

WINTER 2021

# Sheet Metal

Journal

[www.sheetmetajournal.com](http://www.sheetmetajournal.com)

Western Washington

**Holmberg Mechanical: Sound Transit Expansion**

**Johansen Mechanical: Hands-Free UVC**

**Project Labor Agreements**

**Welcome to 2021**

Publications Mail / Agreement  
# 40719512



**SMACNA**  
WESTERN WASHINGTON  
Official Journal of  
Record for SMACNA-WW

# OUR CONTRACTORS SET THE STANDARDS FOR THE INDUSTRY



SMACNA-Western Washington is a trade association and a Local Chapter of the Sheet Metal & Air Conditioning Contractors National Association (SMACNA), which is located in Chantilly, Virginia.

SMACNA Contractors are heating, ventilating, air conditioning (HVAC), and sheet metal experts. They are your assurance of quality in the fabrication and installation of ductwork and air handling systems.

SMACNA contractors are also skilled professionals in:

- Architectural sheet metal
- Industrial sheet metal
- Kitchen equipment
- Specialty stainless steel work
- Manufacturing and custom fabricating
- Repair services
- Siding and decking
- Flow testing & balancing
- Energy management & maintenance

Well known and respected within the construction industry, SMACNA contractors provide the highest quality workmanship, professionalism, and service to their customers. They care about the life cycle of the project, not just the winning bid.

You'll find SMACNA contractors working in all areas of construction whether industrial, commercial, institutional, or residential.

SMACNA contractors developed the technical manuals and standards that today are accepted worldwide in the construction community. As leaders in their industry, they continue to adopt and apply the latest technologies to HVAC and sheet metal work. Everything from duct construction and installation to air pollution control, from energy recovery to roofing, from seismic restraint to welding... they do it all!

## STATEMENT OF PURPOSE

The ultimate goal of SMACNA-Western Washington, Inc. is to achieve and maintain the following principles and programs for the sheet metal industry:

1. To establish advertising, publicity, and promotional activities that advise the public of the nature, extent, and availability of services performed by the industry.
2. To promote educational programs to formulate high quality standards of sheet metal construction.
3. To aid in the formulation of uniform sheet metal specifications and improvement of state and municipal codes.
4. To expose fraudulent or misleading advertising or representations intended to deceive the public.
5. To encourage and promote trade practices that will eliminate unfair competition or exploitation of the sheet metal industry.
6. To encourage and promote the establishment of a uniform pattern of payments by customers during the progress of jobs to avoid inequitable payment delays and economic penalties.
7. To provide a forum for the discussion of the common interests and problems of labor and industry, and to encourage and promote harmonious relations between labor and industry.
8. To encourage any proper activity that will increase the efficiency of the industry and its ability to serve the public.



SMACNA-Western Washington, Inc.  
13810 SE Eastgate Way, Ste 445 Bellevue, WA 98005  
Tel: 425-289-5010 • Fax: 425-289-5011  
[www.smacnaww.org](http://www.smacnaww.org)



**PUBLISHER / EDITOR**  
Jessica Kirby  
Direct: 250.816.3671  
jessica.kirby@pointonemedia.com

**SALES / CREATIVES**  
Lara Perraton  
877.755.2762 ext. 1407  
lperraton@pointonemedia.com

**CONTRIBUTORS**  
Kevin Burns  
Kathleen Collins  
Karen Forner  
Michael G. McNally  
Julie Muller  
Angela White

**COVER PHOTO**  
Courtesy of Holmberg Mechanical

**PUBLISHED QUARTERLY BY**  
Point One Media Inc.

Sheet Metal Journal - Western Washington  
P.O. Box 11, Station A Nanaimo, BC V9R 5K4  
Toll-free: 877.755.2762  
www.sheetmetaljournal.com

While information contained in this publication has been compiled from sources deemed to be reliable, the publisher may not be held liable for omissions or errors.

Contents ©2021 by Point One Media Inc. All rights reserved. No part of this publication may be reproduced or duplicated without prior written permission from the publisher.

Printed in Canada.  
Postage paid at Coquitlam, BC.

Return postage guaranteed. Canada Post  
Canadian Publications Mail Sales Product  
Agreement #40719512.

To update or cancel subscriptions  
please call 1.877.755.2762, email  
circulations@pointonemedia.com, or visit  
www.sheetmetaljournal.com

Official Journal of Record for  
SMACNA-WW



Find Sheet Metal Journal  
on Twitter and Facebook



12

## FEATURES

Winter 2021

10

### GOING THE DISTANCE

Holmberg Mechanical is proud of its work on the Sound Transit Light Rail Expansion Project in Bellevue, Washington.

12

### HANDS-FREE UVC TECHNOLOGY

Johansen Mechanical Inc. is making schools, casinos, health care facilities, and countless other applications safer with its Hands-Free UVC technology.

14

### PROJECT LABOR AGREEMENTS: WHAT ARE THOSE AGAIN?

We talk about them, we rely on them, and in some cases, we claim to love them, but do we really understand project labor agreements? Here is everything you need to know.

## DEPARTMENTS

4	SMACNA-WW Update	16	Contractor's 101
5	Committee Spotlight	17	Legislative Update
6	Editorial Comment	18	It's the Law
7	SMACNA-WW Events	19	Advertiser Index
8	Industry News		

## ENGAGING REMOTE TEAMS

As we say goodbye to 2020 and prepare to welcome a new year full of hope and opportunity, we must also accept that things will never quite be the same. There were lessons to be learned in 2020, and I have no doubt our skilled member contractors took the opportunity to learn and grow and implement new efficiencies that will continue to benefit their operations for the foreseeable future.

One element of pandemic adaptation that is unlikely to change is the use of remote technologies for managing teams. It's true, face to face is the best way to foster and maintain relationships and as soon as we can, our members will come back to face to face when necessary. But to be realistic, this isn't always needed. In some cases a quick Zoom or Meetings connection will be enough, and in those cases it will require new leadership skills to make those interactions meaningful and productive. We will need to be inspiring and engaging in new, holistic ways. We will have to learn to ask the right questions and relay the right feedback to keep remote teams productive, connected, and healthy. Here are five tips for doing just that:

1. Stay on topic: the best way to avoid wandering minds and keep people engaged online (and in person) is to stay on task. Avoid digressions and side chatter, and make it clear from the onset that the mission is to stay on task. When developing the topic for the meeting make sure it includes in its scope the positive effect that your company is having on the greater world. If you are discussing project logistics, for example, talk scheduling and materials but also look at how the client is benefitting from your company and workforce and what your crews can do to add value.
2. Give feedback: It doesn't come naturally to everyone, but feedback is essential when managing remote teams. People need to hear from you about the good and the bad, and they need that feedback to be direct and frequent. If spoken words aren't your forte, think about a quick text or email. Make sure positive feedback is clear and honest—no blowing smoke—and corrective feedback should be detailed and solutions-focused.
3. Reflect your company in the meetings: Much is lost when things go online—body language, group chatter, gathering

**Do you have an article idea you'd like to share? Great!**

**Please reach out to our editor, Jessica Kirby, to table your suggestions for a future issue of *Sheet Metal Journal - Western Washington***

**Contact Jessica at:  
250.816.3671 or by email at  
jkirby@pointonemedia.com**



By / Julie A. Muller, Esq.  
Executive Vice-President, SMACNA-Western Washington

in communal areas—but that doesn't mean the meeting can't reflect your company's individual identity or culture. If weekly shoutouts are your thing, keep that up at the beginning of an online meeting. If checking in or idea sharing are typical in your office, make sure you do it online, too. This lingering flavour of your business will bring people together.

4. Empower your teams: Working from home can be unsettling for some leaders who like to see what their teams are up to, check in regularly, and ensure things are running smoothly. This is fine, of course—company messengers are great for quick questions and check-ins—but avoid the urge to micromanage remote teams. It is true, some people may take 45 minutes lunch instead of 30, but if that extra 15 makes them 30% more productive throughout the day, that is a win. Trust employees and evaluate their performance from a deliverables perspective. What you see when people manage their own productivity and self-care might surprise you.
5. Take breaks: As important as hard work are regular breaks. Working online is exhausting for the posture, the eyes, the repetitiveness, the lack of real contact... remember that teams with regular breaks, exercise, and healthy diets outperform their overworked, less healthy counterparts by leaps and bounds. Besides, hearing you encourage them to look after themselves shows you care and enhances retention.

I recently completed Excuse-proof/Goal-crushing Leaders and Teams training from Aspirational Catalyst, which focuses on ways to correct performance management programs and initiatives that are failing their organizations and employees. Successful leaders move away from focusing on weaknesses or "areas of development" and redirecting to focus on performance strengths with teams, which greatly improves their success.

My biggest takeaway was that as leaders, especially during review time, we tend to focus on what our employees need to improve. Instead, this training encourages us to realign responsibilities within our staff and really focus on what everyone is good at, creating a more effective and efficient team.

We are going to bring this training to our members in 2021. ■

## COMMITTEE SPOTLIGHT: SMAC-YA WESTERN WASHINGTON

SMACNA-Western Washington's future industry leaders committee (SMAC-YA) was founded in 2016 in an effort to get the next generation of industry leaders excited about the future of the sheet metal industry and membership in SMACNA-Western Washington.

The committee is co-chaired by Rylan MacCay, operations manager at Mac-Donald Miller, and Trenton Fluetsch, vice-president of operations at Sunset Air Inc. Both have been in the sheet metal industry for ten years and took on the co-chairing role with a shared passion for furthering the committee's mandate.

"I decided to become more involved with the committee to get to know people in the industry, collaborate on best practices, and encourage others to participate in SMACNA events," MacCay says.

Fluetsch, too, wanted to become more engaged and involved in the HVAC industry. "I also wanted to network with other young leaders in our trade," he says. "I wanted to bounce ideas off of others and gain/give advice to others in similar situations as mine."

The committee's work encourages young professionals in the industry to become more involved with SMACNA, and it does that hosting events that reach out to high school and college-students to educate them on the HVAC industry and career opportunities. Past events include a college jobsite/fabrication tour, MLB game recruitment events, Happy Hours, and a holiday pub crawl.

These events help build lasting business relationships that are the foundation of a thriving industry.

"This also includes recruiting and educating young talent outside of our trade," Fluetsch says. "The SMAC-YA committee is important because it brings together young



leaders to grow and develop so that the next generation of senior leadership will be in the greatest position to succeed."

MacCay agrees that the committee's work is important because it is valuable to have participation from professionals at all career stages to bring additional perspectives and avoid a leadership gap.

"The senior members of SMACNA have a wealth of knowledge, and as these members begin to transition, it is critical this knowledge be passed on to the next generation," MacCay says.

Like everything else, SMAC-YA events and activities are on hold for the moment, but the committee is eager to restart recruitment activities and networking events once it is safe to do so.

"Keeping connected through COVID has been a new challenge," MacCay says. "We did host a Zoom meeting this summer and many of us attended our holiday Zoom party. We will likely regroup at the beginning of the year to reassess our plan and evaluate options for upcoming events."

To learn more about SMAC-YA Western Washington contact the SMACNA-Western Washington office. ■



**GOODBYE 2020**

I don't care what anyone says, 2020 had its upside. We suffered and we changed, but we also adapted, learned flexibility, and grew as a team and as an industry. As a journalist, I was on the lookout for feel-good stories—instances of people or companies who went above and beyond to reach out to others, pay kindness on to strangers, or put their expertise to good use helping the less fortunate.

Of course, SMACNA chapters across Canada and the United States teamed up with SMART locals to manufacture metal nose strips that made hand-made face masks more effective. Contractors across both countries made a point of connecting with their teams with more feedback, more empathy, and greater emotional investment, and there is no price for that kind of reach. Most importantly, associations, JATCs, and Locals pivoted to offer online connection and learning opportunities, in many cases obliterating any kind of barrier or hesitation to implement new technology that they may have previously held. This is an important and noteworthy achievement.

Moving into 2021, I would like to feature the stories of contractors who gave back—in the covid fight or otherwise—to create some connection and kindness throughout the past year.

Maybe you participated in the metal nose strip project. Maybe you bought your employees lunch once a week to support local restaurants. Maybe you did a toy or food drive or collected for the less fortunate during the holidays.

Whatever the case, I would love to hear your story and feature it in these pages. There is one thing that we can not get too much of in times like these, and that is kindness towards others.

In this issue of *Sheet Metal Journal-Western Washington*, Julie talks about leadership and the best way to inspire remote teams. See her top five tips on page 4.



By / Jessica Kirby  
Editor, *Sheet Metal Journal - Western Washington*

Our cover story features Holmberg Mechanical and its work on the Sound Transit Light Rail Expansion Project, which will expand the current light rail line and open up worry-free transportation to more cities in the region (page 10).

On page 12, we explore Johansen Mechanical's Hand-Free UVC technology, which can be used to disinfect surfaces and objects in just about any application.

And finally, page 14 brings us guest author Michael McNally who shares his knowledge and expertise in understanding project labor agreements.

We hope you enjoyed a warm and happy holiday season, and we look forward to another year of working with you all. ▪



**UPCOMING SMACNA NATIONAL EVENTS**

**January 31 - Feb 03, 2021**

2021 Chapter Executive Institute • Maui, HI

**February 21 - 25, 2021**

2021 Business Management University • Tempe, AZ

**March 11 - 12, 2021**

2021 Association Leadership Meeting • Las Colinas, TX

**March 30 - 31, 2021**

Collective Bargaining Orientation • Dallas, TX

**April 18 - 20, 2021**

2021 Planning Your Exit and Business Valuation Program • San Diego, CA

**April 25 - 28, 2021**

Project Managers Institute • Raleigh, NC

**May 16 - 19, 2021**

2021 Financial Boot Camp • Tempe, AZ

Visit <https://www.smacna.org/events-education> to learn more and to register for these and other events for 2021. ▪

## DECEMBER 4, 2020 WHO-BILATION HOLIDAY GALA PREMIERE

SMACNA-Western Washington would like to thank everyone who attended its virtual Holiday Who-bilation premiere on YouTube and the Zoom After Party, both held on Friday, December 4. It was a lot of fun to see everyone dressed up for a virtual Whoville celebration. The SMACNA-WW team can't wait to celebrate in person sometime in the future. For now, the team hopes you and your family had a happy holiday season and are looking forward to a joyful new year!

To see the YouTube Premiere and other videos, including a John Howie cooking demo, please visit the SMACNA-WW Who-bilation webpage at [smacnaww.org/resources/who-bilation/](http://smacnaww.org/resources/who-bilation/)

To recap, from 6:00 - 6:45 pm PST was the WHO-BILATION GALA (via YouTube)

Participants joined in as emcee, Mr. Grinch, visited SMACNA-WW members to spread cheer (not really) and steal bright and shiny objects (definitely!). Trouble commenced! Everyone wondered if the Grinch would steal the holiday, too!

From 6:45 - 7:15 pm PST was the ZOOM AFTER PARTY

Festivities continued as the Grinch conducted a Costume Contest (prizes!), a Holiday Scavenger Hunt (prizes!), and the ever-popular, Annual Gala Door Prizes.

### Who-bilation Prize Winners

For those who joined us at the Zoom After Party following the YouTube Premiere, the Grinch announced prizes awarded from the Scavenger Hunt, Costume Contest, and Annual Door Prizes. If you won a prize, please contact Carrie Heinrich at [cheinrich@smacnaww.org](mailto:cheinrich@smacnaww.org).

### Scavenger Hunt Winners

1. Kristen Showalter, Rehn & Associates
2. Pattie Reuer, Miller Sheet Metal
3. Trenton Fluetsch, Sunset Air
4. Andy Gail, Sunbelt Controls
5. Tammy Meyen, PSF Mechanical

### Costume Contest Winners

- First Place Overall: Chris Gourley, Hermanson Company
- First Place Couple: Helga Rebitzer Group, Olympia Sheet Metal
- Second Place Overall: Dwight Nelson, NW Sheet Metal Org. Trust
- Second Place Couple: Doug & Ann Happe, Emerald Aire



### Annual Door Prizes

- 2 Seahawks Tickets, Pre-season Game: Pattie Reuter, Miller Sheet Metal
- \$200 Visa Gift Card: Yuriy Kosmin, PAC BIM Services
- Life-sized Grinch Blow-up: Scott Lewis, Construction for Change
- \$200 El Gaucho Gift Card: Jeff Garber, Sunset Air
- An Even Bigger Grinch Blow-up: Tammy Bodmer, D/B Solutions
- \$300 John Howie Gift Card: Carrie Grage, PCI
- Grand Prize, Wine Tasting Getaway in Woodinville: Will Thompson, Hermanson Company

### Short Movie Premiere on YouTube

If you missed our Short Movie Premiere on YouTube (or want to watch it again) our video is still available to watch online. Please view the Holiday Who-bilation movie to see Grinch and other guest surprises!

[youtu.be/rrNRYT-PdqE](https://youtu.be/rrNRYT-PdqE) •

## INTEGRATED PROJECT DELIVERY GUIDE ADDED TO CONTRACTOR OPERATIONS MANUAL

SMACNA's new *Integrated Project Delivery Guide for Sheet Metal, HVAC, and Mechanical Contractors* is the newest addition to the *Contractors Operations Manual*. The guide provides an overview of the integrated project delivery (IPD) method from the perspective of sheet metal, HVAC, and mechanical contractors and can serve as a guide for those interested in expanding their market share into healthcare and other IPD market sectors.

### Part I – Overview of IPD

As a continuation of the 2018 SMACNA publication *Construction Contracts – Alternative Delivery Methods*, Part I of this guide is intended to provide more in-depth information on the IPD process, including factors to consider before joining an IPD team, the sheet metal, HVAC, and mechanical contractor's role during design and preconstruction, and factors for successful construction and close-out.

### Part II – Interview Findings

The information in Part II of this guide is based on in-depth interviews and 'lessons learned' from six SMACNA-member contractors who have been trade partners on IPD projects.

### What is IPD?

IPD is a project delivery method that works to align project participants (owner, contractors, designers, subcontractors, consultants, etc) to deliver a project as a unified team.

IPD is found at the intersection of quality, cost and scheduling on a construction project where project teams, systems, business structures, and practices are all working collaboratively and tapping into the talents and insights of all team members in an effort to optimize efficiencies and reduce redundancies or waste throughout the construction life cycle (e.g., design, fabrication, installation, etc.).

To learn more, read the latest *Contractors Operations Manual, Integrated Project Delivery Guide for Sheet Metal, HVAC, and Mechanical Contractors* at [smacna.org](http://smacna.org).

### IPD Webinar Available On-Demand

Miss the HVAC Contractors Forum: Integrated Project Delivery (IPD) for HVAC and Mechanical Contractors? You and your team can view it on-demand. The webinar is moderated by the guide's co-authors and features three SMACNA contractors presenting an overview of IPD and discussing lessons learned from various IPD projects.

For more information about the IPD Guide or the IPD webinar, contact Mike McCullion, Director of Market Sectors and Safety, at [mmccullion@smacna.org](mailto:mmccullion@smacna.org). ■

## LIMITED TIME LEFT TO VIEW EDGE SESSIONS ON-DEMAND

Thousands of SMACNA Edge Conference attendees have already viewed the highly informational and educational content both live and on-demand over the past eight weeks. Can you count yourself or your co-workers as being among them?

There is still time for everyone at your company to learn from the industry experts who delivered presentations on a variety of timely topics and important subjects related to contractors' day-to-day business operations and success.

It's not too late to register yourself or your entire company for full access to the entire library of recorded sessions. Simply visit [reg.cmrus.com/smacnaedge2020](http://reg.cmrus.com/smacnaedge2020) to complete your registration, and gain full and unlimited access to every educational session.

Don't miss out on what your fellow colleagues have been able to experience...

*"Scheduling is extremely difficult for me right now, so it is great to pick up the information from the sessions in the evening and bring some good information back without falling behind on current responsibilities."*

– Corey Chestnut, Climate Engineers

*"Very professional and well organized."*

– Randy Attaway, AGC, inc.

*"The on-demand option is great."*

– Scott Smith, Ventcon

If you're already registered, please visit the SMACNA Edge Conference website to log in and begin watching your preferred sessions in the On-Demand Theater. All registered attendees have unlimited access through January 11, 2021. ■

## FIVE-PART FEDERAL CONTRACTING SERIES AVAILABLE ON-DEMAND

SMACNA's complete five-part series, Federal Contracting for SMACNA Members, is now available on-demand. The series, held throughout 2020, focuses on the complexities of the federal contractor bidding process and how SMACNA members can benefit from these opportunities and secure lucrative federal contracts.

Webinar topics include:

Part 1. Federal Procurement Overview

Part 2. Teaming and Joint Venturing in Federal Contracting

Part 3. Small Business Contracting

Part 4. Construction Claims Involving the Federal Government

Part 5. The Federal Bidder Protest Process



In the final webinar in the series, SMACNA contractors will learn about the federal government's unique process for purchasing construction services, how to avoid missed opportunities, as well as how to dispute the outcome of a bid.

Learn more at [smacna.org/news/latest/archive/2020/12/17/five-part-federal-contracting-series-available-on-demand](https://smacna.org/news/latest/archive/2020/12/17/five-part-federal-contracting-series-available-on-demand)

#### About the Presenter

*Edward DeLisle, Esq. is an expert in federal contracting, construction law, construction litigation, and small business procurement and litigation. He has drafted and negotiated numerous construction contracts, teaming agreements, and joint venture agreements for subcontractors, contractors, developers, and owners. Additionally, Ed was the principal author of the SMACNA Guide to Federal Contracting, which was released in 2019 and is available as a complimentary benefit to all SMACNA members.*

## THE TAX BURDEN OF CORONAVIRUS RELIEF

Business groups are pushing Congress to address a looming tax issue for companies that benefited from the Paycheck Protection Program.

The March economic-relief law declared that forgiven PPP loans don't count as taxable income. But the Treasury Department later said PPP recipients who get that tax-free loan forgiveness can't take their ordinary tax deductions for associated business expenses, calling it an impermissible double benefit.

Lawmakers in both parties said they meant to allow the

deductions and have proposed legislation overturning the Treasury ruling, but they haven't been able to get it enacted yet. A Thursday letter from trade groups including the Associated General Contractors, the National Restaurant Association, the Pet Industry Distributors Association and the U.S. Apple Association asks lawmakers to make the deductibility a priority.

“Without Congressional action, businesses will face an unexpected tax bill when they file their taxes for 2020, as they continue to struggle with government mandated shutdowns or slowdowns,” the letter says. “Many of those businesses will close and never re-open. This senseless tax policy stands both the letter and spirit of the PPP on its head.”

The deductibility provision was included in a bipartisan proposal earlier this week but not in a separate Senate Republican plan. ■

## PPP DEDUCTIBILITY INDUSTRY LETTER TO CONSIDER SIGNING

Matthew Turkstra, director, congressional relations, tax, fiscal affairs, and accounting with The Associated General Contractors (AGC) of America, has circulated a coalition letter calling on Congress to overturn the IRS decision on the deductibility of expenses associated with the PPP loan

continued on page 19

# WE'RE ON YOUR TEAM!

**W**hen you work with Star Rentals, you add powerful players to your project team—pros that are skilled, knowledgeable, and easy to work with.

Star Rentals employees are the most experienced in the industry. From our extensive training and safety programs to our equipment expertise, you can count on us to deliver the goods. We make sure you get fast, responsive service, and headache-free billing.

Do we think it's important to be a team player? Absolutely.

### 100+ Years of Outstanding Service.

Star Rentals is the oldest, largest and most reliable independent rental company in the Pacific Northwest.



[www.starrentals.com](https://www.starrentals.com)

Bellevue • Bremerton • Eugene • Everett • Ferndale • Hillsboro • Kent • Longview • Olympia  
Pasco • Portland • Salem • Seattle • Spokane • Tacoma • Vancouver • Wenatchee • Yakima

# GOING the Distance



Holmberg Mechanical completed the sheet metal scope on a Sound Transit light rail station and tunnel to relieve traffic congestion in Bellevue, Washington.

By Angela White • Photo courtesy of Holmberg Mechanical

The Puget Sound region is known for a few things—beautiful mountains, green forests, and bad traffic. With high profile companies like Amazon, Microsoft, and Starbucks constantly recruiting talent, residents have grown tired of longer and longer commute times, so much so that they voted to front several billions of dollars to construct a solution. After years of planning and development, a light rail system scheduled for completion in 2023 will connect cities in an environmentally friendly and efficient way to help keep traffic flowing smoothly.

Bellevue City Council was in favor of the project to expand the existing light rail system into the city, but under one condition for their downtown section—a tunnel must be built to avoid increasing traffic volume to the downtown core. After a decade of discussion, negotiations, and budget revisions, an agreement is in place for a 28-foot-high by 34-foot-wide, 1,985-foot-long tunnel. This structure required removing 72,000 cubic yards of soil over three years. At the end of 2020, the tunnel was complete and ready for the next phase.

Emerging from the tunnel connecting the East Main station from the south, a street-level station at Northeast 6th Street serves downtown Bellevue near the existing transit center. The station includes entrances on the east side of 110th Avenue Northeast and on the west side of 112th Avenue Northeast, providing easy access to Bellevue City Hall, Meydenbauer Center, and other downtown Bellevue destinations. From this station, the eastbound tracks rise above I-405.

The scope of work for Holmberg Mechanical is immense. The \$6.5 million contract involves ten ACU with roof-mounted condensing units, 13 unit/wall/ceiling mounted heaters, two stair pressurization fans, 20 exhaust/supply fans, 44 motorized dampers, several fire smoke dampers, 60 GRDs, and associated ductwork.

“We have ten huge 100-horsepower jet fans we will be installing in the tunnel to clear the tunnel in case of fire or smoke from car accidents or emergencies,” says Holmberg Mechanical’s HVAC Foreman, John Crowell. “These fans are 26 feet, three inches long, six feet tall, and weigh just over



6,550 lbs. They will be mounted on a platform that runs above the tracks at the mid tunnel.”

The north and south portals both have two fans that hang from the concrete ceiling and another two fans that mount on equipment pads directly below the ceiling fans.

Crowell, a 23-year tradesman, started in 1997 at Local 105 Orange County and Los Angeles working in architectural sheet metal. A year later, he transferred to Local 206 in San Diego and started in HVAC. He now lives in the greater Seattle area.

“It’s a unique station because it’s all concrete with multiple tiers and extensive use of natural sunlight,” says Holmberg Mechanical’s Senior Project Manager, John Chapman. “The escalators and ceilings are all glass, keeping things as green as possible, and all of this runs over the top of the 405, a major freeway in our area.”

The station is located next to city hall and the police station, which meant Holmberg Mechanical’s scope was extended to include what is known as the ‘bat cave’, an underground parking area where police vehicles cars will be securely parked.

“This whole passenger station has been designed to receive passenger traffic from an underground tunnel,” Chapman says. “The Bellevue City Council chose an open-air station that would save between \$19 to \$33 million, compared to constructing the station inside the tunnel.”

“I’m constantly learning new things with this project,” Crowell says. “We will be working with rail equipment, which is a first for me. We will be using a lo-railer to move the jet fans and equipment into the tunnel and a speed swing loader to load the jet fans and equipment onto the platforms. I’m super excited and proud to be a part of this project.”

The station has AC units and exhaust fans. The ductwork, concrete, and electrical scopes were extremely tight, requiring precise coordination between the trades to bring the project together. Chapman, who has been in the mechanical industry

since 1997, says that because the building is all concrete, there is no room for errors and everything has to be precise.

“It took a lot of pre-coordination and a lot of in-depth detailing with a limited amount of space,” he says. “Normally, these projects are open with plenty of room, but the tunnel restricted options, so we all had to work together.”

Both Crowell and Chapman, who already use the Sound Transit light rail system, are looking forward to using the new section to take their families to different locations around the area and into Seattle without the hassle of traffic or the cost of parking.

“We ride it for 40 minutes from Star Lake, which is the farthest south, to Husky Stadium,” says Chapman, a University of Washington graduate and former Husky starting lineman. “It’s quick, it’s efficient, and it’s a smooth ride. Sound Transit knows what they’re doing when they’re moving people. We park in the parking garage, which is free. Then we hop on the train, and it’s \$3 a person round trip. You can’t beat it.



The entire Sound Transit Light Rail Expansion Project deliverables are anticipated to last well over 100 years. The scheduled track open date is 2023 with a projected ridership between 43,000 to 52,000 daily. The project will prevent pollution and conserve resources by reducing waste, reusing materials, recycling, and purchasing materials with recycled content. It will be a quick 15-minute trip to Seattle from this station. In 2024, plans include extending the rail another 3.4 miles east to new stations in Southeast Redmond and downtown Redmond, WA. Getting around the Puget Sound region will continue to get easier, and Holmberg Mechanical is thrilled to be part of this historic project.■

Angela White is the marketing and public relations manager for Holmberg Mechanical, a 71-year-old full-service contractor located in Bellevue, WA. Holmberg Mechanical engineers and constructs large scale commercial projects, such as high rises, transportation centers, hospitals, hotels, and more. Learn more at [holmbergco.com](http://holmbergco.com).



# Hands-Free UVC Technology

By / Jessica Kirby • Photos courtesy of Johansen Mechanical Inc.

In April, a shortage of PPE for health care professionals inspired the owners and workforce at Johansen Mechanical, Inc. (JMI) in Monroe, Washington, to take action. JMI owners Keith Johansen and Derek Holm, along with project manager Daniel Moore, put their heads together to develop the Hands-Free UVC disinfecting chamber, a machine that uses UV light to kill COVID-19 and any virus on any surface.

“We’ve encountered many challenges in the condensed development period of our machines, but we’ve also kept the goal of serving our communities in mind and pushed through to get us here today,” said Moore, who is a project manager in JMI’s architectural metals department, and designer of the Hands-Free UVC units. Daniel, a machinist by trade, has a background in custom metals and stainless, and crafted the idea for the design from the wiring and drawing to the fabrication.

Effective means to minimize infection is of paramount importance to limit spread, as viruses can be transmitted via aerosol and survive for days on surfaces outside the human body. Disinfection technology using UVC light is one of the most reliable and widely accepted methods of keeping surfaces clean without the use of chemical solutions.

UVC was identified more than 100 years ago as an effective means to disinfect and purify air, water, and surfaces. The way it works, ultraviolet light is defined in three wavelength groups, A, B, or C. The sun produces light, and we are exposed to the sunlight’s UVA and UVB rays. UVC does not make it through our atmosphere because it is blocked by the ozone layer. The germs, bacteria, and viruses creating most illnesses

cannot resist the harmful effects of UVC, which makes them inactive.

Given today’s drive for cleaner, more crowd-friendly public spaces, UVC use in small spaces and by portable means is the subject of extensive research and development. In Seattle, the Space Needle has invested \$1 million into UVC sanitizing technology, including UVC body scanners at the gate that look like airport metal detectors and UVC-purified air systems. Boeing release a UVC wand at the end of 2020 that will be used to disinfect all of its aircraft surfaces from door handles to instrumentation.

In the Hands-Free UVC units, germicidal lamps use the optimal UVC wavelength to destroy illness-causing germs, including viruses and bacteria. Surface exposure to UVC is capable of inactivating microorganisms, such as germs, bacterial, and viruses. With UVC technology being a naturally occurring process, it becomes an effective environmentally friendly and chemical-free process to inactivate these pathogens and reduce their transmission.

“Hundreds of hours have been dedicated to this project to make sure the units are safe for users,” Daniel says. “The foot controls keep our users from passing germs from one user to the next. Multiple safety interlocks prevent exposure to the 254nm UVC light, and the electronics, mechanical, and photo-biological testing have all been inspected by the international testing service ETL.

Applications for two different unit types include offices, manufacturing, medical, dental, assisted care facilities,



***“JMI’s ability to craft the units, which require exact dimensions and tolerances, comes down to the company’s innovative leadership and its skilled and experienced union workforce,” says Bill Allen, JMI’s shop superintendent.***

schools, casinos, and many more. The HFUVC-100 features a smaller, compact design for small spaces. It has a 2.5 ft<sup>3</sup> chamber volume and a 29mL/cm<sup>2</sup> 90-second average UVC output, and it is ETL certified for photobiologic, electric, and mechanical. It is best suited for disinfecting personal protective equipment, electronics, accessories, writing utensils, books, and other multiple objects.

The larger HFUVC-200-AP unit was designed in response to a private school looking for a machine that could disinfect as many as four basketballs at once. This larger, mobile unit has a 4 ft<sup>3</sup> chamber volume, a 90-second average UVC output of 50mJ/cm<sup>2</sup>, and an air processing mode with a 15x20 foot room capacity. It is essentially a larger version of the original model and so disinfects similar items in addition to sports equipment, fine arts supplies, tools and measuring equipment, keys, computers, and lab equipment.

“Our focus is to help and serve our communities by providing high quality, safe, and reliable disinfecting units to support the public and private sectors’ need for long term disinfecting,” says Holm. “Our customers will now have protection against present and future pathogen outbreaks while keeping our environment safe from harsh cleaners and chemicals.”

The latest development is a tumbler accessory in the larger unit, which allows for disinfecting small, high volume items like dice and casino chips. So far, one local casino has purchased a unit, and many more have expressed interest. Two local private schools have also purchased units, as well as a sanitation company in Thunder Bay, ON, Canada.

“You would be amazed as to how versatile the units are with so many different uses,” Holm adds. “Every time we speak with someone about this project, they provide more uses we haven’t even thought of yet.”

Bill Allen, shop superintendent with JMI, says the company’s ability to craft the units, which require exact dimensions and tolerances, comes down to the company’s innovative leadership and its skilled and experienced union workforce.

“A lot of the time, our custom metals department has to take the architect’s vision and convert it to a masterpiece,” he says. “This process requires extensive communication between the architects, project management, and our fabricators.”



The components are laser cut so there is no drilling, just forming, assembling, and everything is pop riveted together. In the early stages of any project, the fabricators are involved with the project management team to plan ahead to avoid potential fabrication and installation challenges. This planning streamlines the entire process and helps JMI ensure it beats the targeted schedule, margins, and customer satisfaction.

“The fabricators in our custom metals division are a select group of the best fabricators in the industry with attention to detail that sets them apart from the rest,” Allen says. “It is a mindset that is required to know that what you are working on can’t just be close enough; it has to be right. We are fortunate to have a team that operates under this mentality and is able to exceed these high expectations efficiently.”

Prototyping is one of the shop’s specialties, he says, which requires good communication and planning with the customer, project management, and the fabricators.

“Documentation of the process to incorporate any changes throughout prototyping is also very important in order to make the production units turn out perfect,” Allen says. “JMI has all the aspects of equipment, labor, and expertise required to form, machine, and weld a product that we are proud to make here in Washington.”

JMI recently made an investment in a new fiber laser cutting machine to enhance the niche market work the company performs.

Building locally is important to Johansen and the rest of the team. “This project ties into our corporate goal of supporting and making a difference in our local community,” he says. “We are able to make a positive difference during this pandemic in the United States, Canada, and hopefully, globally. We are proud of Daniel’s innovation and all his extra effort to make this project successful.” ■



# Project Labor Agreements: What Are Those Again?



By / Michael G. McNally

“Oh, there’s a PLA on that job, okay.”

Chances are good every contractor has said this or something like it at some point in their career. Maybe you’ve also then thought to yourself, “What does that even mean? What is a PLA?” It’s a phrase in your vocabulary that perhaps you use with some regularity, but lack any depth of understanding.

PLAs are prevalent in publicly financed projects in Washington State. In 1996, Governor Lowry signed an executive order encouraging the use of PLAs on public works contracts. In 2015, the Seattle City Council passed an ordinance requiring their use on publicly funded projects of \$5 million or more, and also requiring that at least 20% of all hours on such projects be offered to workers from disadvantaged zip codes.

With the new administration in Washington, DC, and high expectations for an infrastructure stimulus bill, observers expect that PLA requirements will be expanded on federally funded projects in the years to come.

A project labor agreement is a form of agreement, generally between a local building trades council or a group of unions, a general contractor, and sometimes the end-user or developer of the project. PLAs are often limited in scope and duration to a particular project or similarly financed projects, such as school construction. Bid specifications for projects covered by a PLA will note that successful bidders and their jobsite subcontractors will agree to abide by the terms of the PLA.

PLAs are used on both publicly and privately funded projects. While they are commonly associated with public works projects, large private end users, such as Toyota, large power cogeneration facilities owners, and sports stadium developers, also sometimes require the use of PLAs on jobs in certain markets.

PLAs establish terms and conditions of employment of employees on the jobsite. Certain PLAs also cover off-site fabrication and pre-assembly, and require that the employees involved in the fabrication be paid the economic equivalent of the collectively bargained rates. Importantly, PLAs set forth binding dispute resolution procedures and have ‘no-strike’ provisions to ensure the project continues without interruption.

PLAs universally require that the workers on the project be hired in accordance with the terms of the collective bargaining agreement for the scope of work they are performing—i.e. sheet metal workers must be hired through the sheet metal workers union hiring hall. Some PLAs allow a non-signatory employer to employ a fixed number or percentage of “core” or “tag-along” employees who are not hired through the union hiring hall. Such core employees working on a PLA must be paid wage rates consistent with the local union CBA’s rates, and fringe benefit contributions must be remitted on their behalf to the trust funds, even though they are not union members. These core employees may also be required to pay union dues, depending on the particular state’s laws.

A community workforce agreement (CWA) is like a PLA and includes many of the same terms, but also incorporates a targeted hire provision that requires contractors to prioritize hiring of certain workers. CWAs are a more recent adaptation and were introduced in response to criticism that PLAs historically excluded members of the local community from the workforce. CWAs generally include a hiring goal—though sometimes it is a requirement—and cause local unions to adapt their hiring hall referrals to prioritize workers from the local community, historically disadvantaged or underrepresented groups, or economically depressed areas.

PLAs are highly controversial, and part of the centuries

old dispute between unions and non-signatory employers. Supporters advocate that they protect wages, ensure a supply of skilled workers, and eliminate project delays and cost overruns. Critics argue they increase costs, stifle competition, and are inherently unfair to non-signatory employers.

Not surprisingly PLAs have faced many legal challenges.

While many of these cases turn on unique factual issues and obtuse legal questions, in a dispute involving clean-up of the Boston Harbor, the United States Supreme Court found that a state, when acting as a purchaser of construction services, can lawfully mandate a PLA on a project.

There are several more recent, notable decisions where courts have reached different conclusions about the lawfulness of a particular PLA's terms.

In 2019, a Pennsylvania state court struck down a PLA covering a road construction project, finding that it violated the state's competitive bidding laws. The PLA contained a unique carve out that excused United Steelworkers signatory employers from the requirement to hire from the local union, but all other contractors — signatory and non-signatory — were required to hire through the local unions' hiring halls.

In 2017, the Third Circuit and a New Jersey federal court found that a city ordinance requiring the use of a PLA on certain redevelopment projects that received tax abatements was preempted by the *National Labor Relations Act*. The court held that the city was not acting as a purchaser of construction services, but instead as a market regulator, and therefore it could not impose a PLA requirement.

Locally, in December 2018, the AGC of Washington filed an unfair labor practice charge against 17 labor unions party to a CWA with the Washington State Department of Transportation for the SR-520 Interchange and Bridge Replacement Project, arguing that CWA was tantamount to a collective bargaining agreement, but the contractors were not given an opportunity to bargain over its terms. The charge was dismissed, and the denial affirmed on appeal. In its decision the Regional Director of the NLRB determined that there had not been any action taken to actually enforce the provisions of the CWA, which the AGC claimed were unlawful, and accordingly there had not been any violation of the *National Labor Relations Act*.

No doubt such legal challenges will continue.

Hopefully the next time you use the phrase PLA you can think to yourself, "Now I kind of know what I just said." ■

*Michael G. McNally is a partner in the Minneapolis office of Fox Rothschild LLP. He works with clients in all aspects of benefits and labor law, including issues involved in collective bargaining, trust fund matters, and withdrawal liability. He can be reached at 612.607.7094 or mmcnelly@foxrothschild.com.*



SMACNA members perform work in industrial, commercial, institutional, and residential markets. They specialize in heating, ventilation and air conditioning, architectural sheet metal, industrial sheet metal, kitchen equipment, specialty stainless steel work, manufacturing, siding and decking, testing and balancing, service, and energy management and maintenance.

#### CONTRACTOR MEMBERS

ACCO Engineered Systems	Holmberg Mechanical
AccuDuct Manufacturing, Inc.	Johansen Mechanical, Inc.
Air Handlers, Inc.	L & M Sheet Metal Fabricators, Inc.
AIRTEST Co., Inc.	MacDonald-Miller Facility Solutions, Inc.
Apollo Mechanical Contractors	McKinstry Co., LLC
Argo Blower & Mfg. Co., Inc.	Miller Sheet Metal, Inc.
Auburn Mechanical, Inc.	Miller's Smith & Losli Sheet Metal, Inc.
Ballard Sheet Metal Works, Inc.	Neudorfer Engineers, Inc.
Capital Heating and Cooling, Inc.	Olympia Sheet Metal, Inc.
D/B Solutions, LLC	Pacific BIM Services
Delta Technology Corporation	Phoenix Mechanical, Inc.
Distribution International	Pinchiff Mechanical LLC
Eckstrom Industries, Inc.	PSF Mechanical, Inc.
Emerald Aire, Inc.	PSR Mechanical
ENVIROMECH	Schmitt's Sheet Metal & Roofing
Evergreen State Heat & AC	Scott & From Co., Inc.
GB Systems, Inc.	Shinn Mechanical, Inc.
Gensco, Inc.	Sunset Air, Inc.
H & R Mechanical Systems, Inc.	Trotter & Morton Facility Services
Hermanson Company, LLP	TRS Mechanical, Inc.
Holiday-Parks, Inc.	UMC, Inc.

#### AFFILIATE MEMBERS

ACI Mechanical & HVAC Sales	General Insulation Company, Inc.
Ahlers Cressman & Sleight	Gripple, Inc.
Air Reps, LLC	Hudson Bay Insulation Co.
AIREFCO, Inc.	ISAT Seismic Bracing
Armaceil, LLC	Industrial Air Systems, Inc.
Automated Controls	Johns Manville
Barnhart Crane and Rigging (DBA Magnum)	Johnson-Barrow, Inc.
CL Ward, Inc.	Milwaukee Tool
C.M. Hoskins Company	Pacific Product Sales, Inc.
CliftonLarsonAllen, LLP	Performance Contracting, Inc.
Cole Industrial, Inc.	PlanGrid/AutoDesk
Dorse & Company, Inc.	Star Rentals Inc.
Ductmate Industries	SPI, LLC
ECCO Manufacturing, Inc.	Sunbelt Controls
Edge Construction Supply	Sunbelt Rentals
Employer Solutions Law	Trane
	York NW Factory Direct

Sheet Metal and Air Conditioning Contractors' National Association - Western Washington Chapter  
 Executive Vice President: Julie Muller-Neff, Esq.  
 13810 SE Eastgate Way, Ste 445 Bellevue, WA 98005  
 Tel: 425-289-5010 • Fax: 425-289-5011 • www.smacnaww.org

## YOUR NEXT IDEAL SUPERVISOR MUST INCLUDE THESE TRAITS

A supervisor who cares about their team, cares about the team's safety. A 20-year trades ticket or 20 years of job experience essentially become useless the moment a frontline employee becomes a supervisor. Not that 20 years of experience will no longer be needed, but largely, a supervisor does not do the frontline work anymore. They now supervise frontline work, and that requires a completely different skillset.

Effective supervisors need coaching skills, communications skills, people skills, management skills, and leadership skills. Eighty percent of a supervisor's day is spent coaching, communicating, managing, leading, and dealing with people.

So, when companies promote one of their frontline employees into a supervisory position, are they setting that supervisor up to win?

### Clarifying Questions to Select a Supervisor

Before you select your next supervisor, ask yourself and your organization these questions:

- Are we clear on the specific skillset that we want our ideal supervisor to possess?
- Have we articulated that skillset and committed it to a selection process to hire the right supervisor, and not the longest-tenured employee?
- Has the candidate already demonstrated leadership, teamwork, work ethic, and the ability to communicate well?
- Are we prepared to support our existing supervisors in acquiring the skills and character traits to help them meet a higher standard?

When it comes to selecting the right supervisor, serious thought is required. Since the supervisor is the company spokesperson at the frontline, a frontline supervisor needs to align with the company values.

A frontline supervisor needs to embody the traits, skills, and image that the organization would like to project to their employees.

Below are five of the most necessary skills and traits an ideal supervisor should possess.

### Respect

If the other members of the organization do not respect the candidate, promoting them to a supervisor will not improve that. In fact, it may likely degrade the culture of the organization. And if a candidate has difficulty giving or demonstrating respect (to others, to co-workers, to the company), they are simply the wrong choice.



By / Kevin Burns  
www.kevburns.com

### Focused on Others

Supervisory is not about how good the supervisor used to be at the job. It is about how good employees are going to be able to perform with that supervisor leading the team.

As discussed in my Safety Communications & Coaching for Supervisors Program, the role of supervisor is not to be the hero. The role of the supervisor is to be the guide. The best supervisors are focused on helping each individual member of their teams to continuously improve and achieve.

### Safety Gene

When someone is others-focused, it is impossible to not own the safety gene. Safety is how we show that we care for our teams. A supervisor who cares about their team cares about their safety. A supervisor with strong safety values will convince others to do the same.

No one in the organization has more influence over the behaviours of frontline employees than a frontline supervisor. Employees do what their supervisors do. Supervisors need to own the safety gene.

### Quality

There is no pride in work unless special attention is paid to the quality of your work. When quality becomes a mindset, there are no shortcuts anymore. There are no do-overs because it gets done right the first time. And if the result of the job is going to be right, how you do the job is also going to be right. A right mindset results in quality outcomes. Where there is quality, there is pride. And where there is quality and pride, there is safety.

### Approachability

Employees rarely leave a job because of the company or the senior leadership team. An employee leaves most often due to a malfunctioning relationship with their immediate supervisor. Employees want to be able to approach their supervisors to ask questions, offer suggestions, and know that the supervisor stands up for them and the rest of the team. Management and the safety department also want to be able to approach a supervisor without getting pushback and attitude. A supervisor who cannot be approached does not lead a team. Overwhelmingly, employees

continued on page 19



## 2021 SESSION WILL BE REMOTE BUT ROBUST

The 2021 Legislative session will be like no other session before it. Because of the continuing pandemic, the session will be conducted for the most part using virtual platforms like Zoom and Teams and even YouTube. Most of the legislators will work from their homes or district offices. Legislators who don't have good internet connections will be allowed to come to Olympia and use their legislative office but may not be able to access other legislative buildings. In the House only the leadership from each caucus will be allowed on the floor during floor action. In the Senate no more than 25 Senators and staff can be in the Senate chamber during floor action. For most legislators, floor debate and voting will be done remotely.

All of the committee hearings will be virtual, requiring signing up to testify at least a day ahead of the hearing. Committee staff and legislative assistants will work remotely. No members of the public or lobbyists will be allowed in any of the legislative buildings.

The 2021 session will last 105 days, starting on January 11 and concluding on April 25. The main task for the 2021 session is to adopt new two-year budgets for the state general fund as well as budgets for transportation and capital expenditures. But they have a lot more planned than that.

### Big Issues on the Agenda

Despite the awkward logistics for the 2021 session, the Democrat controlled Legislature has ambitious plans for issues they want to tackle. At the top of their list are bills that address the impacts of the pandemic and police accountability. The other issue areas mentioned include economic recovery, climate change, childcare, transportation, and education. An overarching theme for all subject areas is social and racial equity. We will also see bills on land use, plastic recycling, and new environmental review standards. The concern of many is how carefully these issues will be vetted in a virtual environment.

The transportation budget has a current deficit because its traditional fund sources have been slowed by the pandemic. Legislators in both the House and the Senate are looking at a carbon tax or fee to shore up this budget. This carbon fee would be imposed on all fossil-based fuels, including natural gas. The general fund budget, despite early dire warning about a large deficit, is in balance for the remainder of this biennium. It is projected to have a modest deficit for the 2021-23 biennium. The state has a reserve of \$3 billion that could be tapped, plus there will likely be federal pandemic relief money coming in.

One would think with all of the economic impacts on business and the relatively good news for the general fund, that taxes would be off the table. But they aren't. The House Democrats



By / Kathleen Collins  
SMACNA Legislative Consultant

plan to pass a capital gains tax, not because they need the money now or even next biennium. They want to pass it to get the expected lawsuit under way. This law suit will determine if our current Supreme Court will affirm a former ruling that a capital gains tax is a form of income tax and therefore not constitutional. The House Democrats are also discussing a high earner employment tax fashioned after Seattle's tax. The tax would be statewide and apply to "world-wide" businesses. "World-wide" business is not defined. At this writing, it would not preempt Seattle's tax, although a credit for those subject to both is possible.

### Governor's Climate Agenda

Governor Inslee is proposing an ambitious climate change agenda. He wants to pass a clean transportation fuels bill. This is not a new issue. Recent attempts have met strong opposition out of fear that it will raise the price of gasoline and diesel. California and Oregon have clean fuel laws. Second on the Governor's agenda is an economy wide Cap and Trade (C&T) bill. This is also not a new issue. A C&T bill will require entities that emit CO<sub>2</sub> to either reduce their emissions or buy allowances from the state to mitigate them. The Governor plans to use the proceeds from the sale of the allowances to fund several clean energy efforts and to give rebates to low-income families impacted by the expected increased costs.

The proposal that will be of most interest to SMACNA contractors is the Governor's Health Homes and Clean Building proposal. He will introduce a bill to require new buildings to be zero-carbon by 2030 and put the state on a path to eliminate fossil fuels from existing buildings by 2050. His bill will create a heat pump and electrification program to support clean electricity for space and water heating and authorizes public utilities to provide incentives for high-efficiency electric equipment. We have not seen the language for this proposal at the time of this writing. It is unclear whether the 2030 mandate will apply to only new commercial buildings or will include new residential buildings as well. Included in the bill is \$141 million to weatherize low-income housing, retrofit public buildings and pay for transition to heat pumps away from fossil fuel heat. SMACNA will discuss

continued on page 19

## MINIMUM THRESHOLDS FOR NON-COMPETES HIGHER JANUARY 1

On January 1, 2020, RCW 49.62 took effect. This law governs the enforcement of employee or independent contractors' non-compete agreements in Washington State. The legislature's reasoning behind the need for this new set of requirements was that "workforce mobility is important to economic growth and development." Additionally, there were several employers who were seen to abuse non-compete agreements for workers who were not paid enough and whose skillsets were not unique enough to justify the use of a non-compete agreement against them. Some examples included dog sitting businesses and sandwich shops paying minimum wage who were requiring their employees to sign these agreements as a condition of employment.

In response, the legislature established a minimum earnings threshold that must be met before a non-compete agreement can be enforceable. On January 1, 2021, a non-compete agreement is only enforceable if the employee subject to the non-compete agreement has annual earnings of at least \$101,390.00. The amount is \$253,475.00 for independent contractors.

However, simply paying an employee a base salary of \$101,390.00 may not be enough for an employee to meet the minimum earning threshold for non-compete agreement enforcement. RCW 49.62.010 defines "earnings" as those earnings reflected in box one of the IRS W-2 form. Importantly for employers wishing to use and enforce a non-compete agreement, an employee's annual salary is not necessarily the same amount that will be reflected in box one of the W-2. Box one does not include elective deferrals to retirement plans, pretax benefits, or payroll deductions. Depending on the amount of this compensation, an employee who at first may appear to meet the minimum earnings threshold for a non-compete agreement to be enforceable, may not have sufficient earnings for enforcement under the law.



By / Brian Padgett  
Partner, Employer Solutions Law

Furthermore, if an employer attempts to enforce a non-compete agreement later deemed void and unenforceable, under RCW 49.62.080, that employer "must pay the aggrieved person the greater of his or her actual damages or a statutory penalty of five thousand dollars, plus reasonable attorneys' fees, expenses, and costs incurred in the proceeding." Depending on the complexity of the case, these costs could run in to six figures or more. For these reasons, it is extremely important for any employer contemplating the use or enforcement of a non-compete agreement to confirm that the employee or independent contractor subject to the agreement meets the necessary thresholds established under RCW 49.62.

*Brian Padgett is a partner at Employer Solutions Law with his practice primarily focused on workplace safety and fighting DOSH/WISHA violations, workers' compensation advocacy, employment law, and appearing before the Washington State Apprenticeship and Training Council. Before joining Employer Solutions Law, Brian worked for a national disability advocacy firm and a Washington State plaintiff's injury firm where he handled workers' compensation and disability cases. Brian lives in Maple Valley with his wife and 130 pound yellow lab Ziggy where he enjoys spending time with his friends and family—especially outdoors when the sun is shining! ■*

# Sheet Metal Journal

Western Washington

Reaching the HVAC and sheet metal market in Western Washington is easy. Advertise with *Sheet Metal Journal - Western Washington* to access industry professionals in this region.

For more information call 1.877.755.2762 or  
email [lperraton@pointonemedia.com](mailto:lperraton@pointonemedia.com)

Have a story idea or project to share? Drop our editor, Jessica Kirby, a line at 250.816.3671 or  
by email at [jkirby@pointonemedia.com](mailto:jkirby@pointonemedia.com).

**INDUSTRY NEWS**

continued from page 9

forgiveness. Please note this letter is limited to associations only. If you are interested in signing, please visit the link below.

[https://docs.google.com/forms/d/e/1FAIpQLSeTcah9tI9gC12kaLVYjzEAoVdAAeh8zuCmVLAD\\_fVCw06BNQ/viewform](https://docs.google.com/forms/d/e/1FAIpQLSeTcah9tI9gC12kaLVYjzEAoVdAAeh8zuCmVLAD_fVCw06BNQ/viewform) ■

**PPP LOAN FORGIVENESS - QUICK 1-MINUTE SURVEY HOW CAN SMACNA HELP?**

Some of you have reached out expressing concerns over the PPP Loan Forgiveness program.

It is our understanding that during the application process for Loan Forgiveness, the SBA is requesting additional information from applicants. For example, the SBA has requested a copy of each Governor proclamation concerning COVID and the impact the proclamation has had on the industry. Since these additional documentation requests were unexpected, SMACNA-WW would like to create a database for you to pull from if asked these questions during the loan forgiveness process.

As such, if you are in the process of applying for loan forgiveness and have been asked to provide supporting documentation, please take the following PPP Loan Forgiveness survey. All answers will be kept confidential. Take survey at: [survey.constantcontact.com/survey/a07ehg7vgp5kiex89ed/a00mkiyykx38/questions](https://survey.constantcontact.com/survey/a07ehg7vgp5kiex89ed/a00mkiyykx38/questions) ■

**CONTRACTORS 101**

continued from page 16

want to feel valued and valuable. An approachable supervisor facilitates that.

**Do Not Make this Mistake**

This is not an exhaustive list. There are so many other traits, skills and characteristics that could bolster frontline teams. It is important that your company decides for themselves, the traits, skills, and characteristics they would like to see coming from all supervisors.

**New Call-to-Action**

Now here is where an organization must be careful. When determining the characteristics, traits, and skills of your ideal

supervisor, do not view these through the corporate lens. View them through the eyes of your frontline employees.

- What are the skills, traits, and characteristics that frontline employees would want their supervisors to have?
- What would cause employees to respond favorably in their daily interactions with their immediate supervisor?

Employees who look favorably at their workplace are more willing to work as a team and remain loyal to that workplace. When employees care about their workplace, they are willing to stand up and protect it, and good safety performance results.

Since all initiatives, policies, process, and procedure are facilitated through the supervisor, including safety, the supervisor needs to embody the values of the organization. ■

**LEGISLATIVE UPDATES**

continued from page 17

our position on this bill. The Building Trades Council said they support the Governor’s agenda.

**Unemployment Insurance and Contractor Bills**

We will see an unemployment insurance bill aimed at lessening the expected increase in employer taxes used to fund the system. Not surprising, the surge of out of work employees has strained the unemployment insurance fund to the point of near insolvency. Employers in some industries like hospitality and retail who have had traditionally low turnover now have laid off much of their workforce. They will see dramatic increases in their unemployment taxes, as much as 500%. The impact on construction contractors will be mixed, depending on how soon they were able to get their employees back to work. The Employment Security Department will propose a bill to smooth out the impact for these employers. We expect to have details before session starts.

We expect relatively few contractor bills. There will be a bill to reauthorize the Capital Project Advisory Review Board. It will include some improvements to the GC/CM and Design Build construction processes in current law. There could be proposals to encourage the hiring of women and minority owned businesses.

SMACNA will keep you informed of the issues that impact you during the 2021 session. It is possible that not many bills pass, but it is likely those bills could have big impacts. Stay tuned. ■

advertiser index

advertiser	page	phone	website
BuildCentrix	OBC	855.932.3828	www.webduct.com
SMACNA-WW	IFC, 15	425.289.5010	www.smacnaww.org
Star Rentals	9	206.622.7880	www.starrentals.com



# BuildCentrix

Webduct Evolved

*Photo courtesy of PSF Mechanical Inc.*

## Lean construction technology for mechanical and HVAC contractors

### **BUILT FOR YOUR INDUSTRY**

BuildCentrix is a modular multi-trade platform built specifically for integrated mechanical and HVAC contractors.

### **ALL THE TOOLS YOU NEED, NONE OF THE HASSLE**

100% cloud-based, with integration points for accounting, ERP, and fabrication software provide you with a high return on investment without sacrificing the power you need in the field, shop, and office.

Call us toll Free at 1-855-932-3828 for a free trial or email [support@buildcentrix.com](mailto:support@buildcentrix.com)

See it for yourself. Visit [www.buildcentrix.com](http://www.buildcentrix.com) to schedule an online demo today.