explained Harold King, Vice President of the Council of Industry. The program is group based but individually underwritten. Underwriting criteria is very strict and only those members most committed to a safe workplace will be able to participate. "Most of our members will meet these strict criteria and we therefore believe this program will result in significant savings to those who choose to participate," said King.

Program's benefits include:

- Both small and larger risks can share in the underwriting profit by controlling their losses.
- This program IS NOT A TRUST - there is no joint & several liability amongst members.
- There are no AUDITS as reporting follows your payroll cycle.
- There is low pricing for groups with minimal loss experience.
- Only the claims experience which occurs during your participation in the program is pooled for your profit sharing calculation. Prior or subsequent claims experience of the group does not impact

your cost.

- The program allows for the efficient use of collateral; risk funding is paid real time based on your groups developed loss experience.
- Based on the group's claims experience, this program can provide immediate cash flow benefits and financial reward unlike other plans that require waiting for cumbersome retrospective or uncertain dividend calculations that can run for years beyond the policy expiration.
- Payroll services are offered to reduce inside administrative costs to members.

Applied Underwriters® is a pioneer in the field of financial services and workers' compensation. A member of Berkshire Hathaway Inc. they offer integrated solutions that focus on fulfilling the real needs of employers. Applied Underwriters is not only the leader in the field of integrated workers' compensation solutions – they are the only ones in the field. With thousands of loyal customers, Applied Underwriters has consistently demonstrated that the best way to serve customers is to understand their business and their needs, and then to provide superior personalized customer support.

To learn more about the program, find out if you are eligible and receive a quote contact Harold King at hking@councilofindustry.org, (845) 565-1355 or Paul Casciaro of the Reis Group (845-338-4656).

Consumer Price Index for May 2011

				<u>Point</u>	<u>%</u>	<u>% Increase</u>
Wage Earners & Clerical	<u>May '10</u>	<u>May '11</u>	<u>Apr. '11</u>	<u>Increase</u>	<u>Month</u>	<u>Year</u>
1967=100	637.81	664.11	660.50	3.61	0.5	4.1
1982-84= 100	214.12	222.95	221.74	1.21	0.5	4.1
All Urban Consumers						
1967=100	653.56	676.89	673.72	3.17	0.5	3.6
1982-84=100	218.18	225.96	224.91	1.06	0.5	3.6
Hudson Valley unemployment rate for May 2011 = 6.9 %						



Continued from page 1 Manufacturing Summit

the U.S. trade deficit in manufacturing goods with the rest of the world was an astounding \$820 billion. Last week, the European Union’s (EU) FTA with South Korea took effect. Manufactured goods exports from the EU now receive duty-free treatment upon entry to South Korea, one of the largest and fastest-growing industrial economies in Asia. This means that products made in America – which support American jobs, families and cities – now compete at a disadvantage of 8-12 percent with similar or identical products from Europe.

The EU has many more FTAs than the United States, and it has been far more robust and energetic in recent years in pursuing new FTAs around the world. The EU has nearly completed FTAs with Colombia and Panama as well. It has never been clearer that our counterparts abroad are pursuing and passing FTAs and, in turn, becoming more competitive. With the second-highest corporate tax rate in the world and a national unemployment rate of 9.1 percent, the United States simply cannot afford to remain idle.

Excessive Regulation

Federal regulation is estimated to cost more than \$1 trillion annually, according to a report by the Small Business Administration’s Office of Advocacy. The study found that United States manufacturing comprised \$162 billion of the \$648 billion burden of environmental, economic, workplace and tax-compliance regulation. Dollars spent by manufacturers on regulatory compliance with cumbersome or duplicative regulations are dollars not spent on capital investment or hiring new employees in America. Manufacturers are working to advance a manufacturing regulation system that is focused on real priorities and removes unnecessary impediments to growth. We are engaged on food safety policy, paperwork reduction and centralized regulatory review, as well as other U.S. government regulatory priorities.

Currently, the manufacturing industry faces a barrage of new regulations that impose excessive costs without providing economic or environmental benefit, such as the Boiler MACT, Utility MACT and ozone NAAQS proposals. Overregulation will prohibit manufacturers from expanding, prevent job growth and diminish our global competitiveness.

Well Received Message

In general this message was well received by elected officials and their staff who are anxious to see economic growth and job growth in their districts. While many disagreed with specific initiatives, all were pleased to hear the message first hand, from the people who are actually making things in America. The manufacturing growth message needs to be communicated more than once per year, however, and I urge all our members to connect with their elected officials (at all levels) to let them know how the issues affect your business, and what actions you need them to take to ensure your company’s continued success.

Continued from page 8- Compliance Matters

3. **Compliance Integrity Officer:** Assign an employee as the compliance officer, who must be properly trained and credentialed, in order to identify practices that may be costly to the firm.
4. **Training:** Educate and train employees and all stakeholders of the company regularly in order to be prepared for government inquiries or surveys.
5. **Communication:** Technology advancements has given us smart phones, iPads, iPhones, etc. but face-to-face meetings are still important. Have a separate office and phone line to discuss topics and encourage contact.
6. **Social Media:** Have written policies regarding the use of any company information especially when it involves LinkedIn, Twitter, Facebook, etc.
7. **Disciplinary Component:** encourage good faith participation by having the compliance plan a part of an employee evaluation.
8. **Identify Risk:** Regularly self-evaluate areas with audits, reporting, conflicts of interest, governance, credentialing, quality assurance and the like.
9. **Risk Response:** When an issue surfaces, have a response system ready to act promptly.

Non-Retaliation: Assure your employees that by coming forth to the compliance office that it will not result in any retaliation or intimidation.

Compliance programs are reliant upon people for its success. It needs to be pro-active and embraced by from the organization’s leaders in order to identify the risk areas. By doing so, it can result in early resolution of issues, track unfavorable trends or patterns, enhance communication and reduce costs.

Michael A. Smith is a credentialed Certified Compliance Executive. He is a Senior Advisor with the Compliance Resource Group, Inc., consultant, author and lives in Orange County. Mike has also served as a compliance executive in both the healthcare and defense industries, for-profit and non-for-profits. He can be reached at 914-850-6159 or visit his website at www.corporatecomplianceplans.com

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Continued from page 5- More Personnel Matters

The first email buries the request in the second sentence. The second email repeats the request and gives it a new paragraph. Which one do you think is easier to read?

3. Wrong medium

Email works best for direct and non-time-sensitive information. Conversations, discussions and anything that requires a heavy amount of back-and-forth should be done over the phone or in person. Trying to use email to have these conversations can be slow, time consuming and painful.

The solution is to bridge the email gap when you recognize you're wasting time with it. Ask the person if you can discuss the issues in person or on the phone at a specific time and date.

4. Trying to be clever

Don't try to be witty or sarcastic in an email and pretend as if the receiver will take everything you say literally. Although a few metaphors can come across well in email, most don't. The person on the other side can't tell with what intensity or emphasis you typed the words. If anything is ambiguous, reword it or leave it out.

And don't think using emoticons gives you the green light to be clever and charming. A symbol can't replace the hundreds of different varieties in voice, tone and gestures you normally use to communicate intentions.

5. Sending urgent requests through email

My guideline is that I shouldn't send an email if I need a response in less than five days. Not only do some people take days to respond to emails, but you can't convey urgency in text. You can transmit the impending need of your request when you are on the phone or in person, but in text you can only resort to using CAPITAL LETTERS or exclamation marks!

6. Bulky paragraphs

People don't read emails, they skim. So don't write an eight-sentence paragraph in one chunk. Here are some guidelines:

- More than six lines? Split it up.
- Important information? Make it a one-line paragraph.

Multiple pieces of important information? Make a quick bulleted list. (Like this one.)

7. Playing email tag

This probably won't bother other people, but it might stress you out enough to take it out on yourself. Don't keep your inbox open to receive emails immediately as they arrive. Set specific times each day to answer emails, and keep yourself within those limits. This will reduce distractions, and it'll force people who want to banter to pick up the phone and call you.

Continued from page 6- Legislative Matters

Article X Siting Bill: Due to high fuel prices and other costs associated with doing business, New York's energy costs are some of the highest in the nation. This is clearly an issue for the state's manufacturing sector, being one of the most energy intensive sectors. Article X expired in 2001, and essentially halted any plans to construct new electricity facilities, which are essential to improving the State's future energy supply. Now, with passage of a new bill, there is a new centralized process for reviewing and approving major electric generation facilities and repowering projects. Some of the specifics of the new bill include: one stop approval with effective language to allow a Siting board to disregard any unreasonable local restriction (including those pertaining to access to public land); 25MW threshold with an opt in; high cap on intervener funding (up to \$750,00/project); DEC to write regulation on cumulative and disproportionate impact assessments and new standards on CO2 from power plants; decision will look at degree to which actual, disproportionate and cumulative environmental effects have been mitigated, and balance unmitigated effects with other public interests; generally a 12 month review with 6 months for repowering projects; with natural fuel. All in all, an active Siting law has been long overdue, and an active Law will allow for curbing of future energy prices and provide manufacturers with a safe, reliable and reasonably priced supply of energy.

Continued from page 12- Financial Matters

in law that enable the costs related to plastic injection molds and tools sold to customers to be claimed. Similarly, a tire mold manufacturer realized about \$60,000 in credits from the design of tire molds and the related costs of tire mold prototypes.

These examples illustrate how more businesses are taking full advantage of this important tax incentive program, resulting in a new stream of income in these trying economic times and saving jobs. How many millions of dollars in new business do you have to generate to add that kind of a punch to the bottom line?

The U.S. Congress and many state governments realize how critical innovation is to the future of America's competitiveness in the world and the R&D credit is an important incentive to nurture that innovation. They also know that the companies engaging in these activities are supporting millions of high-skilled, well-paying jobs.

For these and other reasons, the R&D credit will be around for a long time and any company with relevant products or services would be smart to realize its benefits. By taking a strategic approach to R&D tax credits, businesses can realize significant cost savings benefiting the company, its employees, and the economy as a whole.



Council of Industry

The Manufacturers Association of the Hudson Valley

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**Manufacturing is Vital.
The Council of Industry is
Vital to Manufacturing.**