Manufacturing Lobby Day in Albany

Manufacturers from across the state, led by The Manufacturers Alliance of New York and The Business Council of New York State Inc., held their 8th Annual Lobby Day on March 15th to meet with key lawmakers and highlight legislative issues important to New York’s manufacturers.

The day-long event allowed for statewide manufacturing executives to meet with their regional lawmakers to discuss issues pertinent to the manufacturing community and their individual business needs. Of immediate concern, manufacturers expressed their opposition to two pieces of legislation being discussed as part of the budget, including a minimum wage increase and an increase to the State’s paid family leave program. Manufacturers, like other sectors, would be adversely impacted by a $15 minimum wage and paid leave proposals. In upstate regions, where current median wages are in the $16 to $17 range, a significantly higher minimum wage will put pressure on entry level wages and even mid-range wage scales, adding to their direct costs and to supplier costs. Expansive paid leave proposals will impact manufacturer’s ability to manage their workforce, resulting in additional costs for temporary help, overtime and impact on operations.

While the minimum wage and paid family leave forced us to “play defense” at his year’s lobby day we were also able to call attention to our Ten Point Plan. Together with the Business Council of New York State, the Manufacturers Senate Majority Leader Flanagan address the crowd at Manufacturing Lobby Day in Albany.

Council of Industry’s Manufacturing Champions Award Breakfast May 13th

Join us in honoring this year’s Manufacturing Champions at our annual award breakfast on Friday, May 13th, 2016 from 7:30 am - 9:30 am at the Powelton Club in Newburgh, NY. Seats are $30 each or $215 for a table of eight.

• this year’s honorees are:
  • Private Sector Champion: Mike Ratliff, President Marco Manufacturing
  • Public Sector Champion: Cliff Wood, President SUNY Rockland
  • Organization Champion: Hudson Valley Pattern For Progress
  • Educator Champion: Mark Harris, Ulster BOCES

Read more about this year’s Award recipients on page 6.

Visit our website www.councilofindustry.org to register online or email abutler@councilofindustry.org or call (845) 565-1355 to reserve your seats. Sponsorships are available as well as ads in the commemorative event program.

Thank you major sponsor and supporting sponsor

Ulster Savings

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Follow us on
Spring in to Technical Training!

The Council of Industry has been offering Hudson Valley manufacturers affordable training for decades. This spring, as part of the SUNY Workforce Grant, the Council is offering our members the below courses at local community colleges.

**Reading & Understanding Blueprints**
April 12th at the SUNY Orange Newburgh Campus
Time: 9:00 am - 4:00 pm
Location: SUNY Orange Newburgh Campus, Great Room, Kaplan Hall
Cost: $95 per person or $75 each for two or more from the same company.

A six hour, one day hands on program will enable participants to accurately and effectively use blueprints to obtain the information they need to do their jobs. Participants will learn to identify the essential details and interpret the dimensions and tolerances found on engineering drawings. Actual blueprints for hands-on study will be available.

Who should attend: Machine operators, quality control inspectors, shop supervisors, metalworking manufacturing personnel, engineering managers, and other manufacturing persons interested in learning to read manufacturing prints or updating their knowledge in this area. Participants will learn to identify the essential details and interpret the dimensions and tolerances found on engineering drawings. Actual blueprints for hands-on study will be available.

**SQL Server Reporting Services 2012 for Report Writers**
April 18, 19 & 20 at Ulster County Community College
Time: 9:00 am - 5:00 pm
Location: Ulster County Community College, Kingston, NY
Cost: $325 per person or $295 each for two or more from the same company. In this SQL Server Reporting Services 2012 for Report Writers training class, students obtain a thorough understanding of how to create reports with SQL Server Reporting Services.

Due to the physical limitations of the computer lab where the course is being held and the cost of software licenses, there are only 10 seats available.

**Intermediate Programmable Logic Controllers (PLCs)**
June 20 & 21 at SUNY Sullivan
Time: 8:30 am - 4:30 pm
Location: SUNY Sullivan, 112 College Rd, Loch Sheldrake, NY 12759
Cost: $175 per person or $150 each for two or more from the same company

This class presents an overview of Allen Bradley controller architecture, hardware, programming, ladder logic and troubleshooting. It includes hands on practice with a PLC on a lab bench.

SUNY Sullivan is home to one of the SUNY Manufacturing Alliance for Research and Technology Transfer (SMARTT) These labs were created to provide New York manufacturers with access to state-of-the-art technologies and training in how to use them.

Register for these classes online under Training & Program on the Council of Industry wesite [www.councilofindustry.org](http://www.councilofindustry.org) or email training@councilofindustry.org or call (845) 565-1355.

**Room in Remaining Leadership Classes**

There are still seat available in the remaining Certificate in Manufacturing Leadership classes, but only a few. Email training@councilofindustry.org or call (845) 565-1355 for more info or to register for the following:

4/13 Effective Business Communication
4/27 Environmental Health & Safety Risk Management
5/11 Making a Profit in Manufacturing - Financial & accounting Issues in Manufacturing ✴
EHS Network meeting on May 10th: Hearing Conservation

**When:** Tuesday, May 10th from 8:30 am - 10 am  
**Where:** A location yet to be determined (let us know if you’d like to host)  
**Cost:** None for members

Register online at: www.councilofindustry.org or by email to abutler@councilofindustry.org or call (845) 565-1355

Because hearing loss can be gradual and often happens over a long period of time, we often don’t recognize it’s happening until it’s too late. This is why it is so important that we make the right decisions when it comes to protecting our employees hearing. Does your company need a hearing conservation program? Is your current hearing conservation program meeting OSHA compliance? Is your program as effective as it can be?

During our time together we will discuss the following:
- How noise assessments are conducted
- How noise can damage our hearing
- Calculating noise reduction ratings
- Elements of a hearing conservation program
- Required employee training
- Customized hearing protection
- Audiometric testing & medical surveillance

We will finish with a tour of the Catamount Consulting on-site hearing testing trailer.

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**Welcome new Member**

**Lightning Express Inc.**  
Delivery and Air Freight Service in Ulster County. Contact: Joe Fitzpatrick, president.

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**Consumer Price Index for February 2016**

<table>
<thead>
<tr>
<th>Wage Earners &amp; Clerical</th>
<th>Feb-15</th>
<th>Feb-16</th>
<th>Jan-16</th>
<th>Point Increase</th>
<th>% Month</th>
<th>Increase Year</th>
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**All Urban Consumers**

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<th>Jan-16</th>
<th>Point Increase</th>
<th>% Month</th>
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Hudson Valley Unemployment for January 2016 was 4.6%
You might be surprised to learn that the monetary value of employment-related class action settlements reached an all-time high in 2015. You probably won’t be surprised to learn that settlements for wage and hour lawsuits led all other categories. Has this trend continued into 2016? It looks like a good bet.

In its 12th annual study of workplace class action cases and rulings, the Workplace Class Action Litigation Report, a law firm analyzed a record 1,314 class action rulings on a circuit-by-circuit and state-by-state basis to capture key themes from 2015. As well as emerging litigation trends facing companies in 2016.

The study found that federal and state courts issued more favorable rulings for plaintiffs in employment-related cases last year. And the top 10 settlements across the Report’s five identified core areas jumped from $1.87 billion to $2.48 billion.

This reverses a trend that began with the U.S. Supreme Court’s Wal-Mart decision in 2011, which had made it harder for plaintiffs to convert class action filings into big settlements.

Wage-and-hour class actions and collective actions are a “growing juggernaut” for the plaintiffs’ bar with no signs of slowing, said the Report, and outpaced all other categories of lawsuits in 2015.

Fair Labor Standards Act filings in federal courts also rose for the sixth straight year to a new record high of 8,954 cases.

Also, government enforcement lawsuits brought by the federal Department of Labor (DOL) and Equal Employment Opportunity Commission rebounded strongly, with settlements spiking from an 8-year low of $39.45 million in 2014 to $82.8 million in 2015.

Will the trend continue? New scrutiny of independent contractor and joint employment relationships are expected to drive this number much higher in 2016.

In addition, The Supreme Court will continue to have a profound impact on class action dynamics. By often deciding cases on narrow grounds, the Court has created a complex tapestry of both pro-worker and pro-business rulings through which employers must carefully thread the needle.

Under the microscope of the DOL and White House in 2016, plaintiffs will be further emboldened to push their advantage and corporations should prepare for an even greater onslaught of wage & hour lawsuits 2016.

What's an Employer to do?

The following are some strategies to better understand how to remain in compliance with the FLSA:

1. Avoid unfair compensation practices. Make sure employees are compensated in a consistent manner. If an employer’s pay practices are consistent, complaints are less likely to arise, and the employer will be in a better situation if DOL does launch a wage & hour investigation.

2. Understand the regulations. It is important that employers take the time and make a concerted effort to understand and familiarize themselves with the Fair Labor Standards Act (FLSA). It is the law, and if employers fail to follow the law they may face litigation or a DOL audit.

3. Training. Train managers so they are fluent in the language of the FLSA.

4. Understand New York versus federal law. Determine whether the state’s wage & hour laws conflict with federal law, then follow the law that is most beneficial to the employee.

5. Pay past overtime due. If it is determined that an employee is wrongly classified as exempt, the employer should determine how many overtime hours the employee has worked in the past 3 years, then pay the employee the overtime due. Paying past overtime due to employees now will be far less expensive than paying them in a DOL settlement.

6. Follow child labor laws. Employers must determine a minor’s age and set his or her job duties and work schedules accordingly and carefully. Also, employers must file the minor employee’s age certificate, keeping it for as long as the minor is employed.

7. Pay your interns, unless they meet a strict test. Internships in the for-profit, private sector will most often be viewed as employment by the DOL, unless a strict test is met. Interns who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over 40 in a workweek.

8. Respond to internal complaints expeditiously. If an employee files a wage & hour complaint internally, the employer should take it seriously. Since many investigations are prompted by an employee’s complaint, employers might be able to prevent an investigation by addressing an employee’s initial internal complaint.

9. Seek compliance assistance from DOL. Various compliance tools and information are available on DOL’s website.

10. Conduct a self-audit. Conducting a self-audit helps ensure compliance with federal and state laws. As part of an audit, employers should:

   - Review job descriptions to determine whether they are still accurate, reflect the jobs being performed, and reflect the skills necessary to perform the job.
   - Review employees actual job duties to ensure that they still fall within the administrative, executive, professional, computer, or outside sales exemptions.
   - Make sure overtime for nonexempt employees has been properly calculated
   - Make sure the required posters have been hung in the appropriate places in the workplace.

The Impact of the Fair Labor Standards Act (FLSA)
From Ethan Allen Workforce Solutions, a Council of Industry associate member
H-1B Cap Filing Alert
From Jackson Lewis PC, a Council of Industry associate member

Each year, the U.S. Citizenship and Immigration Services issues 65,000 H-1B visas and 20,000 "master's cap" visas. April 1, 2016, is the first day on which an H-1B petition may be filed for FY 2017, in anticipation of an October 1, 2016, start date. Last year, USCIS accepted 233,000 petitions in the first week; a lottery was conducted and more than 60 percent of all petitions were rejected. Employers need to be prepared to file H-1B petitions on April 1.

DHS Issues Final Rule for Additional Period of Work Authorization for STEM Graduates

The U.S. Department of Homeland Security has issued a final rule that allows foreign graduates of Science, Technology, Engineering, and Math ("STEM") programs from U.S. universities an additional 24 months of F-1 Optional Practical Training ("OPT") work authorization. The new rule will be published in the Federal Register on March 11, 2016. It will not go into effect until May 10, 2016.

The new rule allows foreign students holding F-1 status and graduating with STEM degrees to extend their period of OPT from an initial period of 12 months to a total of 36 months. The new 24-month period was increased from a 17-month period. OPT allows F-1 students and graduates to work in the United States either during their schooling or after they graduate.

New Rule Provides Additional Flexibility, Enhanced Opportunities for Certain Highly Skills Workers

Additional flexibility and enhanced opportunities for certain highly skilled workers are provided in an advance copy of an updated rule from the Department of Homeland Security.

The rule covers workers who are in the U.S. in H-1B1 (from Chile and Singapore), E-3 (from Australia), temporary workers in the Commonwealth of the Northern Mariana Islands (CNMI)-Only Transition Worker (CW-1), and immigrant classification for outstanding professors and researchers (EB-1). See our blog for more information.

U.S. Supreme Court to Consider Obama Deferred Deportation Orders

The U.S. Supreme Court has granted certiorari in Texas et al. v. U.S. et al. (No. 15-674) to determine whether President Barack Obama can proceed with plans to defer deportation and provide work authorization to millions of individuals currently in the United States without lawful status. The Court also indicated that it will take up the additional issue of whether the Obama Administration's action violates a constitutional clause that requires the president to faithfully execute the law (i.e., the Take Care Clause in Article II of the Constitution). The high court will hear arguments this April and a decision is likely to be issued this June, before the end of the Court's current session.

If you have questions about these or other developments, please contact any of the following attorneys in the Immigration practice group.

DOL Takes Final Step Toward Implementation of New Overtime Exemption Rules
By: John S. Ho, From Bond, Schoeneck & King PLLC, a Council of Industry associate member

Ever since President Obama on March 13, 2014 signed a Presidential Memorandum directing the United States Department of Labor to update the overtime exemption regulations under the FLSA, it has probably been the most talked about employment law issue over the last two years. This is not surprising, as the FLSA applies in both the private and public sector and generally does not distinguish between for-profits and non-profits.

Given the significant potential implications, the process of revising the overtime exemption rules moved along gradually. It took over a year for the DOL to even publish proposed changes, which it did on July 6, 2015 in the Federal Register. Despite numerous requests by various entities to extend the September 4, 2015 public comment period, including from approximately twenty members of Congress, the DOL declined to do so.

On March 14, 2016, the DOL took the final step necessary before implementation of the proposed changes by sending the controversial rules to expand overtime protection to the White House's Office of Management and Budget ("OMB"). OMB can review the rules for a maximum period of 90 days. There is no minimum amount of time required for OMB review. We believe, given the heightened level of public scrutiny of the rules and collateral issues like the Presidential election coming up in November, that OMB should be prepared to do a relatively prompt review within 30 to 45 days. If so, and assuming there is a 60-day grace period between issuance of the final rules and implementation of the final rules, this would mean an effective date of the final rules in late July or early August.

Perhaps the most important question still remains though — will the final rules contain any significant changes to the "duties" tests for the white collar exemptions despite the absence of any specific changes in the proposed rules? Even if not, litigation over the final rules seems inevitable. If so, the screams of foul play from employers will be deafening.

To learn more, contact John S. Ho at 646.253.2320 or jho@bsk.com.

Visit us online at www.councilofindustry.org
Council Honors Manufacturing Champions on May 13th
By David King, Council of Industry Communication Coordinator

The Council of Industry is pleased to announce the recipients of our annual Manufacturing Champion awards. This award recognizes individuals from the private sector, public sector, and education, along with an organization, who through vision, dedication, hard work and tireless involvement have helped to overcome some of the many obstacles faced by manufacturers in the Hudson Valley community and have made it possible for manufacturers and their employees to prosper.

Nominations for the award are submitted by friends and coworkers of the nominee. The Council’s Board of Directors then decides on the winners together in a special meeting. Each year we receive dozens of highly qualified individuals and the task of narrowing them down is a challenge. For the first time in 2016 we will present the Educator Award to an individual who has helped set a new generation on the path to careers in manufacturing. The awards will be presented at a special breakfast ceremony on May 13th at The Powelton Club in Newburgh. This year’s distinguished winners are as follows:

The private sector champion is Mike Ratliff, president of Marco Manufacturing. When Atlantic Design Corporation closed their Poughkeepsie facility, where Mike was General Manager, he decided to open his own manufacturing business (Marco Manufacturing). Marco is now in its 20th year of operation and employs over 30 people (most of which were former Atlantic Design employees) and services more than 25 customers. Mike's commitment to the customer base, employees and the region is the basis for the success Marco has achieved.

Our public sector champion is Dr. Cliff Wood, President of SUNY Rockland. During his tenure Dr. Wood has oversee major growth in the College's enrollment, community involvement, and workforce development. Dr. Wood has led efforts to meet the workforce development needs of Hudson Valley Manufacturers through the creation of the Manufacturing Center At the college's Haverstraw campus and the expansion of its 3D Printing Center. The college has also begun, in partnership with the Council of industry, a Certificate in Manufacturing Leadership. He also led statewide advocacy efforts on behalf of community colleges in his capacity as President of the New York Community Colleges Association of Presidents, a position he held from 2009-13. As a key member of the Mid-Hudson Regional Economic Development Council, Dr. Wood plays an important role in advancing the economy of the Hudson Valley.

Hudson Valley Pattern for Progress is the organization we've chosen to honor this year. Pattern for Progress is a regional planning and policy organization that for 50 years has tried to "connect the dots" among a multiplicity of issues in an effort to improve the region's quality of life. More than ever before, Pattern is now working to integrate the revitalization of manufacturing into the region's future. Pattern has recently finished a project which mapped all the workforce and economic development resources in the region that support manufacturing. This "Asset Map" will become an integral part of a sector based regional economic and workforce development strategy.

Last but not least, Mark Harris of Ulster BOCES has been chosen to be our education champion. A teacher in metal trades, as well as the leader of the Solar Car project, the MIT robotic arm project, and the NASA prototype project. He has worked to build the Computer Numerical Control (CNC) classroom, and encouraged countless young people to pursue careers in machining.

For those wishing to attend the ceremony, seats are $30 each or $215 for a table of 8. To find out more visit our website www.councilofindustry.org or contact Alison Butler at abutler@councilofindustry.org or call (845) 565-1355.

Thank you major sponsor Ulster Savings Bank and supporting sponsor the Chazen Companies. Support from our sponsors make events like this possible. Sponsorships are still available and companies wishing to show their support of this year's champions and Hudson Valley Manufacturing there will be a commemorative event program and companies may purchase ads. More information and pricing is available on our website or contact us with questions.

Finally, we'd like to wish a heartfelt congratulations to our winners!
The state’s 2016-17 budget, agreed to by the governor and legislative leaders includes an increase in the minimum wage, paid family leave, a middle class tax cut, support for schools and education, infrastructure funding that will allow for a freeze on Thruway tolls including on the Tappan Zee Bridge until at least 2020. It also includes funding for capital improvements on Metro-North Railroad and the other MTA-operated systems.

Syracuse.com reports “The three men in a room - Gov. Andrew Cuomo, Senate Majority Leader John Flanagan and Assembly Speaker Carl Heastie - negotiated the budget deal behind closed doors. Then through the night, lawmakers debated and voted on budget bills that commit New York to spending $156 billion without having time to read the bills or hold public hearings, and without voters having a chance to weigh in.”

Here are some of the results of that process.

**Minimum Wage**

The New York Times Reports that “On the wage issue, in areas north of Westchester, the minimum wage — now $9 — will rise by 70 cents a year over the next five years, eventually hitting $12.50 by the end of 2020, though the governor said it would continue to rise toward $15, depending on its economic impact. Indeed, in announcing the wage increase and brokering a deal with Senate Republicans, Mr. Cuomo seemed to be treading a fine line between confidence that $15 would eventually be reached statewide and cautioning that the wage could be suspended if it was determined to be hurting the economy.”

The plan also included other caveats: Businesses with 10 or fewer employees will have nearly four years to institute the wage increase in New York City.

There is also a so-called safety valve that can halt the wage’s move toward the $15 benchmark upstate. It would be determined by state labor and budget analysts — both parts of the executive branch — who would review the wage’s economic impact using studies conducted beginning in 2019. The state would then use that information to plan increases in the upstate wage — or to suspend the increase temporarily, statewide, depending on economic data.

**School Funding**

Public-school spending accounted for nearly $25 billion of the budget agreement, which, after several failed attempts in past years, eliminates the deeply unpopular Gap Elimination Adjustment that the state first used in 2010 to cover a huge budget deficit at public schools’ expense. Both Republicans and Democrats supported restoring the funding. The budget also boosted funding for charter schools across the state by roughly $430 per student.

**Paid Leave**

The budget agreement includes the longest and most comprehensive paid family leave program in the nation. When fully phased in, employees will be eligible for 12 weeks of paid family leave when caring for an infant, a family member with a serious health condition or to relieve family pressures when someone is called to active military service. Benefits will be phased-in beginning in 2018 at 50 percent of an employee’s average weekly wage, capped to 50 percent of the statewide average weekly wage, and fully implemented in 2021 at 67 percent of their average weekly wage, capped to 67 percent of the statewide average weekly wage. This program will be funded entirely through a nominal payroll deduction on employees, though it will be “kick started” with a payment of $10 million from the Workers’ Compensation fund. Employees are eligible to participate after having worked for their employer for six months.

**Infrastructure**

Both upstate and downstate areas received roughly $27 billion in transportation investments.

**Middle Class Tax Cut**

The budget lowers Personal Income Tax rates for middle class New Yorkers. With the middle class tax cuts of 2012, rates were lowered from 6.85 percent to 6.45 percent for taxpayers in the $40,000-$150,000 income bracket, and to 6.65 percent in the $150,000-$300,000 income bracket. Under these new reforms, the rate will drop even further beginning in 2018 to 5.5 percent when the cuts are fully phased in.

These new lower tax rates will save middle class New Yorkers nearly $6.6 billion in just the first four years, with annual savings reaching $4.2 billion by 2025. As the new rates phase in, they will be the state’s lowest middle class tax rates in more than 70 years. When the tax cuts begin, they will benefit 4.4 million filers, growing to 6 million filers when fully phased in.

**Small Business Taxes and 18A Utility Assessment**

There was no significant reduction of taxes on small business and the onerous 18A utility assessment remains in place.

The total operating funds equal $96.2 billion with a two percent growth; school aid of $24.8 billion, up 6.5 percent; Medicaid funding of $18.5 billion, 3.4 percent growth under the cap; and $7.2 billion for higher education, a two percent growth.
Recent outbreaks of Legionnaire’s Disease in New York City this year and in the recent past have resulted in both the NYC government and the NYSDOH to quickly develop new regulations to prevent future outbreaks.

The Legionella bacteria is believed to be the indoor building contaminant most likely to result in mortality. Often perceived as rare, Legionnaires’ disease is more common than many health and safety professionals recognize. Up to 25,000 cases of Legionnaires’ disease occur every year in the US. The human and financial costs associated with an outbreak, or even an isolated case is substantial... yet, the cost of prevention is mere pennies in comparison.

Recent outbreaks of Legionnaire’s Disease in New York City this year and in the recent past have resulted in both the NYC government and the New York State Department of Environmental Health (NYSDOH) to quickly develop new regulations to prevent future outbreaks. According to the NYSDOH, the number of cases of Legionellosis has increased 323% from 2005 to the present as compared to the previous ten year period.

The NYC Health Department recently completed their investigation of a cluster of seven Legionnaires’ disease cases in the Morris Park section of the Bronx, which is apparently unrelated to the outbreak in the South Bronx this summer that was attributed to Legionella found in the cooling tower of the Opera House Hotel. NYC officials and those from NYSDOH collaborated and have identified building cooling towers as the likely source of the disease.

Legionnaires’ disease (Legionellosis) is a type of pneumonia caused by the bacteria Legionella. New York City experiences 200-300 cases of Legionellosis annually. Symptoms of Legionellosis are typically flu-like. Most cases of Legionnaires’ disease can be traced to building plumbing systems and cooling towers where conditions are favorable for Legionella growth. Once infected, Legionnaires’ disease cannot be spread from person to person.

Many manufacturing companies use cooling towers to manage the temperature of their process equipment. A cooling tower is an evaporative device that is part of a recirculated water system which is typically associated with the building’s cooling or equipment system. Many modern high-rise buildings use cooling towers as part of their industrial process. Poor maintenance and lack of regular disinfection of these units can result in bacterial overgrowth and mist emissions that contain Legionellae. Inhalation of these mist particles can lead to the Legionellosis illness. Groups at high-risk include those who are middle-aged or older, cigarette smokers, people with chronic lung disease or weakened immune systems and people who take medicines that weaken their immune systems (immunosuppressive drugs). The fatality rate of Legionnaires’ disease has reported to range from 5% to 30% and can increase to 50% when treatment with antibiotics is delayed, typically due to lack of diagnosis.

The first recognized cases of Legionnaires’ disease occurred in 1976 in Philadelphia, Pennsylvania. Over 2000 persons attended a Legionnaires’ convention held at the Bellevue-Stratford Hotel. Over 200 attendees became ill and 34 of them died. There have been other similar cases (clusters) globally since then.

NYSDOH Emergency Regulations

The NYSDOH put in place emergency regulations, effective August 17, 2015 which were directed towards owners of cooling towers, hospitals and residential health care facilities all across New York State. Even though hospitals and residential health care facilities may not have in place cooling towers, their potable water distribution system can also be a breeding ground for legionella bacteria and persons that reside in this facilities (elderly, ill, those with a weak immune system) could be at risk. The NYSDOH regulations are a bit more elaborate than the NYC order and requires:

1. Registration of cooling towers,
2. Samples to be obtained from the
Besides checking to assure guardrails are in place, the agency advises that workers stand on the work platform, never on the guardrails, and that the work be kept within easy reach so employees do not need to lean away from the scissor lift.

To assure proper stabilization, employers should ensure scissor lifts will not tip over or collapse. Safe work procedures include not moving the lift while it is elevated, isolating the unit or implementing traffic control measures to ensure other equipment cannot contact the scissor lift, and picking work locations with firm, level surfaces away from hazards that can cause instability, such as drop-offs, holes, slopes, bumps, ground obstructions, or debris. Scissor lifts rated for outdoor use should be used only when weather conditions are good, including wind speeds below 28 miles per hour.

To prevent scissor lifts from collapsing, safety systems designed to stop collapsing must be maintained and not bypassed, weight on the work platform must not exceed the manufacturer’s load rating, equipment other than the scissor mechanism should never be used to raise the work platform, and steps should be taken to assure other moving equipment does not strike the lift. Correct positioning involves placing the lift to prevent crushing or electrocution hazards.

Besides traffic controls, safe practices include using ground guides during movement, and selecting work locations that ensure scissor lifts are more than 10 feet from electrical power sources or other overhead hazards. OSHA reminded employers than employees working around electrical equipment must be qualified and have received required electrical training (per §1910.269, §1910.333, and §1926 Subpart V).

In addition, the manufacturer’s maintenance and inspection instructions must be followed to assure the lifts are maintained properly, and employees must be trained (§1926.454) on related safety topics, including on following manufacturer instructions for operating the scissor lift vertically and while in transit, on handling materials on the lift, including weight limits, on being alert for other worksite hazards employees may encounter when working on a scissor lift, and on reporting any equipment defects or maintenance needs.

Other pertinent OSHA general industry standards include §1910.23 and §1910.28-.29. OSHA’s scaffolds or staging construction standard at §1915.71 applies to shipyards, while §1926.21 and §1926.452 apply to the construction industry. OSHA’s scaffolding standard also may be consulted, along with American National Standards Institute standards for manufacturing, owning, and operating scissor lifts (ANSI A92.3-2006 and A92.6-2006).

Jackson Lewis attorneys are available to answer inquiries regarding this and other workplace developments. *
To register for these and other Council of Industry classes and events go to our website www.councilofindustry.org and select the calendar page. All entries are links to more information and registration forms. You may also e-mail us at training@councilofindustry.org or call (845) 565-1355 for questions or more information.

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<th>Details</th>
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<td>Apr 6</td>
<td>HR Network meeting: NYS Gender Equality Acts</td>
<td>8:30 - 10:00 am at the Council of Industry Office, Newburgh, NY. Presenter Devora Lindeman, Esq. Partner at Greenwald Doherty, LLP. Free for members. Register online here or by email <a href="mailto:abutler@councilofindustry.org">abutler@councilofindustry.org</a>.</td>
</tr>
<tr>
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<td>Apr 13</td>
<td>Effective Business Communication</td>
<td>9:00 am—4:30 p.m. at Bowne Hall, SUNY Dutchess, Poughkeepsie, NY. Instructor: Rebecca Mazin, Recruit Right. Cost: $200 single Council members, $175 each for two or more from the same company, $375 non-members.</td>
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<tr>
<td>Apr 18, 19, &amp; 20</td>
<td>SQL Server Reporting Services 2012 for Report Writers</td>
<td>9 am - 5 pm at Ulster Community College, Kingston NY. Cost: $325 per person or $295 each for two or more from the same company.</td>
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<tr>
<td>Apr 27</td>
<td>Environmental Safety &amp; Health Risk Management For Supervisors</td>
<td>9:00 am—4:30 p.m. at Bowne Hall, SUNY Dutchess, Poughkeepsie, NY. Instructor: The Chazen Companies. Cost: $200 single Council members, $175 each for two or more from the same company, $375 non-members.</td>
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<tr>
<td>May 11</td>
<td>Making A Profit: Financial &amp; Accounting Issues In Manufacturing</td>
<td>9:00 am—4:30 p.m. at Bowne Hall, SUNY Dutchess, Poughkeepsie, NY. Instructor: Steve Howell, Vanacore, DeBenedictus, DiGiovanni, &amp; Weddell. Cost: $200 single Council members, $175 each for two or more from the same company, $375 each for Non-members.</td>
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<tr>
<td>May 13</td>
<td>Manufacturing Champions Award Breakfast</td>
<td>7:30 am - 9:30 am at the Powelton Club, Newburgh, NY. Seats are $30 each or $215 for a table of eight. Sponsorships are available. Contact Alison Butler <a href="mailto:abutler@councilofindustry.org">abutler@councilofindustry.org</a> or call (845) 565-1355.</td>
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<tr>
<td>June 20 &amp; 21</td>
<td>Intermediate Programmable Logic Controllers (PLCs)</td>
<td>8:30 am - 4:30 pm at SUNY Sullivan, 112 College Rd, Loch Sheldrake, NY. Instructor: Dr. Cynthia V. Marcello. Cost: $175 per person or $150 each for two or more from the same company.</td>
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Manufacturing Lobby Day

Alliance released a ten point plan of issues, that if addressed in the 2016 legislative session, would positively impact our State’s business climate, and in turn, our sector.

“There are things the state could be doing to make it easier for us manufacturers to grow and add workers - the things in our 10 point plan.” Frank Falatyn, President of Fala Technologies said. “But we don’t even have a chance to talk about those things. Instead we have to spend our time trying to keep them from adding to the costs of operating in New York. But I’m still optimistic things can improve.”

The afternoon session included a keynote address by Lieutenant Governor Kathy Hochul, as well as Senate Majority leader John Flanagan. EJ McMahon, the President of the Empire Center, also addressed the group, discussing his findings on a study he conducted showing the negative impacts a minimum wage increase would have on the State’s economy.

“The Lt. Governor focused on workforce development issues clearly an area of concern to our members.” Said Council of Industry Executive Vice President Harold King. “She talked about the need for clear ‘career pathways’ for young people into manufacturing. That is something we believe is important and are working on creating.”

It is important that manufacturers visit Albany regularly to remind our lawmakers of the important role we play in New York’s economy. We need to encourage them to create a climate which allows manufacturers to take on their global competitors. This was never truer than this year because great efforts are being made that will negatively impact the State’s business climate. *

**continued from page 8**

**Cooling Towers**

- cooler tower and analyzed for Legionella cultures,
- Disinfection and treatment for the cooler tower depending on sampling results,
- Certification to be completed annually indicating that the cooling tower has been inspected, tested, cleaned and disinfected,
- Implementation of an annual maintenance program including routine sampling and analysis,

In addition, hospitals and residential health care facilities will be required to put in place a Legionella Sampling Plan for the facilities’ potable water distribution system, complete with sampling and reporting and take any necessary actions based on the results. Appendix 4-A of the NYSDOH regulations presents a detailed matrix for appropriate actions depending on the sampling results. Required actions may include online disinfection, online decontamination and complete system decontamination.

**Going Forward**

Poor maintenance of cooling towers and potable water distribution systems can lead to the development of legionella bacteria and mist emissions resulting in the illness of many. Owners of cooling towers, general hospitals and the many residential health care facilities will now be required to be more proactive in regards to the system maintenance of their cooling towers and potable water distribution systems. Facility managers should work closely with a professional engineer or qualified environmental consultant to ensure proper compliance with the regulations and to ensure safety of the general public in urban areas and those that reside at these facilities. *