WBMA Mid-Summer Meetings

WBMA held our Mid-Summer meetings July 30-31 at Skamania Lodge in Stevenson, Washington. WBMA’s Board of Directors held their annual planning session in addition to the board meeting. Other meetings included the Executive Committee and the Investment Committee.

Attendees at this summer’s meeting discussed several initiatives for WBMA to expand our professional development efforts and continue being the region’s leading source for industry-specific training programs and regulatory compliance assistance.

Two new programs will be available this fall. On October 7th an HR Managers Workshop will be conducted by Alicia Cappola, owner of HR consulting firm Real People Person. On October 21-22 the Building Material Marketing Course will feature product knowledge sessions by several of our Supplier members along with other topics including customer service, residential construction basics, building material terminology and lumber basics.

Both conferences will be held at our Kincaid Learning Center in Olympia, Washington. Complete program descriptions and registration information will be available soon.

Additionally, we will be conducting our popular Blueprint Reading & Material Take-Off Workshop at the Kincaid Learning Center on October 8 & 9, 2014.

WBMA is planning a number of workshops throughout our region for the coming year. Included will be a Marketing Conference, Introduction to LBM Sales, Building Material Marketing Course and Blueprint Reading & Material Take-Off Workshops.

WBMA exists to serve our members. Contact us first if you have questions regarding regulatory compliance or employee training needs.
Bill Lee to Headline Annual Convention

Annual Convention
November 5-7, 2014
Red Lion On the River
Portland, OR

WBMA is pleased to announce leading industry consultant Bill Lee. Bill will be presenting two programs during our Annual Convention on November 6th in Portland, Oregon. His morning program “How to Take Your Business to the Next Level” will focus on growing sales and optimizing earnings. Later in the afternoon Bill will present “Coaching Your Salespeople on Dealing with Price Objections”, and will focus on the role of pricing in gross margin control.

Mark your calendars now to attend these valuable sessions and take your business to the next level!

On-Line Product Source Listing

A product source listing (buyer’s guide) of WBMA Supplier and Associate members is in its developmental stage and will be launched soon. WBMA has partnered with Strategic Value Media, a leading nationwide provider of print and digital media solutions to national, state and local trade and membership associations, to produce the buyer’s guide. Adam Meyers will be leading their effort and contacting WBMA Supplier and Associate members in reference to the guide on our behalf.

Once completed, the guide will be available on WBMA’s website www.wbma.org and will include company listings by product category. WBMA members will receive complimentary “basic listings”.

Expanded listings and banner advertising are available. For questions and rates please contact Adam Meyers amyers@associationpublishing.net.

Welcome New Members

Louisiana Pacific Corporation is a leading manufacturer of quality engineered wood building materials including OSB, structural framing products, and exterior siding for use in residential, industrial and light commercial construction. From manufacturing facilities in the U.S., Canada, Chile and Brazil, LP products are sold to builders and homeowners through building materials distributors and dealers and retail home centers. Founded in 1973, LP is headquartered in Nashville, Tennessee and traded on the New York Stock Exchange under LPX.

Contact: Dale Echigoshima - 425-985-2345
Email: Dale.Echigoshima@lpcorp.com
Website: www.lpcorp.com

41 Lumber & Supply, LLC
Spirit Lake, Idaho
Contact: Chris or Jameson Kersey
Phone: (208) 623-4100
Email: 41lumberandsupply@gmail.com

ProSales Chart of the Month

LBM Dealers’ Balancing Act

![LBM Dealers’ Balancing Act Chart](chart.png)
HR Insights for the Building Material Industry

*Alicia Cappola, Real People Person, LLC*

Alicia has been in Human Resources in Washington since 2004 primarily on the retail side of the building materials industry. Please feel free to contact her directly at alicia@realpeopleperson.com

**HR Tidbit: Do I Have to Pay Accrued Vacation?**

By: Alicia Cappola; Real People Person LLC

There are currently no federal laws that govern whether or not you are required to pay out accrued vacation pay to an employee who no longer works for you (whether it was a voluntary or involuntary termination). Most states do have their own laws though, so make sure you know what they say:

- **Alaska** - Payments agreed to, including unused vacation, must be paid.
- **Idaho** - Unused vacation pay must be paid if the employer policy* is to pay.
- **Montana** - Accrued vacation must be paid.
- **Oregon** - Unused vacation pay must be paid if the employer policy* is to pay.
- **Washington** - No law.

*Remember, if you have an established practice of paying out vacation, you could be setting a precedent that would hold you to the same standard as if you had a written policy. Make sure your policies match your actual practices.

**Religious Garb & Grooming**

By: Alicia Cappola; Real People Person LLC

You know your customers, you have a good handle on their preferences, and you’re a business owner or manager. Since it makes your customers feel uncomfortable (a few have even told you as much) you decide to ask your new sales employee not to wear her religious headscarf while she’s on the sales floor. The next thing you know you’re part of employee claims of religious discrimination rising more than 100% since 1997! What happened? You have an obligation to make sure your customers feel comfortable in your store and with your employees, don’t you?

Title VII of the Civil Rights Act of 1964 (or just Title VII for short) provides relief from discrimination on the basis of age, disability, race/color, ethnicity, gender, religion, national origin, genetic information, and pregnancy as well as protections from sexual harassment, and retaliation. In some states, including Washington, sexual orientation is also among the protected classes. Once an employer is aware that a religious accommodation is needed they should do so unless it poses an undue hardship for the employer. The courts have held that making an adverse employment decision against a sincerely held employment decision against a sincerely held religious belief based on customer preference is unlawful discrimination.

So, how would you know if a religious belief is sincerely held? How is an “undue hardship” determined? Usually the sincerity of an employee’s stated religious belief isn’t disputed in cases of religious discrimination because it’s quite common and reasonable for a person’s individual religious practices may deviate from commonly followed tenets. If you feel that you have a justified reason to question the sincerity of a religious belief you may ask the applicant or employee for more information you might need to properly evaluate their request. Tread lightly on this ground though, and consider seeking legal advice before moving forward on challenging the sincerity of a person’s beliefs. “Undue hardship” is a little easier to get a firm grasp on. For the purposes of religious discrimination (not all discrimination types hold the same level of burden) an undue hardship is defined by the courts as “more than the minimum” cost on the operation of business. So, if it costs more than ordinary administrative costs to provide a religious accommodation or if there is a safety concern in making the accommodation, you may not need to do so. Most religious accommodations do not incur any cost to the business though and often involve an employee needing to modify their work uniform, adjust their break/meal times on occasion, or wear their facial hair in a manner you might not allow for other employees.

Great, now all of the salesmen will get to wear a beard even though I have a clean-cut policy, right? Nope! Making a religious accommodation does not jeopardize your policies/dress codes, etc. for all employees. Employees who have a non-religious preference are not entitled to the same accommodations as those with a sincerely held religious belief.

A lot of further questions can crop up when it comes to religious accommodations, or any other accommodation for that matter. If you have any questions, you can send me an email at alicia@realpeopleperson.com or ask in-person at the WBMA Kincaid Learning Center on October 7th.
National Green Building Standard Usage Grows to 30%
Sourceable (07/30/14) Hansen, Steve
The percent of single-family homebuilders using National Green Building Standards grew from 21 percent in 2011 to 30 percent in 2013, according to a U.S. National Association of Homebuilders report. Almost 50 percent of single-family homebuilders that build at least 30 percent of their homes as green homes use NGBS and only 13 percent use LEED. Conversely, 32 percent of multi-family homebuilders used LEED for Homes on their green projects, and another 16 percent used LEED for Neighborhood Development, while only 13 percent used NGBS. About 75,000 NGBS-certified projects have been built since its inception in 2009. Although similar to LEED, NGBS is somewhat easier to use and less expensive, according to some builders and certifiers. “NGBS is created specifically for residential building and is less expensive than LEED,” says Missouri homebuilder Kim Hibbs. "The NGBS is also distinct in that it requires a homeowner education component that is very important for the ongoing efficiency and maintenance of the home." The U.S. Green Building Council has certified more than 50,000 residential units in the U.S. since the LEED standard's launch in 2007. USGBC says more than 150,000 residential units have been LEED-certified worldwide.

House Passes Bonus Depreciation Bill
On July 11th, the House of Representatives by a vote of 258 to 160 approved permanently extending the bonus depreciation tax incentive for businesses. 34 Democrats voted for the bill while two Republicans voted against it. As part of the legislation, businesses would be able to claim an additional first-year depreciation tax deduction equal to 50 percent of the value of qualified property investments, such as machinery and equipment. Bonus depreciation, which expired at the end of 2013, would be renewed retroactively under the bill and expanded to retail stores that are owner-occupied as well as those that are leased.

The legislation set ups a conflict with the Senate that is thought to favor a temporary extension of the bonus depreciation incentive that expired at the end of the 2013, and President Obama has threatened to veto the measure if it makes it through Congress.

Set Up a Congressional Visit During August Recess!
Congress has left Washington for its annual August recess and will not return until September 8. NLBMDA wants to give you the tools you need to engage your elected officials during the five-week break as members of the House and Senate return to their districts/states.

We encourage NLBMDA members to focus their outreach on the following areas:

Protection from Unfounded Lawsuits - Ask your Representative to cosponsor the Innocent Sellers Fairness Act (H.R. 2746) protecting building material dealers, distributors, and other retailers from unwarranted and unfounded product liability lawsuits.

Online Sales Tax Fairness - The Marketplace Fairness Act provides a federal solution addressing the lack of sales tax parity between community-based retailers, such as lumber yards, and out-of-state merchants selling products online.

EPA Lead Rule Reform - NLBMDA supports common-sense reforms to EPA's Lead: Renovation, Repair and Painting rule, including restoration of the opt-out provision and suspending the rule's requirements for some home owners until the Agency approves a more accurate lead paint test kit. To make matters worse, EPA is exploring expanding the rule to public and commercial buildings.

Improving Energy Efficiency - Encourage Senators to renew their efforts in passing the Energy Savings and Industrial Competitiveness (ESIC) Act (S. 2074), a bipartisan bill to spur the use of energy efficiency technologies in the residential, commercial, and industrial sectors of the economy, while also fostering job creation.

Take Action During the August Recess Period:
Contact your member of Congress and set up a meeting. Ask your elected officials for a meeting in their district office so that you can discuss the legislative priorities with them face to face.

Invite your Representative and Senators to your lumber yard. Show them what your operation entails, how your company operates and what your employees do on a daily basis. Yard tours are a great way for lawmakers to meet you and your employees, hear about your company's success and see first-hand how their votes impact your business.
Record Fine Shows Challenges with EPA’s Lead Paint Rule

By Ben Gann, Director of Legislative Affairs & Grassroots Activities
National Lumber & Building Material Dealers Association

On April 17, Lowe’s, the nation’s second-largest home improvement retail chain, reached a settlement agreement with the Department of Justice and the Environmental Protection Agency (EPA) over violations of the federal Lead: Renovation, Repair, and Painting (RRP) Rule. As part of the agreement, Lowe’s will implement a comprehensive, corporate-wide compliance program at its over 1,700 U.S. stores to ensure that the contractors it hires to perform work minimize lead dust from home renovation activities. The company will also pay a $500,000 civil penalty, which is the largest ever for violations of the RRP Rule.

The government complaint alleges that Lowe’s failed to provide documentation showing that the contractors it hires to perform renovation projects had been certified by EPA, had been properly trained, had used lead-safe work practices, or had correctly used EPA-approved lead test kits at renovation sites. Although citing Lowe’s mostly for recordkeeping violations, EPA’s investigation showed that at three homes Lowe’s contractors failed to ensure that work areas had been properly contained during renovations and did not clean up after renovations.

EPA discovered the violations through a review of records from projects performed by renovators working under contract for Lowe’s stores in nine states. In addition to the civil penalty, Lowe’s must implement a comprehensive compliance program to ensure that the contractors it hires to perform work for its customers comply with the RRP Rule, and will submit quarterly reports to EPA for the first year, then bi-annually after that.

Lowe’s, which has hired thousands of independent, third-party contractors to perform renovations on homes subject to the RRP Rule, has fully complied with EPA’s investigation and has said none of the issues the agency discovered resulted in any lead-related health problems.

Continued Challenges with the Rule

The record fine imposed on Lowe’s for RRP violations highlights the ongoing problem of EPA focusing enforcement efforts on paperwork violations rather than on lead-safe work practices. To date, most RRP violations have been for paperwork violations rather than failing to use lead-safe work practices. This flawed approach to enforcement has disproportionately targeted firms certified to perform RRP work rather than uncertified firms and contractors failing to comply with the rule.

Further, EPA’s consumer education on the rule has been nearly nonexistent, causing consumers to hire uncertified contractors because of the increased costs in hiring certified renovators. Consequently, certified firms complying with the RRP rule cannot compete for much-needed work against non-compliant businesses that, ironically, lack the training to actually perform lead-safe renovations and prevent lead hazard exposures.