



# The Tool Box

Serving the Electrical, HVAC & Plumbing Industries Since 1912

Volume 2, Issue 54 January 10, 2005

## WARNING

### Small Businesses Now Liable for Employment Discrimination Due to Court Ruling

The SC Small Business Chamber of Commerce issued a warning December 9, 2004 to small businesses with 14 or fewer employees to be extremely careful in all employment decisions. Employment decisions of these small businesses have traditionally been protected from discrimination lawsuits regarding "protected status" (ex. race, religion, gender, age) because state and most federal laws dealing with such activity only applied to businesses with 15 or more employees. Only federal law addresses racial discrimination in employment decisions regardless of number of employees.

However, on October 18 of this year, a South Carolina Supreme Court decision created a new cause of action saying that it is against the public policy of the State of South Carolina for any employer to discriminate on the basis of protected status. As a result, businesses with 14 or fewer employees are now subject to discrimination lawsuits in all employment events such as interviews, hiring, terminations, promotions, training, demotions and layoffs without the legal protection provided to businesses with 15 or more employees.

Existing federal and state laws offer some protection to the larger businesses by requiring the complaining party to go through administrative procedures before a discrimination suit can be filed. This process enables most complaints to be handled out of court. Plus, most of these anti-discrimination laws place a cap on the amount of damages that can be recovered. Smaller businesses have none of these legal protections because for the most part they were exempted from such lawsuits.

Small businesses with 14 or fewer employees, which possibly make up 70% to 80% of businesses in the state, are now in extreme jeopardy. Not only are they not aware that they are now at risk for employment discrimination lawsuits, they don't even have the legal protection provided by law to larger businesses and thus face greater liability.

The Small Business Chamber has legislation drafted that would return the employment discrimination liability issue for small businesses back to the status prior to the October 18 Supreme Court ruling. While no one is defending any form of discrimination, small businesses should not have their legal protection against this form of liability stripped away without legislative debate and certainly should not have more liability on this issue than larger businesses.

The South Carolina General Assembly will not reconvene until January 11, 2005, and therefore any legislative remedy for this issue is months away. Until then, the Small Business Chamber is encouraging businesses with 14 or fewer employees to either delay all employment decisions until their protected liability status is returned or keep detailed documentation justifying the reason for all employment decisions. The latter will not protect the business from a discrimination lawsuit but will increase the likelihood of a successful defense.

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## MAKE PLANS TO ATTEND THE WINTER RETREAT

MARCH 10-13, 2005

PINEHURST RESORT

PINEHURST, NC

HOME OF THE 2005 U. S. OPEN

REFER TO PAGES 5 & 6 FOR MCASC & HOTEL REGISTRATION FORMS





# PROJECTS FOR BID & BID FORECAST

**MECHANICAL CONTRACTORS ASSOCIATION OF SOUTH CAROLINA**  
 P.O. Box 384, Columbia, South Carolina 29202 · 1504 Morninghill Drive, Columbia, South Carolina 29210  
 PHONE (803)772-7834 · FAX (803)731-0390 · E-MAIL: [mflowers@mcasc.com](mailto:mflowers@mcasc.com) WEBSITE: [www.mcasc.com](http://www.mcasc.com)

JOBS TO BE BID THROUGH THE MCASC BID PROCEDURE.  
 ALL MECHANICAL CONTRACTORS WHO ARE NOT MEMBERS OF THIS ASSOCIATION BIDDING ON THESE ADVERTISED JOBS ARE  
 INVITED AND URGED TO UTILIZE THE MCASC BID PROCEDURE PUBLISHED HEREIN.  
 INFORMATION PUBLISHED BY THE MECHANICAL CONTRACTORS ASSOCIATION OF SOUTH CAROLINA

NOTES:

1. ALL JOBS LISTED WITHOUT REFERENCE TO THE MCASC FOUR-HOUR DESIGNATION ARE EITHER ZERO OR TWO-HOUR BID JOBS.
2. ALL ASPECTS OF THE MCASC FOUR-HOUR BID PLAN APPLY TO JOBS DESIGNATED AS EITHER ZERO OR TWO-HOUR JOBS WITH THE EXCEPTION OF TIME & BID PROCEDURE OFFICE/SIGNATORY GENERAL CONTRACTOR INTERFACING.

\*MCASC BID PROCEDURE SIGNATORY GC'S INDICATED WITH "O"

**PIEDMONT AREA**

CHAIRMAN DESIGNATING COMMITTEE  
 DAVID BISHOP  
 TEL: (864) 578-7252 FAX: 578-341

NO JOBS LISTED

**MIDLANDS AREA**

CHAIRMAN DESIGNATING COMMITTEE

NO JOBS LISTED

**PEE DEE AREA**

|  |  |  |
|--|--|--|
| CHAIRMAN DESIGN. COMMITTEE<br>WILLIAM L. SELF<br>TEL: (803) 432-8519 FAX: 432-3845 | PAUL PREVATTE<br>G'TOWN, HORRY & MARION<br>TEL: (843) 272-4915 FAX: 272-6071 | JIMMY LEE<br>FLO, DAR, DIL, C'FLD & M'BORO<br>TEL:(843) 669-8243 FAX: 673-0826 |
|--|--|--|

NO JOBS LISTED

**COASTAL AREA**

CHAIRMAN DESIGNATING COMMITTEE  
 RON RUNYON  
 TEL: (843) 556-5636 FAX: 763-3091

1. **CHARLESTON** Addn. & Renovs. Rutledge Mem. Baptist Church, Owner. Stubbs, Muldrow, Herin Architects, Inc., Mt. Pleasant, Archts.  
 February 1 BIDS DUE MCASC: 3:00 PM  
 GENRL OPEN: 3:00 PM  
 Bidders Invited:  
 o Hill Construction Corporation, Charleston  
 o Harbor Contracting, LLC, Mount Pleasant  
 o Trident Construction Co., Inc., North Charleston

## SMALL BUSINESSES WITHOUT HEALTH INSURANCE NEEDED FOR INNOVATIVE PROGRAM

### Health Care At Lower Cost To Be Tested

The SC Small Business Chamber of Commerce is helping to coordinate a first in the nation, employee health care program for small businesses without traditional group health insurance. This innovative program will be tested in six of the states counties: Beaufort, Darlington, Greenville, Greenwood, Horry and Sumter.

Small businesses in these counties that do not have a health insurance plan and are interested in providing health care services for their employees at lower costs should contact the Small Business Chamber at 803-252-5733.

WEEK OF JANUARY 17, 2005 –JANAURY 21, 2005

| DAY     | JOB NO. 4/HR | LOCATION   | NAME   | BID DATE | TIME    |
|---------|--------------|------------|--|----------|---------|
| Tuesday | 4-3899       | Charleston | Addn. & Renovs. Rutledge Mem. Baptist Church | 02/01/05 | 3:00 PM |

**GET YOUR CALENDARS OUT AND MARK IT FOR THE 14th ANNUAL  
SWATTER—SNAGGER—SHAGGER  
GOLF AND FISHING SCHOLARSHIP TOURNAMENT  
JUNE 3, 4, 5, 2005**

**WELCOME NEW MEMBERS**

ECK SUPPLY CO.—CHARLIE SMITH— N. CHARLESTON  
FIRST CAROLINA FINANCIAL SERVICES, LLC— JOYCE McDONALD— COLUMBIA  
UNITED RENTALS—RICH MULLINS—N. CHARLESTON

**SYMPATHY****MCASC would like to extend sympathy to the following families:**

Margie Hancock, wife of Guy Hancock ( Mt. Pleasant) H. R. Allen, Inc., N. Charleston  
Pete Peters, Sr., (West Columbia) Grandfather of Tonja Ivey, Rogers's Computers, Lexington

**CONCERNS****MCASC would like to extend thoughts and prayers to the following families:**

Richard Miller, Sr., City Plumbing Co. of Florence, Florence  
Sam Williams, Sr., Gateway Supply, Columbia  
Mildred George, mother of Robbie Stephens, Temporary Services, Spartanburg

**News from the Coastal Area**

**Congratulations to the following MCASC Coastal Area Members who were  
Winners of the 2004 PACE AWARDS**

**Honor Award-Historic:** Eastside Center for Human Concerns

**Subcontractor:** Metro Electric

**Merit Award—Institutional:** College of Charleston Craig Residence Hall HVAC and Interior Renovations

**Subcontractor:** Port City Electric

**Craftsman Of The Year:** Gary A. Lindner, Plumbing Foreman at Cullum Constructors, Inc.

**News from the Midlands Area**

**Congratulations to the following MCASC Midlands Area Members Ranked in the Top Eight  
Largest Area Electrical Contractors (Ranked By Number of Local Employees)**

- |                               |                        |
|-------------------------------|------------------------|
| 1. Gregory Electric Co.       | Bob Livingston         |
| 2. Boykin Contracting         | Tom Brock & Cory Adams |
| 3. H. R. Allen                | Erik Violette          |
| 7. Shealy & Sons Electric Co. | Jimmy Shealy           |
| 8. Seastrunk Electric Co.     | Eddie Seastrunk        |

# MCASC WINTER RETREAT REGISTRATION

MARCH 10 - 13, 2005 - Pinehurst Resort, Pinehurst, NC

**PLEASE COMPLETE AND FAX THIS PAGE TO THE MCASC STATE OFFICE  
AT (803) 731-0390 BY NO LATER THAN FRIDAY, FEB. 11<sup>TH</sup>, 2005**

COMPANY NAME \_\_\_\_\_

I AM REGISTERING \_\_\_\_\_ PEOPLE FROM MY COMPANY FOR THE WINTER RETREAT SCHEDULED MARCH 10-13, 2005. PLEASE LIST ALL NAMES OF THOSE ATTENDING BELOW.

**\*REGISTRATION FEE IS ONLY \$250.00 PER PERSON - MCASC WILL BILL YOU LATER\***

*NOTE: A full refund of MCASC Winter Retreat Registration Fees will be made on cancellations received prior to Friday, January 28, 2005. After that date, only 50% will be refunded up until Friday, February 11, 2005. Substitutions will be allowed.*

PLEASE INDICATE IF YOU PLAN TO PLAY GOLF ON SATURDAY AT COURSE #1

|       | GOLF??? |       | GOLF??? |
|-------|---------|-------|---------|
| _____ | Y N     | _____ | Y N     |
| _____ | Y N     | _____ | Y N     |
| _____ | Y N     | _____ | Y N     |
| _____ | Y N     | _____ | Y N     |

## TENTATIVE AGENDA

### Thursday, March 10<sup>th</sup>, 2005

|                 |   |                  |
|-----------------|---|------------------|
| 4:00 PM - Until | Hotel Check In                                | Pinehurst Resort |
| 4:00 PM - Until | Hospitality Suite Open (Heavy Hors D'oeuvres) | Villa 510        |

### Friday, March 11<sup>th</sup>, 2005

|                      |  |                      |
|----------------------|--|----------------------|
| 6:30 AM - 10:00 AM   | Buffet Breakfast   | Carolina Dining Room |
| 9:00 AM - 12:00 Noon | Workshop "Identify, Meet, & Exceed Customer Needs" By: Rod Tripp | Azalea Room          |
|                      | Afternoon Free On Your Own!!                                     |                      |
| 4:00 PM - 6:30 PM    | Hospitality Suite Open   | Villa 510            |
| 6:00 PM - 6:30 PM    | Past Presidents' Meeting   | Villa 510            |
| 7:00 PM              | Dinner & A Movie "Everyone's A Star"                             | Donald Ross Grill    |
| After Dinner-Until   | Hospitality Suite Open   | Villa 510            |

### Saturday, March 12<sup>th</sup>, 2005

|                     |  |                      |
|---------------------|--|----------------------|
| 6:30 AM - 10:00 AM  | Buffet Breakfast   | Carolina Dining Room |
| 9:00 AM - 9:45 AM   | Workshop "Recent Developments In Employment Law: Handbooks, Harassment, Hiring & Firing" By: Chuck McDonald, Esquire | Azalea Room          |
| 9:45 AM - 10:30 AM  | Workshop "Employee Voluntary Supplemental Benefits" By: Kelly Farley   | Azalea Room          |
| 10:30 AM - 11:30 AM | Open Business Meeting  | Azalea Room          |
| 12:00 Noon          | Golf Tournament: \$70.00 Per Person  | Course No. 1         |
|                     | All Others Afternoon Free On Your Own!!  |                      |
| 4:00 PM - 6:30 PM   | Hospitality Suite Open   | Villa 510            |
| 7:00 PM             | Dinner, Fun & Silent Auction   | North Room           |
| After Dinner-Until  | Hospitality Suite Open   | Villa 510            |

### Sunday, March 13<sup>th</sup>, 2005

|                    |                           |                       |
|--------------------|---------------------------|-----------------------|
| 6:30 AM - 10:00 AM | Farewell Buffet Breakfast | Carolina Dining Room  |
| 12:00 Noon         | Hotel Check-Out           | Have a Safe Trip Home |



**MECHANICAL CONTRACTORS ASSOCIATION OF SOUTH CAROLINA  
WINTER RETREAT  
European Plan  
March 10-13, 2005**



Welcome to the beautiful, 4-Star/4-Diamond Pinehurst Resort - site of the 2005 United States Open Championship! We are honored to be your hosts and we look forward to serving you! Please take a moment to fill out this reservation form to ensure your accommodations for your upcoming visit.

Pinehurst is requiring a 30-day cut off period for your room reservations. Reservations received after this date will be processed on a "space-available basis." THE PINEHURST RESORT CONSISTS OF A VARIETY OF LODGING ACCOMMODATIONS INCLUDING THE CAROLINA HOTEL, VILLAS, MANOR INN, HOLLY INN, AND CONDOMINIUMS. THE RESORT WILL MAKE EVERY EFFORT TO HONOR SPECIFIC ROOM REQUESTS. IF NOT POSSIBLE, THE BEST SUBSTITUTION WILL BE MADE. Please be aware that forms must be completed and returned by **February 11, 2005.**

**DAILY RATES: European Plan: Carolina Accommodations**

**SINGLE OCCUPANCY: \_\_\_\_\_ \$90.00**

**DOUBLE OCCUPANCY: \_\_\_\_\_ \$90.00**

Rates are per room, per night (European Plan) and include accommodations only daily.

**Covered in the Resort Service fee are the following amenities and services:**

- Unlimited access to the Fitness Center
- Beach Club
- Afternoon tea in the Carolina
- Pitching areas
- On-site transportation
- Outdoor pools
- Business Center
- Driving range
- Tennis courts
- Bicycles
- Practice putting greens
- In-coming faxes

**ROOM PREFERENCE (based on availability): \_\_\_\_\_NON-SMOKING \_\_\_\_\_SMOKING**

**ARRIVAL DATE: \_\_\_\_\_ DEPARTURE DATE: \_\_\_\_\_**

**Check-In Time 4:00 PM - Check-Out Time 12:00 NOON**

**SERVICE CHARGE & STATE SALES TAX:** Rates are subject to 10% service charge, 7% state sales tax, and 3% occupancy tax on room portion only.

**DEPOSIT & CANCELLATION POLICY:** A deposit representing one night's rate per person is charged at the time the reservation is made. Pinehurst must receive notice of any cancellation at least 30 days prior to date of arrival in order to refund a deposit. The reservation deadline is **February 11, 2005.**

Please fill out and fax or mail with deposit to: Convention Reservations FAX: 910-235-8240  
 \*Pinehurst cannot accept individual telephone reservations\* Pinehurst Resort PHONE: 800-487-4653, option 2  
 PO BOX 4000  
 Pinehurst, NC 28374-4000

**ROOM(S) TO BE OCCUPIED BY: (Please print or type) \_\_\_\_\_ (All guests will be charged a one-night room deposit)**

**Name: \_\_\_\_\_ Address: \_\_\_\_\_**

**Email Address: \_\_\_\_\_**

**CREDIT CARD NAME & NUMBER \_\_\_\_\_**

**Expiration Date & Cardholder Name \_\_\_\_\_**

**Telephone Number: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_**

**\*\*\*\*ASSOCIATE CLUB MEMBERS\*\*\*\* WE LIKE TO RECOGNIZE ALL OF OUR ASSOCIATE CLUB MEMBERS.**

**PLEASE FILL OUT THE FOLLOWING INFORMATION:**

**CLUB WITH WHICH YOU ARE AFFILIATED: \_\_\_\_\_**

**YOUR MEMBER NUMBER: \_\_\_\_\_**

**Associate Member:  
L. R. Gorrell Company**

The L. R. Gorrell Company has been serving the Carolina's since 1951 representing a full line of heating, ventilating and air conditioning equipment for both commercial and industrial markets.

With 7 officers and 45 employees they offer experience in sales and engineering to assist their customers in selecting the right equipment for the application.

They work hard to meet the needs of their customers by offering over 30 manufacturers who are well known in the industry and by having a warehouse where they stock a lot of the equipment needed on a day to day basis.

Their sales staff is dedicated to quality and integrity with the knowledge to ensure cost effective solutions for your HVAC systems.

They invite you to visit their website [www.lrgorrell.com](http://www.lrgorrell.com) for additional information on their products and services.

***L. R. Gorrell Company***  
***101 Smith Hines Road, Greenville, SC 29607-5708***  
***Phone: (864) 297-7810 Fax: (864) 297-5441***  
***2557-D Ashley Phosphate Road, N. Charleston, SC 29418***  
***N. Charleston Phone: (843) 824-9449 Fax: (843) 824-9437***

**Congratulations to our next Associate & Mechanical Members who will be highlighted in the upcoming issue of "The Tool Box":**

**Bryce Mechanical Contractors, Inc. — Florence**  
**Johnson Insurance Associates, Inc. — Columbia**

**JANUARY – FEBRUARY 2005 MONTHLY AREA MEETINGS**

**PIEDMONT AREA**

Tuesday, January 11, 2005 @ 4:00 PM

Location: Plantation House Restaurant at River Falls, Duncan

Sponsored By: HAJOCA Corp.

**Topic:** Dan Brailsford, Chuck McDonald & Clay Robinson of Robinson, McFadden Law Firm of Columbia to facilitate a "4 Segment Workshop"

**PEE DEE AREA**

Thursday, January 20, 2005 @ 6:30 PM

Location: 933 Santiago Drive, Florence

Sponsored By: City Plumbing Co. of Florence

**Topic:** Billy Hill & Jeff Smith with Carolina Bank to speak on "Small Business Banking"

**COASTAL AREA**

Tuesday, January 25, 2005 @ 6:00 PM

Location: 3362 Navajo Street, Charleston

Sponsored By: Metro Electric Company

**Topic:** Chuck Bundy, Small Business Ombudsman with SC Department of Commerce, to speak on "Business Resources"

**MIDLANDS AREA**

Thursday, February 3, 2005 @ 6:00 PM

Location: 517 Spring Street, West Columbia

Sponsored By: Shealy & Sons Electric

**Topic:** Jonathan Reinhart with Mason Industries to present a program on "Seismic Application & Code Compliance"



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1504 Morninghill Drive, 29210  
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[www.mcasc.com](http://www.mcasc.com)

***Serving mechanical contractors in  
South Carolina since 1912.***

**MCASC Executive Board & Staff**

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**Darlene McGee, Vice-President**  
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**THE COURT DENIES LIQUOR LICENSE APPLICATION  
FOR PROPERTY ADJACENT TO STATE OFFICE**

MCASC Attorney Dan Brailsford has reported that the Administrative Law Judge has denied the application of Don Bowls to sell liquor and beer for on-premises consumption in a proposed sports bar next door to the MCASC State Headquarters. MCASC petitioned and was granted leave to intervene in the case as a party in opposition to the permit.

The Court said this about the participation of MCASC:

“The SC Mechanical Contractors Association (Association) has resided next to the proposed location since the 1960’s . . . The Association’s main concern about the proposed location is the changes it could bring to this area. One specific concern is the about excess foot traffic generated by patrons walking across its parking lot at night and the safety of its employees and members. Because training sessions and meetings take place at the association’s offices, employees and members are often at their offices late in the evening.”

In its order, the Court pointed out that a beer, wine, and liquor permit is not a property right, but a privilege, and that the Administrative Law Court is vested with authority to determine, upon adequate evidence, whether the applicant’s business is a “proper location” for the sale of alcohol for on-premises consumption. In this care, because of the potential impact on the neighborhood including the concerns presented by MCASC, the Court determined that the location is not a proper one for the operation of such a business.

Many Thanks, to Dan Brailsford and MCASC Members for their support and participation.