



# The Tool Box

Serving the Electrical, HVAC & Plumbing Industries Since 1912

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## Ogletree Deakins South Carolina eAuthority

### Update on LLR's Immigration Investigations and Site Visits

Ogletree Deakins is pleased to announce that in response to certain concerns raised by the South Carolina business community, the South Carolina Department of Labor, Licensing and Regulations (LLR) has agreed to revise its enforcement procedures in connection with the private employment provisions of the South Carolina Illegal Immigration Reform Act of 2008 (SCIIRA).

As noted in our July 23, 2009 South Carolina eAuthority, a number of concerns had been raised by the business community regarding the enforcement of the "random audit" provisions of SCIIRA. Among these concerns were significant disruptions to daily operations by unannounced site visits, requests for documents including Forms I-9, and requests to interview employees. After holding a series of meetings with Ogletree Deakins, the South Carolina Chamber of Commerce, and other business organizations and attorneys, LLR has agreed to revise its enforcement procedures by taking the following steps:

- **Advance Notice of Inspection:** Like federal inspections of employer I-9 forms, LLR is now providing several days notice prior to conducting an audit. This advance notice gives employers the opportunity to make administrative arrangements ahead of time to minimize disruption to business operations, and promotes efficiency in the process by giving employers the time to make relevant documents available for inspection.
- **No Inspection of I-9 documents:** In compliance with federal regulations pertaining to employment eligibility verification, LLR is no longer requesting to inspect I-9 forms and supporting documentation.
- **New Compliance Affirmation Form:** In lieu of certain investigation practices, LLR has implemented a new "Affirmation of Legal Work Status" form to be signed by employers or their authorized representatives affirming that the employer is not knowingly or intentionally employing an unauthorized alien, as required by SCIIRA. Knowingly making a misrepresentation on the form is punishable by fine and/or imprisonment. The use of this form meets LLR's objective of curtailing illegal employment of unauthorized workers while addressing certain privacy concerns and production burdens to businesses in releasing certain personnel documents.

These recent developments in LLR's enforcement procedures are a testament to the collaboration between LLR and the business community in ensuring that employers are in compliance with SCIIRA. We applaud LLR's willingness to work in partnership with the South Carolina business community in order to ensure that the laws of the state are effectively administered while being responsive to the needs of the business community.

#### Additional Information

Should you have any questions about the revised enforcement procedures, please contact Ogletree Deakins attorney John Creech at (864) 271-1300 or Lee Gibbs Depret-Bixio at (803) 252-1300. You may also contact the MCASC State Office for a copy of the New Compliance Affirmation Form.

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**Many Thanks  
To All  
Sponsors  
And  
Participants  
Of The  
5th Annual  
Piedmont Area  
Scholarship  
Golf Tournament**





**“Tool Box Talks” - Safety Tip****ACCIDENT FACTORS**

Accidents on construction projects cause too many painful injuries and claim far too many lives. Our primary concern when we discuss the factors or causes behind an accident is to find a way to prevent a recurrence. The cause of an accident can be found in two areas - **Unsafe Acts** and **Unsafe Conditions**.

As a construction worker you control the first cause, **Unsafe Acts**. For example: a worker uses equipment that is defective or damaged, or they may use good equipment in a careless or other unsafe manner. Other examples of unsafe acts include disregarding posted warning signs, failure to wear a hard hat, smoking near flammables or explosives, working too close to power lines, handling chemicals or other hazardous materials improperly, putting your body or any part of it onto or into shafts or openings and lifting material incorrectly. (Just a short reminder - always lift with your legs while keeping your back straight.)

The second accident factor or cause is **Unsafe Conditions** which can be found on many construction sites. Examples include inadequate or improperly installed guard rails or a lack of any guarding at all which most certainly will lead to an accident. Insufficient illumination, poor ventilation, electrical grounding requirements not observed, too few fire extinguishers available, containers that are not labeled, careless disposal of waste or excess material - these are just a few of many unsafe conditions that may be caused by co-workers, subcontractors, or the general contractor.

You can make a difference by taking the time to perform your work safely and reporting any unsafe condition you discover to your supervisor immediately.

When the cause behind the accident is found, you'll find that safety on the job plays a major part in preventing that accident from occurring again. If everyone on the job cooperates, injury and death statistics will be reduced and it will be much safer for you to do your job.

**Accidents - Learn the cause - Find the solution. Ultimately the jobsite and your job will be safer.**

**RSS Safety, LLC  
1122 Industrial Drive, Suite 113  
Matthews, NC 28105  
Telephone (704) 844-2519 Fax (704) 844-0291**

**Birth Announcement**

**William “Wells” Graham Wellington Stepp  
Born September 25, 2009, 9:43 PM, 7 lbs, 6 oz  
Proud Parents: Mary & Graham Stepp  
Proud Grandparents: John & Dulcie Creech  
Olgetree, Deakins, Nash, Smoak & Stewart  
Greenville**

**Welcome New Members**

**Gary Bishop - Teton Industrial Construction, Inc.  
Alpharetta, GA  
Perry Barnard - The Tool Shed, Inc.  
Greenville**

**Happy Anniversary**

**Mr. & Mrs. Jamie Roberts - 11/3  
Mr. & Mrs. Jules McMillan - 11/14**

**Condolences**

**Mr. & Mrs. Dennis Brunink & Family  
On the loss of his stepmother  
Johanna Schutte Brunink  
John J. Kirilin, LLC, Columbia  
Mrs. Debbie Allen & Family  
On the loss of her husband  
The Staff of Stover Mechanical  
On the loss of President and co-owner  
Mitchell Lee Allen  
Stover Mechanical, Inc., Greenville**

**Concerns**

**Lewis Caswell - W. O. Blackstone, Columbia  
Charley Hipp - Hipp Properties, Charleston  
Rhett Leake - James M. Pleasants Co., Charlotte  
Richard Miller, Sr. - City Plumbing Co., Florence  
Bill Self - Self's Heating & A/C, Camden  
Stella Shuler - Wife of Bo Shuler, W. Columbia  
Wyman Sox - Honorary Life Member, W. Columbia**

**PASSING OF MITCHELL L. ALLEN**

It is with sadness we announce the passing of our President and Friend of many years.

Mitchell L. Allen died suddenly October 15, 2009 at his home in Greenville, South Carolina. Mitchell was President and Co-Owner of Stover Mechanical, Inc. in Greenville, South Carolina for the past 10 years. He was very active with his Brushy Creek Baptist Church as a Sunday School teacher. Mr. Allen was past president of The Striper King Fish Club and a member of the Bass Anglers for Christ. He was an avid golfer and a member of the Greer Country Club. In addition to golf, Mr. Allen enjoyed riding his Harley with his wife and friends. He is survived by his wife Debbie Allen of the home and son Michael Allen of Greer and daughter Michelle Hannon of Taylors.

## Congratulations - S.C. Chamber Honors Major General Robert E. Livingston Jr.

Staff Report

*Published Sept. 28, 2009 - Reprinted with permission from the Columbia Business Report*

The S.C. Chamber of Commerce has announced Major General Robert E. Livingston Jr., director of the J5 Coalition Coordination Center for U.S. Central Command, as the 2009 winner of its Sgt. William Jasper Freedom Award winner.

Livingston will be honored Nov. 12 at the S.C. Chamber of Commerce's 30th annual summit, *S. C. Business: Leading the Economic Evolution*.

In addition to his service in the Army National Guard, Livingston is president, CEO and owner of Gregory Electric Co. in Columbia. He has served in the S.C. Army National Guard since 1978.

"Major General Livingston not only serves our state as a business leader at Gregory Electric, but he also serves our country by leading brave troops and working with foreign allies," said Otis B. Rawl Jr., president and CEO of the S.C. Chamber of Commerce. "We are proud to name him the 2009 Sgt. William Jasper Freedom Award winner for his selfless service to our nation's armed forces and his brave guidance of hundreds of military men and women."

The Sgt. William Jasper Freedom Award, named for the Revolutionary War patriot, is intended to recognize individuals who have made significant contributions to the freedom of South Carolina and the nation. It was established in 1984 by the S.C. Chamber of Commerce.

From May 2007 to April 2008, Livingston served as commander of Combined Joint Task Force Phoenix in Kabul, Afghanistan, where he led 1,800 men & women from the S.C. National Guard in training and mentoring of the Afghan army and national police.

His current role as director of the J5 Coalition Coordination Center is to maintain relationships and strategic partnerships with more than 60 nations that have banded together to provide support in Afghanistan and Iraq.

For more information about the event, call Tish Anderson at 800-799-4601.

## The Better Business Bureau Education Foundation and BBB Board of Directors Honors Tuck & Howell, Inc. With the 2009 Business of Integrity Award

Upstate, SC - Tuck & Howell, Inc. has recently been awarded the 2009 Business of Integrity Award for Marketplace & Community Service by the Better Business Bureau Education Foundation and BBB Board of Directors of the *Upstate South Carolina*. The company has demonstrated high ethical standards of behavior towards customers, vendors and employees, along with having a history of strong ethics in the workplace. By displaying marketing and advertising strategies that reflect a true representation of the product, Tuck & Howell, Inc. has also been recognized by the community and their industry for sound business practices.

## 5th Annual Piedmont Area MCASC Scholarship Golf Tournament Sponsors

The Piedmont Area MCASC would like to take this opportunity to thank the sponsors & players for their generous support.

### GOLD

Hajoca Corporation  
Johnson Controls, Inc.

### SILVER

Ferguson Enterprises, Inc. and Pro Marketing  
Southern Piping Company  
Stover Mechanical, Inc.

### BRONZE

Atlantic Design and Construction  
Bill Bowers and Markel  
Blue Eagle Equipment, Inc.  
Control Management, Inc.  
Easley Mechanical

Faulkner Haynes & Associates  
Freeman Mechanical, Inc.  
Hahn-Mason Air Systems, Inc.  
Palmetto Air & Water Balance, Inc.  
Victaulic

W. N. Kirkland, Inc.

### 1st PLACE TEAM

Bill Kirkland  
Joey Neal  
Matt Robinson  
Alan Smith

### 2nd PLACE TEAM

Jim Hearn  
Will Morrow  
Jim Murray  
Bryan Royal

### CLOSEST TO THE PIN

HOLE 5      Nils Lindbloom  
HOLE 8      Mark Henderson

HOLE 11     Nils Lindbloom  
HOLE 15     Matt Robinson

### CLOSEST TO LINE DRIVE

Sean Reese

## **Construction Market to Increase 11% in 2010, Says McGraw-Hill Construction Outlook Report**

### ***Gains in housing and public works will offset declines in commercial and manufacturing building***

Washington, DC – October 16, 2009 – McGraw-Hill Construction, part of The McGraw-Hill Companies (NYSE: MHP), today released its 2010 Construction Outlook, a mainstay of business planning for construction and manufacturing executives, which forecasts an increase in overall U.S. construction starts for next year. Due to improvement for housing from extremely low levels and broader expansion for public works, the level of construction starts in 2010 is expected to climb 11% to \$466.2 billion, following the 25% decline predicted for 2009.

“The U.S. construction market in 2010 will be helped by growth for several sectors, following three straight years of decline that brought total construction activity down 39% from its mid-decade peak,” said Robert A. Murray, vice president of economic affairs for McGraw-Hill Construction, addressing more than 300 construction executives and professionals at the 71<sup>st</sup> annual Outlook 2010 Executive Conference in Washington today. “The benefits from the stimulus act will broaden in scope, lifting not just highway construction but also environmental public works and several institutional structure types. With continued improvement expected for single family housing, after reaching bottom earlier this year, the overall level of construction activity should see moderate expansion in 2010.”

Highlights of the 2010 Construction Outlook include:

- Single family housing for 2010 will advance 32% in dollars, corresponding to a 30% increase in the number of units to 560,000 (McGraw-Hill Construction basis).
- Multifamily housing will improve 16% in dollars and 14% in units, after steep reductions in 2008 and 2009.
- Commercial buildings will drop 4% in dollars, following a steep 43% drop in 2009. The weak employment picture will further depress occupancies, making it even more difficult to justify new construction.
- Institutional buildings will begin to stabilize after losing momentum in 2009. Square footage will retreat another 2% after sliding 23% this year. The dollar amount of construction for this sector will edge up 1%, helped by a growing amount of energy-efficiency upgrades to federal buildings and continued strength for military buildings.
- Manufacturing buildings will drop 14% in dollars and 3% in square feet, hampered by the substantial amount of slack manufacturing capacity.
- Public works construction is expected to rise 14%, given more wide-ranging strength across all project types.
- Electric utility construction will slip 3%, continuing to settle back after a record high in 2008.

The 2010 Construction Outlook was presented at the McGraw-Hill Construction Outlook Executive Conference in Washington, DC, which brought together top management from all parts of the construction industry including firms involved in building product manufacturing, architecture and design, contracting, engineering, industry associations and other industry professionals. At the event, Frank Giunta of Hill International and George Pierson of Parsons Brinckerhoff offered insights to an industry emerging from the crisis:

“The stimulus funds are meant to be just that, a stimulus, not the be-all-end-all answer to infrastructure financing,” said Frank J. Giunta, senior vice president and managing director of Hill International. “Both public and private sectors need to be innovative and rewrite the rules of project finance to address tremendous construction needs with minimal financing options.”

“The efforts of the federal agencies at transparency and their willingness to engage with private industry is refreshing,” said George J. Pierson, chief operating officer, Parsons Brinckerhoff. “We have to work together to meet the challenges of infrastructure and this economy.”

For more information on the 2010 Outlook, visit [http://construction.ecnext.com/coms2/summary\\_0249-323417\\_ITM\\_analytics?referid=10124](http://construction.ecnext.com/coms2/summary_0249-323417_ITM_analytics?referid=10124) or attend one of the regional outlook events (<http://construction.com/events>) taking place in Seattle (11/3/09), Salt Lake City (11/4/09), Denver (11/5/09), Atlanta (11/6/09), Minneapolis (11/17/09), Teaneck (12/4/09), Chicago (1/13/10), and Dallas (1/14/10). Robert Murray will also present the 2010 Construction Outlook in a net conference on December 16.

## **NOTICE TO ALABAMA LICENSEES**

### **ALL REFRIGERATION CONTRACTORS MUST BE LICENSED BEGINNING AUGUST 1, 2009**

Any Contractor currently in the business of refrigeration as well as heating and air conditioning will need to obtain a separate Refrigeration License from the Board beginning on August 1, 2009. In order to obtain this license, a contractor can either take the refrigeration licensing exam or they can be grandfathered in without taking the examination until December 31, 2011. The grandfathering provision is outlined in the proposed Rules and Regulations which are located online at [www.hvac.alabama.gov](http://www.hvac.alabama.gov).

### **CONTINUING EDUCATION FOUR HOURS REQUIRED EVERY YEAR**

The new law requires that every contractor have at least four hours of continuing education *every year*, however you can carry forward 4 hours. Regardless of how many hours you take in one year you can only carry forward 4 hours.



# MCASC 2009 COURSE REGISTRATION



COMPLETE AND FAX OR MAIL TO MCASC

P.O. BOX 384, COLUMBIA, SC 29202

TELEPHONE #: 803-772-7834 FAX #: 803-731-0390

EMAIL: mflowers@mcasc.com WEBSITE: www.mcasc.com

**NAME:** \_\_\_\_\_

**COMPANY:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE ZIP** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**NAME ON LICENSE:** \_\_\_\_\_

**LICENSE NO.:** \_\_\_\_\_ **STATE:** \_\_\_\_\_

### Payment Method

- Please Invoice
- Check Enclosed for \$ \_\_\_\_\_

### NOTE:

All Courses Will Be Held At  
The MCASC State Office  
Training Facility  
1504 Morninghill Drive  
Columbia, SC

### NOTE:

WE OFFER A DISCOUNT  
IF YOUR COMPANY REGISTERS  
THREE (3) OR MORE  
FOR THE SAME COURSE.  
SEND 3...THE 4<sup>TH</sup> IS FREE

### NOTICE:

ANYONE FAILING TO WITHDRAW FROM A COURSE  
TWO WEEKS PRIOR TO ITS START WILL BE BILLED  
FOR THE ENTIRE COST OF THE COURSE.  
NO EXCEPTIONS.

## **PLEASE PLACE A CHECK BESIDE EACH COURSE YOU WISH TO REGISTER FOR:**

### NC & GA APPROVED

- 2009 Plumbing Code Changes Part 1, Part 2 and  
Boosting Profits in 2009  
Part 1 & Part 2: NC License Types; P-I, P-II  
Part 3: NC License Types; P-I, P-II, H-1-I,  
H-1-II, H-2, H-3-I, H-3-II, FS, FP  
September 30, 2009 - Columbia  
Time: 9:00 AM - 4:00 PM  
Member: \$175.00 Non-Member: \$225.00

### NC, GA & AL APPROVED

- Checking Out 2009 Mechanical Code Changes  
Part 1, Part 2 and Maximizing Profits in 2009  
Part 1 & Part 2: NC License Types: H-1-I, H-1-II,  
H-2, H-3-I, H-3-II  
Part 3: NC License Types: P-I, P-II, H-1-I,  
H-1-II, H-2, H-3-I, H-3-II, FS, FP  
October 14, 2009 - Columbia  
Time: 9:00 AM - 4:00 PM  
Member: \$175.00 Non-Member: \$225.00

### NC, GA & AL APPROVED

- 2009 Fuel Gas Code Changes Part 1, Part 2 and  
Maximizing Profits in 2009  
Part 1 & Part 2: NC License Types; P-I, P-II, H-1-I,  
H-1-II, H-2, H-3-I, H-3-II, FP  
Part 3: P-I, P-II, H-1-I,  
H-1-II, H-2, H-3-I, H-3-II, FS, FP  
November 4, 2009 - Columbia  
Time: 9:00 AM - 4:00 PM  
Member: \$175.00 Non-Member: \$225.00

### NC, GA & AL APPROVED

- 2009 Fuel Gas Code Changes Part 1, Part 2 and  
Maximizing Profits in 2009  
Part 1 & Part 2: NC License Types; P-I, P-II, H-1-I,  
H-1-II, H-2, H-3-I, H-3-II, FP  
Part 3: P-I, P-II, H-1-I,  
H-1-II, H-2, H-3-I, H-3-II, FS, FP  
December 2, 2009 - Columbia  
Time: 9:00 AM - 4:00 PM  
Member: \$175.00 Non-Member: \$225

**Associate Member:  
SOUTHEASTERN ELECTRICAL DISTRIBUTORS, INC.**

Southeastern Electrical, an ESOP company organized in 1985, is a Carolinas based wholesale electrical distributor with three branch locations in South Carolina and North Carolina.

Southeastern is a broad line electrical distributor servicing primarily the Southeast but with the ability to deliver product anywhere in the Continental United States and internationally as well. Our three branches focus on providing exceptional service and value to contractors in the commercial and residential markets, as well as institutional, OEM and MRO customers.

As Employee Owners, we constantly challenge ourselves to provide an unmatched level of customer care and service and are dedicated to providing on time deliveries of quality products. In this unprecedented time of economic trials, Southeastern remains committed to providing competitive pricing, but will work even harder to provide exceptional service to our customers.

We also look forward to providing a full line of energy management products and services to those customers recognizing the economic and social value of managing our natural resources.

We look forward to serving you from:

**Greenville**

*280 Fairforest Way  
Greenville, SC 29670-4609  
Phone (864) 233-7484  
Fax (864) 233-4243*

**Charleston**

*6470 Dorchester Road  
North Charleston, SC 29418-5102  
Phone (843) 207-8181  
Fax (843) 207-8778*

**Concord**

*2900 Armentrout Road  
Concord, NC 28025-5840  
Phone (704) 795-3774  
Fax (704) 795-6570*

**Congratulations to our next Associate & Mechanical Members who will be  
highlighted in the upcoming issue of "The Tool Box":  
The Tool Shed, Inc. Greenville - Associate Member  
Teton Industrial Construction, Inc., Alpheretta, GA - Mechanical Member**

**NOVEMBER 2009 MONTHLY AREA MEETINGS**

**MIDLANDS AREA**

Thursday, November 5, 2009 @ 6:00 PM  
Location: MCASC State Office, 1504 Morninghill Dr., Columbia  
Sponsored By: United Rentals, Inc.

**Topic: "Grow Your Own Workforce"**

**Speaker: Melinda Eagle  
Apprenticeship Consultant  
Apprenticeship Carolina**

**PIEDMONT AREA**

Tuesday, November 10, 2009 @ 6:00 PM  
Location: 430-J Roper Mountain Road, Greenville  
Sponsored By: Johnson Controls, Inc.

**Topic: "Seismic And Alternative Hangers"**

**Speaker: Lee Christian  
Regional Sales Manager, SE  
Gripple, Inc.**

**PEE DEE AREA**

Thursday, November 19, 2009 @ 6:30 PM  
Location: 149 Hunting Inc. Road, Camden  
Sponsored By: Self's Heating & Air Conditioning

**THANKSGIVING & CHRISTMAS  
CELEBRATION**

**COASTAL AREA**

Tuesday, November 24, 2009 @ 6:00 PM  
Location: 1008 Bankton Circle, Hanahan  
Sponsored By: Eastern Industrial Supplies, Inc.

**Topic: "Connecting Coastal Students &  
Adults To Mechanical Careers"**

**Speaker: Patricia Ferguson  
Coordinator  
Trident Regional Education Center**



P.O. Box 384, 29202  
1504 Morninghill Drive  
Columbia, SC 29210  
Phone: (803) 772-7834  
Fax: (803) 731-0390  
E-mail: mflowers@mcasc.com  
www.mcasc.com

*Serving mechanical contractors in  
South Carolina since 1912.*

**MCASC Executive Board & Staff**

Richard Miller, Jr., President  
Jim Brewer, Vice-President  
Dennis Brunink, Treasurer  
Chris Cullum, Secretary  
Jim Maguire, Associate President  
Mona Flowers, Managing Director

Mechanicals make it happen -  
Be part of the best!

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**MCASC Vision Statement**

The Mechanical Contractors Association of South Carolina (MCASC) will be the leading construction association in South Carolina for specialty contractors and suppliers in the electrical, mechanical (HVAC), and plumbing fields by serving its membership, the industry, and the Community in a vibrant and harmonious fashion.

**MCASC Mission Statement**

The Mechanical Contractors Association of South Carolina (MCASC) will provide its membership with:

- current business/technical information and support
  - a proactive political/legislative agenda
- a joint industry collaboration to improve relative business practices
- an ongoing effort to offer training opportunities for both professional and craft personnel
  - educational scholarships for deserving students
- the development of industry related career opportunities

The Association's objective for this mission is to enhance the future of the Construction Industry in South Carolina.