Exposure To Personal Liability Of Business Owners & Employees Increases Thanks To Wayfair Court Decision

The Supreme Court's decision in South Dakota vs. Wayfair continues to have a ripple effect for businesses with interstate sales.

With the Wayfair decision adding potentially significant sales tax exposure to some businesses, there is also the potential for increased exposure to the personal liability of unsuspecting business owners, corporate officers and even employees like tax and finance managers.

It’s more important than ever for “responsible persons,” which we’ll define in a moment, to understand their responsibility and potential liability in the sales tax process.

What Happens When a Business Fails to Collect or Remit a State Sales Tax Liability?

In some situations, a state could hold you - the small business owner, officer, manager or employee - personally liable for the unpaid debt of the business. That’s right, you.

In general, states will first seek to collect unpaid sales tax from the business directly. There are instances, however, when the business might not have the funds or assets to pay off the outstanding liability. Depending on the laws of the state, the government could hold owners, officers, directors, employees, partners or members of the business personally liable for the unpaid sales tax liability. Those who can be held personally liable for unpaid sales tax are referred to as “responsible persons.”

Fiduciary Responsibility to Collect and Remit Sales Tax

When a small business owner chooses an entity type for his or her business, protection of the owner’s personal assets is often a chief consideration. While entity structures such as corporations and limited liability companies provide some financial protection to owners, members and partners, there are still areas where those individuals can be held personally liable. This includes state sales taxes.

States view the collection of sales taxes from a customer by a business as a fiduciary transaction. The business collects the sales tax, holds onto it, and then later remits it to the appropriate state agency. Essentially, the business acts as a middle man to transfer the tax from the customer to the state. There is a level of trust put into the business by both the payer of the tax (the customer) and end collector of the tax (the state) to

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Meet & Greet

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Are You Always In A State Of Readiness?

Readiness is an Essential Workday Skill for Executing with Agility and Making Steady Progress

Readiness is a valuable state to be in, especially in the midst of ever-shifting priorities and a steady occurrence of the unexpected.

- Being prepared gives you a level of control and confidence in your workday that can serve you well to:
  - Prioritize quickly, easily and accurately
  - Remain level-headed and calm
  - Consider tasks carefully and make smart decisions
  - Be responsive to phone calls, emails and requests in a timely manner
  - Execute quickly and act with agility

Many of you may read this and think, “I’m always ready and responsive.” That’s great to hear, but make sure you’re not simply being REACTIVE and that it isn’t costing you somewhere else. A real state of readiness gives you the ability to turn on a dime WITHOUT missing, losing or forgetting anything else.

Readiness is the state you always want to be in so you can use your time well and make substantial progress, and the only way to truly reach this state is to have foundational systems in place that support you.

Unfortunately, when professionals are NOT PREPARED to get things done quickly, their progress will be slow. Without a plan for working on tasks, for managing time, for dealing with email and more there will only moderate accomplishment and progress. And in the absence of a proactive plan, reactivity will dominate, which can create high stress.

Consider these actual statements made by professionals who wanted to be more prepared and more proactive. These statements are indicative of working WITHOUT a plan and illustrate the challenges that were caused and the time that was wasted.

“I’m waiting for my Inbox to tell me what to do next.”

“I don’t feel like I have a dashboard that summarizes where I am on everything.”

“I spend mornings waking up to the thoughts of what I need to do and what NOT to forget.”

These statements also act as a crystal ball indicating trouble ahead, including the extra amount of time and energy it will take to keep up and stay on top of tasks, projects, priorities and email.

Many professionals pin their hopes of progress on paper to-do lists and let email drive their day. When dealing with countless interruptions and distractions, reactivity takes hold, which determines where their time goes. This is disastrous if you want to get things done and make meaningful progress quickly.

What is YOUR plan of action? What do you use to stay on top of things to do? Where are you managing tasks and follow-ups? How are you driving progress? Can you change direction quickly when priorities shift without missing, losing or forgetting anything?

To make sure you’re ready for anything and always on top of your work, there are two essential practices that MUST always be in motion for you to be most efficient and productive. These are

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Is Your Website Accessible To Customers With Disabilities & Why You Should Care!

Think of how many tasks you can accomplish using company websites and apps. For any Ravens fan – you can purchase that new Lamar Jackson jersey you've been meaning to order, buy tickets to the big game, and even order pizza delivery for when you watch the game at home. Imagine – you have a vision/mobility impairment and when you go to order a pizza on the pizza restaurant's online delivery platform, you cannot navigate through the page with your assistive technology. Your Ravens game watch party just took a big hit.

Earlier this month, the Supreme Court considered a petition for certiorari in a case similar to the above scenario. On October 7, 2019, the Supreme Court rejected the petition for certiorari filed by Domino's Pizza seeking review of a 9th Circuit decision which held that Guillermo Robles, a blind man who sued the pizza chain claiming that its website and mobile app were inaccessible to him because they did not work with screen-reading software, could maintain his lawsuit against the company. Robles brought his case under Title III of the Americans with Disabilities Act (ADA), which requires that places of public accommodation remove barriers to access for individuals with disabilities. Places of public accommodation under the ADA are generally defined as businesses that are generally open to the public and fall into one of 12 categories listed in the ADA, such as restaurants, movie theaters, schools, day care facilities, recreation facilities, and doctors' offices. While Domino's argued that only physical facilities were covered by Title III of the ADA, Robles argued that the ADA requires businesses with physical locations to make their websites/apps accessible to individuals with disabilities. The Ninth Circuit sided with Robles and found that the “alleged inaccessibility of Domino's website and app impedes access to the goods and services of its physical pizza franchises—which are places of public accommodation” and the ADA Title III “applies to the services of a place of public accommodation, not services in a place of public accommodation.” With the Supreme Court denying Domino's petition for certiorari, the Ninth Circuit decision stands and Robles may proceed with his ADA Title III claims against the company.

Although there is no clear federal guidance on the topic, the Supreme Court's decision to deny Domino's petition should send a message to companies that serve as places of public accommodation. With website accessibility lawsuits on the rise year-to-year many more businesses are facing sanctions, fines and legal costs related to non-compliance. Take steps now to ensure that your website and apps are accessible and strive to meet the WCAG 2.0 AA accessibility standards.

Adam E. Konstas represents local school boards, superintendents, private schools, colleges, and private sector employers before federal and state courts as well as federal and state administrative agencies on a variety of matters, including employment discrimination claims, employee (and student) discipline, labor relations, and wage/hour claims. Mr. Konstas also advises clients on the design and implementation of policies and procedures regarding employee (and student) relations, employee handbooks, hiring and termination procedures, as well as school system-wide policy issues including the use of online instructional tools and cloud computing, student data privacy, anti-discrimination. Mr. Konstas is well versed in the burgeoning website accessibility area of law and has successfully resolved a number of matters involving website accessibility. He can be reached at 410-339-5786 and akonstas@pklaw.com.
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Howard Community College Offers Maryland's First Construction Management Apprenticeship Program

To meet the growing demand for employees in the construction management industry, Howard Community College (HCC) has developed Maryland's first Construction Management Apprenticeship Program. Approved as a registered apprenticeship sponsor in 2019 by the Maryland Department of Labor, HCC is looking for licensed construction firms who may be interested in participating in its second cohort to begin this summer.

The two-year program, which prepares students for architectural, engineering, and general contracting careers, leverages feedback received from industry partners and utilizes the college’s existing certificate program. The program includes construction management courses, a series of noncredit work readiness courses, and 2,000 on-the-job training hours per year. Apprentices complete coursework year-round at HCC on Fridays, while working for their employers Monday through Thursday.

By securing employment with local, licensed construction companies, apprentices are able to gain valuable on-the-job experience where they can directly apply the lessons learned in the classroom. Apprentices earn a progressive wage, allowing them to “earn while they learn.” Often, educational costs are paid by these employer sponsors, which allows apprentices to graduate without tuition-related expenses. Participating employers are eligible for a variety of tax incentives, which often offset these educational costs.

The benefit to employers from hiring an apprentice is significant. By becoming a participating employer, organizations have access to a pool of qualified employees who are immediately ready to begin work. Employers also have the ability to shape and mold a new employee from the outset. Another major benefit for employers is a proven decrease in turnover. According to the U.S. Department of Labor, 91 percent of apprentices remain on the job for one year after their apprenticeship.

Upon successful completion of the apprenticeship program, apprentices will earn 34 academic credits, nearly 4,000 hours’ worth of wages, a Construction Management Certificate from HCC, and will be eligible to take the Construction Manager-in-Training (CMIT) certification exam. The CMIT credential by the Construction Management Association of America is a sought-after certification for construction management professionals. Apprentices will also be well-positioned to continue on at HCC for an associate degree, and then transfer to a four-year university.

To learn more about the new construction management apprenticeship program and apply, visit howardcc.edu/constructionapprentice.

Adrienne Summers is the Apprenticeship Coordinator at Howard Community College. She oversees four apprenticeships that are currently offered at HCC: Construction Management, HVACR, IT and Biomedical Engineering Technology. She has been with HCC since 2017 and has previous community college experience overseeing certification and licensure courses and programs.

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Experience Pays Or Fatal Error – Senior Personnel & The Competitive Advantage In The A/E Industry

Are senior personnel worth the cost? How do you define “value” in the competitive Architectural/Engineering (A/E) industry? Experience has value, right? These are questions you might not have expected to hear as you advance through your design career.

Traditionally, as you climb the corporate ladder your value increases. Stepping onto the first rung, you lack the industry knowledge and are glad to be provided an opportunity. You move through the middle rungs by learning from experienced personnel, leveraging their knowledge. Eventually becoming a respected member of the senior personnel community.

However, the current business environment seems offer less respect for the senior staff. Could this be a classic business “fatal error” of the current generation? This really boils down to Evolution vs Revolution.

Traditional Business Evolution

Most things change in a gradual, lessons learned process. This includes business personnel roles which have evolved and experienced significant change in the modern era. Work environments have become more relaxed with casual clothing, flexible schedules and remoting in. This mass customization allows for individual expectations to become more fluid and less confined. However, the basic structure of educated senior personnel training entry level staff remains. This process would appear to be both obvious & essential to success.

If a firm were to lose an educated employee, their production would experience a drop until such time that the level of skill was replaced. In addition, if a firm were seeking a tenured individual, it would come with a significant & appropriate price tag. Experience equates to value.

The Millenial Revolution

As business models change, and brick and mortar offices are rapidly disappearing, traditional business personnel roles too are facing a revolutionary change. Revolution is defined as “…a forcible overthrow of a government or social order, in favor of a new system.”

The traditional idea, of seeking out senior personnel has been turned on its ear. Senior personnel are now being phased out or let go prematurely. The idea of “things are different now” combined with the desire to reduce overall payrolls are contributing factors. Some senior level employees are being utilized to train new “less expensive” employees only to be released once the knowledge has been transferred.

So, which is better? Are senior personnel contributing to success or are they an expensive obstacle to success? One way to increase the chances of success is to have competitive advantage over your competitor.

The Competitive Advantage

The idea of competitive advantage is defined as “… a condition or circumstance that puts a company in a favorable or superior business position.” Examples of competitive advantage are cost, product differentiation, specialization, etc.

An unforeseen competitive advantage could be educated, experienced personnel. Your deliverable design product will be superior, having less issues during construction. They are also an invaluable asset in the event that unforeseen conditions arise.

In addition, experienced personnel will draw new business. If the client has an issue, they will contact someone that they can rely on, a seasoned professional. These smaller opportunities build stronger relationships that lead to larger or more frequent opportunities in the future.

Elevated Experience At A Cost-Effective Level

If you entertain new concepts, let’s turn the millennial revolution on its ear and utilize the very “Value” they fail to recognize. The future competitive firm will offer elevated experience at a cost-effective level.

Utilize senior personnel with elevated experience, that

Continued on Page 20
The Secure Act & Your 401(K) Plan

Have you been hearing about the Secure Act that was passed at the very end of 2019, and wondering how it would impact your retirement plan for 2020? Here is a quick review of some of the changes, what you need to know, and why those in the construction industry should be paying special attention to their 401(k) plan, or adding a plan if you currently do not offer one to your employees.

Starting in 2020 the annual contribution limits for employees to their 401(k) plan have increased from $19,000 to $19,500. The catch-up contribution limit for those over the age of 50 has also increased from $6,000 to $6,500. Any employees wanting to max out their annual contributions should be aware of this so they can take advantage of the increase.

The total annual limit for 401(k) plans (employee and employer contributions) has increased to $57,000 per participant. This is the maximum allowed when combining the amount the employee elects to put into their plan along with any matching or profit sharing contributions made by their employer. This is also the maximum allowed for contractors who utilize a Prevailing Wage plan by contributing fringe dollars to the plan.

The annual contribution limit for SIMPLE Plans and IRAs (Traditional and Roth) have also increased to $13,500 and $6,000 respectively for 2020.

There are also a few additional changes from The SECURE Act that you should be aware of. The age for required minimum distributions for participants has increased from 70.5 to 72 years of age. This means that when a participant is 72 years old, they need to start taking distributions from their plan if they have not already.

Another big change is the eligibility for part-time employees. Part-time employees who work 1,000 hours throughout the year, or three consecutive years of 500 or more hours, are now eligible to participate in their employer-sponsored plan.

There are also some additional incentives to employers who do not currently offer a 401(k) plan for employees but plan to start one this year. Along with the tax savings from making contributions to a plan, employers can also receive a tax credit of up to $500 for starting a plan that includes automatic enrollment.

There are additional changes brought on by The SECURE Act, but these are a few that contractors should be taking note of.

On average, only 34% of contractor workers participate in a company-sponsored 401(k) plan, which is the 2nd lowest among all major industries. With the current market being so competitive in attracting and retaining quality employees, offering a retirement plan for your employees can be a major differentiator for your company while also helping your employees plan for their retirement.

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Jason Sperfslage is Director of Sales with Beneco; a unique employee benefits, compliance services, and HR solutions company. Beneco specializes in offering these services to contractors who work on prevailing wage projects. Jason has been in the industry for over five years and uses his experience to help contractors succeed in the Davis-Bacon market.
FCCI Knows Contractors

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4 Simple Strategies For Employee Security Awareness Training

A construction site has hundreds, if not thousands, of moving parts. Each employee has a different idea of worksite security and a different view of the role they play in it.

Having hundreds of employees with different ideas of how they play into a safe worksite doesn't make for a safe site at all. In fact, the gap of knowledge and expectations between employees can make things worse than if these employees had no understanding of site security in the first place.

So – how do you make security awareness and workplace protection something your employees both know and care about? We’re addressing that below.

How to Establish Security Awareness as a Job Expectation

Before you can expect your employees to know and care about security awareness, you have to have an in-depth understanding of it yourself. On worksite of hundreds of people, we don't have to tell you the importance of “practice what you preach.”

What does that mean? It means that you should not only train your employees on security but take the same training they take, yourself. Participating in training modules and activities with your staff will establish security as a culture and not just “another thing the boss wants us to do.”

1. Explain the Importance

Human error accounts for 37% of all workplace mistakes. That means if you sit 100 of your employees in one room, 37 of them (for the purpose of this example) will make a security mistake. When you're presenting workplace security training and information, make it clear that going through this training will not only increase their value to you – but also to future employers. Showing employees that they have some skin in this fight will help them take the training seriously and, hopefully, care more.

2. Involve Everyone

While it may seem silly to have your payroll person come to a security site training, it shows that you’re serious about establishing safety as a culture. Plus – your payroll person is just as at risk of that 37% human error statistic as anyone else is on your site. Gather everyone and make training mandatory – but pleasant. Have lunch catered and pay your employees for their time.

3. Survey Your Employees

Before you have your big training meeting (which should be done every year), find out where your employees understanding of security is. You could do this by emailing people a survey, talking to them and taking notes one on one, or a mix of both. This gives you an idea of where to start your training, where current blind spots are, and (in some cases) who need the training most.

4. Teach Proactive Instead of Reactive

What's better – having to solve a problem or prevent the problem in the first place? From a manager's point of view, the answer is easy. The fewer issues that come to fruition, the better.

But unfortunately, most people learn security through having to react to it. This is one situation where you don’t want to learn by doing. Some people choose to teach their training with a problem-based model. They present a security problem, then work backward in their training to talk about how it could have been prevented. You know what works best with your employees, so your training will be different than someone else’s.

Why Training is Important

We’ve talked about how to make your employees understand the importance of security awareness, but let's talk about why you should go through the effort.

First of all, it reduces accidents on the worksite. Whether those accidents are theft relate or injury-related, the fewer there are, the better. Fewer accidents of any sort mean less downtime for your business, which leads to more profit.

The less time you spend cleaning up messes, the better chance your project has of staying on schedule. And what do clients love more than staying on schedule?

It Protects Your Assets

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Important W4 Changes In 2020: Who It Will Affect & How

In case you haven't heard, the IRS recently released a new and improved Form W-4 for the 2020 calendar year. Also known as the Employee’s Withholding Certificate, Form W-4 is submitted by employees to employers to disclose how much federal income tax they would like deducted from their paychecks. According to the IRS, the updated form, used by payroll departments across the nation, is designed to “[reduce] the form’s complexity and [increase] the transparency and accuracy of the withholding system.” Ultimately the new form requests the same information as the old version, but in a simpler fashion.

As tax season approaches, you might be thinking, “is this going to affect me?” That depends. If you’ve been employed by the same company since 2019 and are happy with your current tax deductions, you won’t need to worry until you do want to make changes. If you started a new job in 2020, you have probably already seen and completed the new Form W-4. However, if you work in a payroll department and rely heavily on Viewpoint Vista software, you will want to keep reading.

What Does This Mean for Viewpoint Software Users?

Plain and simple, software updates are required in order to support the new Form W-4. Viewpoint released Vista Tax Update 2020-3 to support the new tax tables, however there are additional Vista software updates that are required to input the new data and produce the new form. For 6.18 customers, 6.18.20 and 6.19.03 updates are required. These are the earliest versions available with the new form. If you are unsure of which version of Vista you are currently running on, you can find out by choosing About Vista under the Help menu:

Your current software and Tax Update Version will show in the upper left corner of the About Vista screen:

To download either of the software updates or the latest 2020 Tax updates, log into Viewpoint Customer Portal, https://support.viewpoint.com/. From there, select the Products Menu and choose Vista:

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Lead By Example As A Manager

Becoming a good leader isn’t something that happens overnight. It takes time, dedication and consistent effort to earn you the respect and trust of everyone you work with. One of the best ways to show your team you are in charge is to lead by example, a phrase that’s tossed around frequently but rarely acted upon. Leading by example isn’t always easy, but it is the best way to inspire, motivate and earn the respect of those around you. While there is no set list of ways to lead by example, we can offer a few suggestions for where to start. For example, You want the phone calls return promptly in less the 24 hours. If you do not do it why should anyone else in your organization.

Stay Involved With The Dirty Work

It’s easy for those at the top of the ladder to forget the importance of the ground; as a leader, you must continue to have a working knowledge of the work your company does from the bottom up. There’s no need for you to be the best on the team, but having an in-depth understanding of the work you’re doing and the industry as a whole is essential. Not only will you have a better understanding of what your employees are going through, but you’ll have an easier time earning their trust if they see you getting your hands dirty too.

Watch Your Words

As a manager, your words have a direct impact on the morale of those around you. It’s important to be mindful of who you’re speaking to, what you’re saying, and who might be listening. Criticism and guidance should be done in private, and negative speech should be kept to a minimum if used at all.

Respect the Command Chain

When you have access to the top layers fan organization, it’s easy to forget that command chains are essential. If a problem arises, it’s important to take it to the correct layer of command. This will help alleviate confusion and reinforce the leadership. After all, if those at the top don’t respect the chain of command, why should anyone?

Keep Open Ears

If your team is working successfully, they may have insight and feedback that you can’t afford to ignore. A strong leader will recognize that they don’t know everything and listen to the input from their team.

Ditch Micromanaging

Micromanaging is a sin that most leaders commit. If you’ve adequately communicated the vision, values, and mission of your company, your team should be left to innovate. Not only will you be better able to focus on your own duties, but you will allow your team to feel more responsible and engaged.

Accept Responsibility & Stay Humble

Mistakes happen, and when they do, it’s important to remember that as a manager you must take responsibility. Regardless of who made a mistake, it is the leader’s responsibility to fix the problem. Likewise, you must remember that as the person at the top you must also celebrate the successes of your team. Staying humble and celebrating your employee’s achievements rather than simply applauding yourself will go a long way toward making employees feel appreciated, respected, and vital to the success of your business.

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Decoded: Barricade Devices And The ADA

In the last 5 years, many retrofit security products (also known as barricade devices) have entered the market, and have been considered for use in school districts, college and university campuses, and other types of buildings. While securing doors against unauthorized access is important, it’s crucial to make sure that the implemented security methods cannot trap people inside of a room. This could occur if emergency egress is required after a secondary locking device is put in place, or if an unauthorized person installs a barricade device to purposely prevent others from leaving the room. In addition, many retrofit products do not comply with the model codes and accessibility standards and may violate the federal Americans With Disabilities Act.

Why comply?

The 2010 ADA Standards for Accessible Design are the currently adopted accessibility standards enforceable by US law. A similar set of accessibility standards, called ICC A117.1 – Accessible and Usable Buildings and Facilities, is referenced by the International Building Code (IBC). States and local jurisdictions may have additional accessibility standards, and most states adopt building codes and fire codes to protect building occupants.

These codes and standards have been developed over time using a consensus process, which allows hundreds of stakeholders to work together to incorporate requirements that will provide the optimal level of safety. Most codes are modified every 3 years, in order to address new technologies as well as lessons learned in fires or other incidents and to avoid repeating past mistakes. All of these requirements help to ensure that buildings are safe and accessible for building occupants – including people with disabilities – by establishing design requirements for the construction and alteration of facilities.

The Guide for Developing High-Quality School Emergency Operations Plans is a joint publication of the U.S. Department of Education, U.S. Department of Health and Human Services, U.S. Department of Homeland Security, U.S. Department of Justice, Federal Bureau of Investigation, and Federal Emergency Management Agency. This document states, “Plans must comply with the Americans with Disabilities Act, among other prohibitions on disability discrimination, across the spectrum of emergency management services, programs, and activities, including preparation, testing, notification and alerts, evacuation, transportation, sheltering, emergency medical care and services, transitioning back, recovery, and repairing and rebuilding.” Requirements for compliance with the ADA’s architectural requirements are specifically referenced in the guide.

With limited exceptions, state and local government facilities, public accommodations, and commercial facilities must meet the requirements of the ADA, but the requirement for accessibility extends beyond ADA enforcement. According to the International Building Code Commentary: “The fundamental philosophy of the code on the subject of accessibility is that everything is required to be accessible…In the early 1990s, building

lockset [ lōk-set ] noun:
a mechanism operated by a key or credential used to secure a door against unwanted access

barricade [ bār-i-keyd ] noun:
barrier used to block (something) so that people or things can not enter or leave

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Every 40 seconds a person dies by suicide worldwide. The World Health Organization estimates that for every death by suicide 10 to 20 people will make a suicide attempt, and 17% of those will result in a permanent disability. In most industrialized countries, suicide mortality rates have been falling since the turn of the millennium. The sad exceptions are the United States, where suicide rates have increased by more than 35%, and Australia, which has seen an increase of 3.3%.

Research in the United States, Australia and the United Kingdom has found construction workers to be at a particularly high risk of suicide. Australian construction workers had 131% higher suicide rates than other employed men in 2003, although this fell to 53% in 2015 through broad industry interventions. American construction workers have a mortality rate from suicide of 53.2 in 100,000—more than twice the rate for other American men (21.5/100,000); each year more than 1,200 American construction workers die by suicide. Workers in the construction industry are six to seven times more likely to die by suicide than from workplace accidents.

There is an increasing focus on the workplace as the cause of suicide. One study in Australia found that 17% of all suicides were work-related, while research by the U.S. Bureau of Labor Statistics has suggested that as much as 6% of all workplace fatalities are suicide, leaving suicide among the most common causes for workplace fatalities.

In Japan, suicide has been a compensable workplace injury since the 1980s called karōjisatsu, which means suicide due to overwork and stress. In France, the CEO and six other senior executives of French Telecom will stand trial in connection with 19 suicides and 12 attempted suicides following a company restructure between 2008 and 2009. In Sweden, the government has mandated a positive obligation on employers to manage the psychosocial work environment and establishing penalties for failing to meet an acceptable standard.

The WHO produced a resource book on workplace suicide prevention and recommended the following.

1. Employers and managers must recognize that mental health issues are legitimate work-related concerns, whatever their precipitating factors and develop policies and guidelines to address them.

2. Employers must understand disability legislation and the need to make accommodation for people with mental health disabilities.

3. Employers must develop appropriate prevention and promotion policies and programs.

In 2016, MATES in Construction convened an industry roundtable for industry leaders to explore ways to improve mental health and reduce suicide further across the industry. Recently The Australian Building and Construction Industry Blueprint for Better Mental
perform that duty. As a result, most states have rules designed to better ensure that business collect and remit sales tax as appropriate.

“Responsible Persons” Defined

To better ensure that collected sales tax is both collected and remitted to the government, states have enacted “responsible person” laws to hold certain individuals personally liable for not complying with sales tax laws.

The definition of responsible persons differs by state. New York, for example, defines responsible persons as owners, officers, directors, employers, members, partners, managers or employees who are under duty to act for the business in matters of sales and use tax compliance. Maryland law stipulates that a president, vice president or treasurer of a corporation, LLC members who manage the business under an operating agreement, or LLC members who do not directly manage the business but direct the management of the business can be held personally responsible for unpaid sales tax.

Likewise, the Virginia tax code states that any officer of a corporation, partnership or LLC who willfully fails to pay or collect sales tax can be held personally responsible for the unpaid or uncollected liability. In this context under Virginia law, an “officer” is an officer or employee of a corporation, or a member, manager or employee of a partnership or LLC, who is under duty to perform on behalf of the corporation, partnership or LLC the act of collecting or remitting sales tax. The officer must also have knowledge of the failure to collect or remit sales tax and must have had authority to prevent the failure in order to be held liable.

Responsible persons can extend to non-owners and officers as well. In New York, employees who have check signing authority, prepare tax returns or are involved in personnel activity can be held personally responsible for unpaid sales taxes. In Wisconsin, any person who is required to collect, account for or pay sales tax and fails to do so can be held personally liable. In that situation, an employee who draws up a sales contract or invoice, but fails to include and collect the appropriate sales tax could be held liable by the state, particularly if it is determined the employee acted willfully negligent.

As is the case in Wisconsin, many state responsible person laws cover the failure to collect sales tax, not just the failure to remit previously collected taxes. This is also true of laws in Maryland and Virginia, which specifically state that responsible persons can be held liable for failure to collect sales taxes or failure to remit previously collected sales taxes.

Increased Exposure Post-Wayfair Decision

The Supreme Court’s decision in South Dakota vs. Wayfair paved the way for states to collect sales tax from businesses that make remote sales even without a physical presence in the state.

This approach to sales tax nexus is referred to as an economic approach. Many states have adopted that economic approach to sales tax nexus since the Wayfair ruling in June 2018. As a result, many businesses, such as those with an online retail component, now have additional sales tax exposure that they did not previously have. Coupled with the responsible persons rule, certain individuals could be held personally liable for sales tax liabilities that result from post-Wayfair changes to state sales tax laws.

Learn more about economic nexus in this whitepaper, What The South Dakota v. Wayfair, Inc. Decision May Mean For Your Business.

The state economic nexus laws are not enacted retroactively, meaning that neither the business nor a responsible person can be held liable for uncollected taxes prior to the passing of the law. However, the responsible person can be held responsible for any uncollected or unremitted sales tax from the date the new laws were enacted.

What Business Owners Should Do Now

Business owners should be proactive in assessing their sales tax exposure under the new economic nexus rules and take the proper steps to get into compliance from the date the relevant statutes were enacted.

Proper compliance with state sales tax laws is the only way for owners, managers and even certain employees to avoid the potential sticky situation of being held personally liable for unpaid business sales taxes.

Contact Paul Cooke, CPA, of Gross Mendelsohn, at pcooke@gma-cpa.com or 410.685.5512, with questions.
Where is the Maryland Construction Industry Headed This Year?

With a presidential election on the horizon and lingering questions about the next recession, 2020 will bring changes for the construction industry. You might be wondering — where is the industry headed this year?

That’s why we teamed up with the Maryland Construction Network (MCN) to create a ten-minute survey that polls Maryland construction contractors like you on what they think about the current state of the industry and how it’ll change this year.

Why Should I Take the Survey?

1. You’ll Be Entered to Win a Pair of Ravens Tickets

The current season might be in the books, but we’re already looking forward to the 2020-2021 season. Everyone who completes the survey is automatically entered to win a pair of Ravens tickets for the coming season.

2. You’ll Get a Copy of the Survey Results

After we close the survey and crunch the numbers, you’ll receive a copy of the survey results in May 2020.

3. You’ll Get a Discount Code for an Upcoming Maryland Construction Network Event

You know the construction industry is all about connections. As a survey participant, you’ll receive a discount to attend an upcoming panel discussion for construction contractors we’re hosting with MCN on April 30. Following the panel, there will be plenty of time for networking, food and drinks!

How Do I Take the Survey?

To start the survey, click here. The survey only takes ten minutes to complete. Make sure you complete and submit the entire survey by February 17, otherwise you’re going to miss out on all the perks (i.e. chance to win Ravens tickets, a copy of the data and a discount code for an upcoming MCN panel).
clarity of tasks and clarity of time. Having both will increase your awareness, which is essential to prioritize tasks quickly and accurately, and determine how to use your time.

To gain clarity of tasks, a digital and centralized task management system is required. Professionals don’t realize that tasks come from MORE than ten different sources in a typical workday. These sources include phone calls, emails, hallway conversations, papers and files, meetings and more. And when a to-do list is created on paper, that becomes yet another source.

Professionals also don’t realize that trying to manage these tasks ONLY from their sources is IMPOSSIBLE without missing, losing or forgetting something—or a LOT of things. Those who function this way are making progress a LOT harder for themselves and are inviting trouble along the way.

A task management system is essential and it should be digital and centralized to include ALL tasks no matter the source of the task or when you plan to take action. This includes email so you can get your email Inbox to zero and keep it there on a regular basis. An empty Inbox will add to your clarity of tasks as well, because all of the tasks and follow-ups brought by email can be on the digital Task List, too.

With an all-inclusive approach you’ll have a complete inventory of tasks and FULL awareness of your responsibilities. You can easily build a plan for what to do and when, and this makes it possible to execute proactively every day and be prepared to make MASSIVE progress.

Clarity of time is equally important to your workday efficiency and effectiveness, too. You could be incredibly clear about daily tasks and responsibilities, but if you don’t have the time to do what you need to do, your tasks will stall and progress will slow down—and who needs that?

Luckily, having clarity of tasks FIRST is an extremely useful driver in determining HOW you will spend your precious time. This is true because knowing what you need to do and when you need to do it can raise your sense of urgency and make you more proactive.

This will cause you to protect more time to get things done, because settling only for the time you see as available on your calendar isn’t always good enough. You must protect time proactively and regularly—every day—to not only make progress on tasks, but to keep up with email as well.

It is essential to have a reliable workday strategy that gives you the systems and processes you need to plan and prioritize ALL tasks, take charge of your time and stay on top of email. It is this kind of strategy that helps you work more efficiently, be more effective and increase productivity.

And even when priorities shift and the unexpected shows up, you can be prepared and ready for anything. And readiness is the state you ALWAYS want to be in so you can use your time well, accelerate achievement, and make more steady and meaningful progress on the projects and initiatives that matter the most to you and to the future of your company.

Leslie Shreve
Founder and CEO
Productive Day®

Leslie Shreve is a workload management and productivity expert, and the Founder and CEO of Productive Day®. Leslie is also the creator of Taskology® The Science of Getting Things Done, a simple, logical and easy-to-use system that shows professionals how to increase efficiency and productivity by up to 300% in as little as 4 weeks, while reducing stress by up to 90%. Clients previously frustrated or overwhelmed with too much to do, too many emails and too little time now claim to have a secret—a strategy they can use to get things done faster and easier, and make more meaningful progress on the projects and initiatives that matter the most to them and to the future of their company.
have been performing the job for years. Below are just a few pros of senior personnel. In general, more professional with less baggage attached.

- Experienced: No training required
- Problem Solvers: Ability to provide relevant solutions when issues are encountered. The ability to think on your feet.
- Socially Competent: The ability to interact with real people.
- Stability: Less likely to switch firms, children are grown, more financially independent.
- Work ethic: More likely to compromise and cooperate to reach a common goal.
- Trustworthy: Can offer remote working with minimal risk.
- Flexible Schedule: Willing to work part time.

The cost-effective level is a result of reduced overhead, by keeping senior personnel active in the production silo and not stacking them up in the business development silo. Staying above 75% billable, drastically reduces overhead compared to the competitors. Maintaining experience personnel in production, reduces the demand for entry level design positions/rolls.

In addition, the firm will also take advantage of advances in technology, reducing or eliminating paperwork, utilize cloud technology to eliminate unneeded hardware such as servers, PC, etc.

**I-Gen (What’s Coming Next…)**

What direction will the next generation take? No not the “Millennials,” we are talking “I-Gen”, this next group of people have lived their full lives with the internet, social media and streaming entertainment. Will they even be aware of the old traditional method? The millennial revolution method may result in I-GEN putting the Millennials out to pasture.

They will certainly be dealing with an ever-changing business environment through their career. Most likely it will be a mixture of the two, but only if they are aware of the two. Once again, education is key.

**Conclusion**

It’s not what’s current, it’s not what’s common, it’s what’s smart. Senior personnel may not plateau into business development land in today’s cost-effective environment, but they should not be eliminated either. Success drives the business market and maintaining a competitive advantage is integral to a smart business model. Education and knowledge will always have value.

*Steve C. Trageser, PE, LEED AP, CPD, CxA, DQC, MBA*

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Steve provides Business Development, Mechanical - Plumbing Design, Design Quality Control Management, Commissioning & Building Assessment services for Design Solutions LLC.
With April 15th only three short months away, being prepared, understanding the new Form W-4 changes, and performing any necessary updates to your Vista software will ensure a smooth tax season for your payroll department. If you have questions or concerns regarding this important update, the Software Consultants at Business Information Group are here to help.

About the Author: Maura McGowan is the Marketing Coordinator at Business Information Group (BIG), a leading IT consulting firm in York, PA. She is a graduate of York College of Pennsylvania with a Bachelor of Science degree in Marketing.

The updates will be listed in the Downloads Section of the page.

If you’re still unsure if your software is up to date, you can reach out to the Viewpoint experts at Business Information Group for assistance. Clients on ViewpointOne’s cloud environment should reach out to Viewpoint directly for further direction.

**How is This Going to Affect Payroll Departments for the 2019 Tax Season?**

For starters, payroll departments will want to familiarize themselves with the new Form W-4 changes, then communicate the updates to employees as soon as possible. Doing so will give employees ample opportunity time to review the new form and make any tax deduction changes they need to, without bogging down payroll departments right before tax season.

Additionally, installing the latest version of Vista and getting up to speed with any updates sooner rather than later will ensure you and your department are prepared for tax season. It’s important to remember that in order to have access to the new fields for the Form W-4, your service pack will need to be updated to either 6.18.20 or 6.19.03. A handy tip to note for Vista users is to utilize the Form Help and Field Help features within the software:

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Don’t Miss Our Next Outstanding Event

March 31st
4:00 p.m. - 7:00 p.m.

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codes tended to describe where accessibility was required in each occupancy, and any circumstance not specifically identified was excluded. The more recent codes represent a fundamental change in approach. Now one must think of accessibility in terms of ‘if it is not specifically exempted, it must be accessible.’

It could be said that accessibility and “egressibility” are equally important; the intent of the ADA is to ensure both. Some proponents of barricade devices have argued that locking hardware that is temporarily attached to the door is not required to comply with the ADA. While technically the ADA applies to hardware that is a permanent part of the assembly, a door with a temporary locking device that is not operable as required by the codes and standards can increase risk and liability. In order to comply with the accessibility standards, door hardware must meet some basic requirements so doors can be intuitively operated for both access and egress. The following examples of conceptual barricade devices illustrate some potential issues to watch out for.

**Top of the Door**

Some types of retrofit security devices are designed to be attached to the door closer arm, at the top of the door. Many news outlets have reported on school districts considering the use of short pieces of fire hose for this purpose.

These methods cannot be deployed or removed by someone who cannot reach the top of the door, including people using wheelchairs, and children. The accessibility standards require releasing hardware to be installed between 34 inches and 48 inches above the floor so that it is within the reach range of most people.

When one university decided to employ the fire-hose method, facility personnel quickly realized that many doors to individual classrooms did not have door closers, so the pieces of fire hose could not be used. Another important consideration is that door closers were not designed as security devices – this method relies on the weakest link which is likely the screws attaching the door closer to the door or frame. Even in the best-case scenario, the fire hose will allow the door to open a few inches before the closer arm opens far enough to reach the limits of the sleeve. The fire hose/closer sleeve method of securing a door may give the illusion of security, but it is not an effective means of securing a door.

**Secondary Locks**

When an existing lockset cannot be locked from the inside, adding a secondary locking device may seem more feasible than modifying the lockset. However, some retrofit security products do not comply with the accessibility requirement which states that hardware must be operable without tight grasping, pinching, or twisting of the wrist. Some users may not have the dexterity needed to operate the added security device. Many existing locksets can be retrofitted using conversion kits supplied by the lock manufacturer, to allow the door to be locked from the inside while still meeting the requirements of the codes and standards.

The force required to operate door hardware is addressed by the standards as well. The ADA Standards require hardware to be operable with 5 pounds of force, or less. ICC A117.1 limits operable force to 28 inch-pounds of rotational motion, or 15 pounds for hardware operated with a forward, pushing or pulling motion. In addition, the life safety codes require doors to be unlatched with one releasing operation, and without the use of a key, tool, special knowledge or effort. When installed on a door that has existing latching hardware, a secondary locking device is often in conflict with these requirements, and some may even require simultaneous two-handed operations.

**Floor Level**

Similar to the fire hose or sleeve on the closer arm,
security devices that latch into the floor are outside of the allowable reach range defined by the accessibility standards. In addition, hardware projecting off the face of the door can create “catch-points” for a crutch, cane, or wheelchair footpad. The accessibility standards prohibit the installation of protruding hardware on the push side of the door, in the area at the bottom of the door measured 10 inches up from the floor.

In addition to the accessibility issues, there are several functional concerns with security devices that project into the floor. Holes in the floor could become filled with dirt or other material which prevents the device from securing the door. Brackets installed on the face of the door can be targets for abuse, as some facility managers have reported children standing on the bracket to “ride” the door as it swings. For any security device that is not permanently attached to the door, there is the question of how to store it so it is readily available in an emergency, but does not tempt someone to deploy it for mischievous or malicious purposes.

When any retrofit security products are installed on fire door assemblies, they can void the fire door label if they are not tested and listed for this purpose. The standard for fire doors also limits the modifications that can be made to an existing fire door. Most secondary locking devices have not been tested or certified in accordance with industry standards, so their performance cannot be predicted.

DIY Security

Some facilities have implemented “homemade” security products to save money while attempting to augment security. Without compliance with regulations and product test standards, there is no guarantee that these devices will function as planned during an emergency. Will the device be removable after an intruder kicks the door a few times? Will someone with limited dexterity be able to remove the device? Will a person with vision impairment intuitively understand how the device is installed and removed?

Similar to the fire hose or closer sleeve, many of these devices rely on other components of the door assembly to perform in ways the hardware was never designed or tested to perform. For example, a retrofit security device that attaches to an existing lockset is dependent on the attachment of the inside lever handle to the lockset to provide security. This connection is not designed to withstand the force of an intruder trying to enter – that is not the inside lever’s function. A traditional lockset will deter unauthorized entry and will allow free and immediate egress, and locksets with lever handles can be operated as required by the accessibility standards.

In addition to the effects of vision impairments and orthopedic disabilities on the operation of doors, people with autism or other developmental differences need to anticipate familiar methods for egress. During a crisis, it’s even more critical that door operation does not require special knowledge or effort. There are dozens of barricade devices on the market, with many different methods of operation. Some of these products do not allow access from the outside or require a special tool to unlock the door. Delayed access for school staff and emergency responders could have serious consequences if an unauthorized person deploys a barricade device.

Bottom Line

A means of locking a door from the inside is crucial during an active-shooter event, but the security method used must be easily operable by all building occupants for egress. Traditional hardware is intuitive to operate and provides the optimal level of security. In past school
shootings, locks have prevented shooters from entering classrooms, and studies of these shootings have not reported a locked door being breached through the lock. Most classroom doors are already equipped with locksets that will provide the necessary level of security.

Turning the lever handle of a lockset or pushing the touchpad to operate panic hardware allows immediate egress. No time is needed to consider how to open the door, and the vast majority of building occupants are able to operate standard commercial hardware. The ADA and other accessibility standards explain how to ensure that doors are operable easily and intuitively. When making security decisions, ignoring these standards increases risk and liability, and could negatively impact building occupants – including people with disabilities.

Lori Greene, AHC/CDC, CCPR, FDAI, FDHI, is the manager of codes and resources for Allegion. She has worked in the door and hardware industry for more than 30 years, and in her current role she provides education and support on code requirements pertaining to door openings. Her website, iDigHardware.com, is a daily blog that also includes technical articles, videos, on-demand training, and a downloadable code reference guide. She can be contacted by emailing lori.greene@allegion.com.

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Assets on a job site are anything from your employees to your materials. Investing in security training means you’re saving money in injury-related or material loss. That helps you stay on budget and makes the ROI on the time and cost of security training worth your time.

It Makes You Seem More Professional

The fewer accidents on your job site, the more likely your client is to recommend you for other projects. When businesses invest in other companies, they want to know they’re hiring a group that covers all its bases.

Not only does it better your reputation as a company, but it will make your employees more hireable (if they have to move, we’re sure you’re a great boss) as well. Showing your employees that you’re willing to invest in them will help company morale and employee retention rates. Be sure to communicate this when you’re announcing your mandatory training to your employees.

Security Awareness Training: It’s a Mindset

One last note – when you’re conducting a security training, you want to frame it as a mindset and not one-time skill. To do that, make sure you keep up with security awareness training at least every year and whenever you find a blind spot in your knowledge.

Finally – don’t forget to teach your employees how to use the security resources (like cameras) already available to them. Just because you have a company that remotely monitors your site doesn’t mean your employees shouldn’t know how to use the equipment.

Shawn Scarlata
CEO, SMART Security Pros

Providing professional Video Surveillance Services & Armed Security throughout Baltimore and the Washington, D.C. Metropolitan Area, SMART Security Pros utilizes only off duty, retired, and prior police officers for our armed security assignments. SMART’s founder, Shawn Scarlata, was an active duty law enforcement officer for 22 years in the Washington, D.C. Metropolitan Area. SMART specializes in utilizing our Mobile Video Guard to protect construction sites and other outdoor venues at over 65% less than hiring traditional security guards. Call 301.955.9782 or submit a detailed quote online to get the right security solution.
Health and Suicide Prevention was launched providing guidelines for businesses of all sizes in the industry for dealing with mental health and suicide risk. The blueprint points to five core areas of activity.

1. **Promote work’s positive impact on mental health:** Work is generally good for mental health; it provides structure, purpose, connection and it gives workers the financial means to live fulfilling lives. Workplaces can amplify these positive effects through good communication, collaborative rather than hierarchical work structures, highlighting the social value of the work project and encouraging teamwork.

2. **Reduce harmful impacts at work:** Work can negatively affect workers mental health through a poor psycho-social work environment caused by poor management or supervision, lack of role clarity, poor change management, long working hours, work away from home and lack of job security, to name just a few examples. These workplace hazards can and should as far as practicable be managed like other workplace health and safety hazards, with a focus on elimination of hazards at the source rather than at the person.

3. **Provide mental health and suicide prevention literacy:** Stigma is a significant barrier to a better mental health work environment. All workplaces should run workplace programs focused on increasing mental health and suicide prevention literacy and stigma reduction. It is recommended that such training should be top-down through management and supervisor training and bottom-up through the establishment of peer support networks.

4. **Facilitate early intervention and treatment:** If treated early, many mental health conditions can be effectively managed or cured. It is important that workers have as many options for support available to them as possible. Workers may be worried about impacts on insurance plans or future employment and may, therefore, be reluctant to engage with services through their employment. In male-dominated workplaces, such as construction, it is important to focus on “help offering” rather than “help seeking” as men often find it difficult to ask for help.

5. **Provide return to work and ongoing support:** A major barrier for workers to seek help, particularly workers with less secure employment, is the perception or reality that it may harm their future career and job prospects. It is important for workplaces to have clear return-to-work policies and practices at all levels of the business to help overcome this perception or reality.

Suicide is a significant issue in today’s society. Some industries such as construction have particularly high rates of suicide. There is a moral and a legal obligation for employers to mitigate hazards in the workplace including mental hazards. As there is more focus on the issue of workplace suicide globally, it will increasingly be expected that employers mitigate the risk of poor mental health and suicide in the workplace. There are a number of tool employers can use to create a mentally healthier workplace; the Australian construction industry blueprint is just one of many. For a copy of the blueprint, visit [www.constructionblueprint.com.au](http://www.constructionblueprint.com.au).

For a copy of the Fellowship research this article in part was based on, visit [www.churchilltrust.com.au/fellows/detail/4239/Jorgen+Gullestrup](http://www.churchilltrust.com.au/fellows/detail/4239/Jorgen+Gullestrup).

**Jorgen Gullestrup**  
CEO, MATES in Construction

Jorgen Gullestrup is a plumber and suicidologist. In 2008, he was the founding CEO of MATES in Construction, a suicide prevention charity working for the construction industry. MATES in Construction is one of the most awarded and best-evaluated workplace suicide prevention programs globally. Jorgen received a 2017 Winston Churchill Memorial Trust Fellowship award to investigate approaches and programs aimed at reducing suicide amongst workers in male-dominated industries – particularly construction workers. This article is in part built on this work. He is the recipient of Suicide Prevention Australia’s 2018 LIFE Award for his leadership in the Australian suicide prevention sector.

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Opportunities

Positions Available:

Several full-time positions available with Glen Burnie based Sunrise Safety Services.

Positions Include:
- General Laborers with good driving records; offering room to advance
- Skilled Positions include:
  - Flagging
  - MOT
  - Sign Installer
  - TMA Driver

Starting wage, $13.00 per hour, with limited to no experience. Interested applicants can apply in person at 6711 Baymeadow Drive in Glen Burnie or visit sunrisesafetyservices.com.

Place your ad with MCN. Contact Verna at 443-982-7329 for more information.

Coming Soon

February 20th – “Wisdom & Wine” A Business Enhancement Event With Networking
“Legal Topics For Getting Paid” & “Top Ten Networking Nightmares”
Location: Offit | Kurman – Maple Lawn
Host: Offit | Kurman
4:00 p.m. – 6:30 p.m.

March 31st – Direct Connect Networking & Pre Direct Connect Education Event
“How the Proper Physical / Occupational Therapy Provider Can Help Your Company Save Time, Money & Headaches”
Location: REHAB AT WORK – Rosedale
Host: REHAB AT WORK
3:30 p.m. – 7:00 p.m.

April 30th – “Wisdom & Wine” A Business Enhancement Event With Networking
“Emerging Trends in Maryland’s Construction & Real Estate Industries in the 2020’s” – A Panel Presentation
Location: GMA McHenry Row
Host: Gross, Mendelsohn & Associates
4:00 p.m. – 6:30 p.m.

May 19th – Direct Connect Networking & Pre Direct Connect Product Demo & Facility Tour
Location: Sunrise Safety Services – Glen Burnie
Host: Sunrise Safety Services
4:00 p.m. – 6:30 p.m.

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