

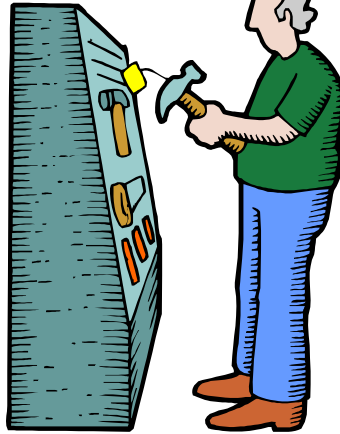
## Vendors will show their wares at October NARI meeting Contractors can bring their entire crews to event for just \$25 per company

Suppliers of goods and services useful to remodeling contractors will display their offerings at the 2004 Feature Vendor Night sponsored by Ohio Valley NARI on October 14 at the Holiday Inn I-275 North.

NARI members and non-members alike have signed up for tabletop displays. Displaying suppliers aren't limited to tool and building products vendors, although they are certainly represented. The showcase will also include displays by providers of services not directly related to construction – accounting, for instance.

The 2003 vendor night was a big success, and total attendance and attendance by contractors and their crews at this year's event is already guaranteed to exceed last year's.

The showcase room can accommodate about as many vendors and contractor personnel as demand requires, so there is room for a



few more vendor exhibits and many more contractor delegations.

The cost of a display table is just \$150, which includes dinner for three representatives from each displaying company. If you would like to introduce NARI members to your products and services at the showcase return the form enclosed with this newsletter.

The displaying suppliers will cover part of the cost of the buffet dinner that will be served in conjunction with the showcase. As a result, NARI member contractors can bring their entire crews for just \$25. That's not \$25 per person; it's \$25 for everyone from a single company! The fee includes a deli buffet dinner and beverages, including beer, soft drinks, and coffee. Every member is encouraged to attend Feature Vendor Night, and to bring employees, subs, and prospective members.

The Holiday Inn I-275 North has been a very popular meeting site among NARI members. Food and service has been excellent, there's plenty of convenient free parking, and it's easy to reach from any part of the Cincinnati area. The hotel is located on Hauck Road, directly north of I-275 at Exit 46 (Lebanon Road / Route 42). Turn west on Hauck Road, which is the second traffic light north of the freeway.

To make reservations for the Feature Vendor Night mail or FAX the form you'll find with this newsletter to the Ohio Valley NARI office or call the NARI office at 800-498-6274. You can also send e-mail to [cincinnati@naripro.org](mailto:cincinnati@naripro.org).

### Call to R.S.V.P.

**What:** Ohio Valley NARI Vendor Night

**When:** Thursday, October 14

**Where:** Holiday Inn I-275 North  
Hauck Rd., near Rt. 42 & I-275

**Time:** 6:30 p.m.

**Call:** Ohio Valley NARI at 800-498-6274

**Cost:** \$25 for your whole crew!

## NAFTA ruling on imports from Canada may lead to lower lumber prices

There may be relief in sight for builders and remodelers and their customers who have been plagued with near record-high lumber prices.

A recent decision by a North American Free Trade Agreement (NAFTA) panel has cleared the way for removal of tariffs on Canadian timber that have been an important factor in lumber prices for the past two years.

Countervailing and anti-dumping duties totaling more than 27% on Canadian lumber have been in place since May of 2002.

Twice previously, NAFTA had determined that the domestic lumber industry's threat of injury allegations were baseless and contrary to law. In each instance, the case was remanded back to the U.S. International Trade Commission (ITC).

In its latest decision, the NAFTA panel indicated that it had grown weary of the ITC's attempts to prove that U.S. lumber interests were harmed by competition from Canada. The five-member panel, which consists of three Americans and two Canadians, unani-

mously concluded that the ITC was "simply unwilling to accept this (NAFTA) panel's review" and "has consistently ignored the authority of this panel in an effort to preserve its finding of threat of material injury."

The ITC was ordered "to make a determination consistent with the decision of this panel that the evidence on the record does not support a finding of threat of material injury and to make that determination within 10 days."

In late August the price of framing lumber was just slightly less than \$500 per 1,000 board feet, up more than 40% from the beginning of the year. The price of framing lumber hit an all-time high of \$519 per 1,000 board feet in 1994.



## Safety products are available through NARI

NARI has partnered with The Online Safety and Security Store (TOSSS), suppliers of personal protection equipment and other safety products, to make essential safety items available to NARI members at reasonable prices.

TOSSS says: "Our mission is simple and clear – provide 'best in class' safety products, programs and services to clients in order to save lives, reduce costs and improve their profitability. By serving as the Internet's one stop safety store, we will empower users to take online training courses, catch up on the latest safety related news, or find a consulting service that is right for your company - all from a single place on the Web."

Materials available include items in such categories as boots and foot protection, disposable clothing, fall protection equipment, first aid kits and supplies, head and eye protection, respiratory protection, training videos, and much more.

NARI members can reach the TOSSS site through a link from the NARI web site [www.nari.org](http://www.nari.org). Members will have to enter their NARI site user name and passwords.



## Coming Events

- |                |   |
|----------------|---|
| <b>Oct. 14</b> | 6:30 p.m.   |
| Event:         | Feature Vendor Night  |
| Location:      | Holiday Inn I-275 North   |
| Cost:          | \$25 for your whole crew!<br>(That's not \$25 per person. It's \$25 for everyone, and it includes, beer, pop, and a deli buffet!) |
| <b>Nov. 11</b> | 6:30 p.m.   |
| Event:         | Evening of Excellence Dinner  |
| Program:       | Awards Presentations  |
| Location:      | Montgomery Inn at the Boathouse   |
| Cost:          | TBA   |

## New overtime regulations puzzle many employers by Bob Dunlevey, Dunlevey, Mahan & Furry

*There has been much publicity, and more than enough political posturing over new wage-hour regulations that became effective in August. In this article Dayton attorney Bob Dunlevey, of Dunlevey, Mahan & Furry, cuts through all the hype and political sniping to present the essential facts about the new rules.*

August 23 came and went leaving employers with new wage-hour regulations and a bunch of questions. The true story is that very few are affected one way or the other, but many employers are catching on that they have not been following basic wage-hour laws for years. Here is some of what you need to know.

The law primarily deals with three groups of employees previously exempted from overtime - the "white collar" employees - executives, administratives and professionals. They still are exempt from overtime if they meet the new requirements which are much like the old ones but the employee must now earn at least \$455 per week (\$23,660 per year).

Each category of employees must have certain duties and responsibilities as well to qualify for the exemption. You need to get the check list and determine if your white collar employees still meet the tests - chances are they do.

Pay attention to the administrative exemption. Employers in the past have frequently called secretaries and admin assistants exempt when, in fact, they were not exempt before and are not exempt now. These employees must exercise independent judgment in performing office work directly related to the management or operations of the business.

Discretion and independent judgment are required in significant matters. For example, your assistant H.R. person probably is not exempt. Work in accounting, budgeting, quality control, purchasing, marketing and safety may qualify. Some of the other changes are:

- Highly compensated employees performing non-manual work and earning \$100,000 per year are now exempt if they perform at least one duty of the white collar exemptions; chances are anyone earning \$100K is already exempt. Remember, even if a blue collar

worker, such as a skilled craftsman, earns \$100,000 there is no exemption.

- Computer employees earning \$455 per week or \$27.63 per hour and who perform creative, sophisticated functions like design, development, analysis and consulting are exempt. Yes, they can be hourly. Merely fixing your crashed computer, however, probably does not create exempt status. This exemption is going to be overused by employers who attempt to misclassify computer operators as exempt. Remember, the actual duties, not the job titles, control the ability to exempt for this and all white collar positions.

- Outside salespersons remain exempt but their primary duty must be making calls away from the place of business but non-exempt work may now exceed 20% if the primary duty is outside sales. If the 20% restriction previously imposed barred you from exempting your salespersons this may be an opportunity for reclassification. Sales by telephone or internet is not outside sales.

- Deductions from salary for disciplinary suspensions of one or more full days for violation of work rules will not blow the exemption from overtime. The misconduct cannot be for poor attendance or performance, but instead serious things like sexual harassment or substance abuse. Previously, if you docked an exempt employee a day of pay and suspended for disciplinary reasons, you violated the law - unless it was a safety rule violation. Deductions for one or more days is still permitted for personal affairs but you can't deduct for 1/2 days. Deductions from salary of one or more days occasioned by sickness/disability is permitted if a plan for providing some type of sick pay exists. This doesn't mean the employee must get paid under the plan for each and every day of sickness. If the employer has a short term disability plan and the salaried employee doesn't get paid for the day off because of a waiting period, the deduction is still o.k. Deductions for jury duty or court appearances are not permitted for salaried

*(Continued on page 4)*



## Ohio Valley NARI

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### New overtime regulations *(Continued from page 3)*

employees but their pay may be offset by what they get for appearance fees. Deductions for FMLA absences are permitted.

- Executives in “sole charge” of a branch or store are no longer exempt merely because they are in charge of the facility.
- First and last weeks of employment - you can pay just for the actual hours worked and

not lose the exemptions.

- Grievance procedure to avoid loss of exemption by innocent mistake - if you have a published policy forbidding improper pay practices which contains various components including a complaint procedure and meaningful adjustment of pay mistakes, you probably will not lose the exemption with this new safe harbor provision. Create a policy today.

Many employers are learning that their pay practices have been wrong for a long time. Now is the time to have your wage-hour practices audited for compliance by employment law counsel. The Department of Labor has formed a task force to ensure compliance with the new laws and may knock on your door.

#### The mission of Ohio Valley NARI is:

- ✓ To establish and maintain the association's firm commitment to developing and sustaining programs that expand and unite the remodeling industry as well as to ensure the industry's growth and security.
- ✓ To encourage ethical conduct, sound business practices, and professionalism in the remodeling industry.
- ✓ To present NARI as the recognized authority in the remodeling industry.

#### These missions are carried out by:

- ✓ Promoting the common business interests of those engaged in the industry.
- ✓ Sponsoring educational programs and activities for members.
- ✓ Enlightening consumers to the needs and advantages of home remodeling and maintenance, thereby improving the nation's housing inventory.
- ✓ Recommending legislative and regulatory action that safeguards and preserves the remodeling industry, and stimulates the marketplace.

#### Goals of chapter to accomplish mission:

- ✓ To provide education to enhance professional and personal competencies.
- ✓ To create and encourage networking.
- ✓ To develop and promote the profession.
- ✓ To serve as a resource center.
- ✓ To provide quality publications to members.
- ✓ To improve membership and membership participation.
- ✓ To improve consumer awareness.
- ✓ To remain proactive on current and pending legislation.

### THE NARI RENOVATOR A Publication of Ohio Valley NARI

The *NARI Renovator* is produced by Ohio Valley NARI as a service and benefit to its membership. The organization's office is located at 136 South Keowee Street, Dayton, Ohio 45402; (800) 498-NARI or fax (937) 222-5794.

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