



Council of Industry Newsletter

December 2014
Volume 18
Issue 10

Hudson Valley Manufacturing Celebrated at Annual Luncheon & Expo



EJ McMahon, President of the Empire Center for Public Policy addresses the Annual Luncheon.

Manufacturers from throughout the Hudson Valley gathered on November 7th for the Council of Industry's Annual Luncheon and Member / Associate Member Expo at the Dutchess Golf Club in Poughkeepsie, NY. The keynote address was given by E.J. McMahon, president of the Empire Center for Public Policy, Inc., who discussed the current fiscal state of affairs for New York and the impact of the election results. The event honored the recipients of the Certificate in Manufacturing Leadership which was presented at the luncheon by SUNY Dutchess Dean Virginia Stoeffel. The Council of Industry also premiered short video segments that will be added to their website highlighting local manufacturers. There were over 200 manufacturers and associated industry professionals in attendance at the event.

Keynote speaker, E.J. McMahon has written numerous pieces on regional, state and local issues, recommending policy changes and reforms to increase economic growth. His presentation focused on the way upstate New York is lagging behind much if not all of the other states and down state New York in recovering from the recession. He included slides on the out-migration of New York residents to other states, and the past few attempts at cutting and restructuring New York's deficit-ridden state budget. Some key points McMahon hit on were how private employment upstate peaked in 2000 and hasn't fully recovered from the last two recessions, and upstate's relative economic decline is strongly related to its long-term loss of manufacturing jobs—which has exceeded the national decline—and its failure to generate sufficient new employment opportunities in other sectors. The lack of opportunity in upstate New York is reflected in population trends over the past two decades—especially the region's failure to retain young adults. His articles have appeared in *The Wall Street Journal*, *The New York Times*, *Barron's*, *The Public Interest*, *The New York Post*, *The New York Daily News*, *Newsday*, and *The New York Sun*, among other publications. McMahon was the Council of Industry's keynote speaker in 2009 and we are thrilled to have him back again.

The Expo portion of the event showcased the products and services Council of Industry members and associate members provide. There was a wide variety of displays from insurance, construction, gift baskets, video production, custodial products, staffing, training and packaging, just to name a few. This is an opportunity for members and associate members to showcase their wares and make connections.



The Olde Hudson Expo table showcased the delicious gourmet gift baskets they are known for. *Photo credit Ad Essentials*

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Training and Education

Last Chance to Save on Certificate in Manufacturing Leadership Classes

“The Certificate in Manufacturing Leadership Program offered by Dutchess County Community College and the Council of Industry is a comprehensive program that has helped supplement the leadership development offered by our company. The program's wide array of topics cover many of the issues today's manufacturing leaders face. We see marked improvement in the skill set of our graduates and have found this program to be a smart investment in the leadership of our company.”

- Cindy Gerathy, Zumtobel Lighting

The Certificate in Manufacturing Leadership Program’s Early Bird Discount is part of the Council of Industry’s effort to make this training affordable to all of our members. We are offering a valuable discount to companies that register and pay for individual Certificate in Manufacturing Leadership classes or the entire program by December 31st, 2014. For companies with more than one employee in the program or attending the same class the savings is even greater. This program has had classes go to wait lists the last two years so early registration is the best way to guarantee a seat and by paying in advance your company can save substantially. For discount details see the chart below:

Program Cost*	Single Member	Two or More From Same Company
One Day Course	\$200.00 before discount \$185.00 with Early Bird discount	\$175.00 before discount \$160.00 with Early Bird discount
Fundamentals of Leadership	\$400.00 before discount \$370.00 with Early Bird discount	\$350.00 before discount \$320.00 with Early Bird discount
Entire Program	\$1,700.00 before \$1,600.00 with Early Bird discount	\$1,550.00 before discount \$1,450.00 with Early Bird discount

Fundamentals of Leadership (Introductory class in the Leadership Program)

Date(s): January 14 and January 21, 2015

Time: 9:00am - 4:30pm

Location: Dutchess Community College, Bowne Hall, Poughkeepsie, NY

Instructor: Rebecca Mazin, Recruit Right

Cost: \$400 for a single member, \$350 each for two or more from the same company, \$700 for non members

To register click here: <http://www.councilofindustry.org/course/fundamentals-of-leadership/>

This first class in the Certificate in Manufacturing Leadership Program takes managers and supervisors on a two day journey that begins with a discussion of the difference between leadership and management. This discussion sets the stage for a program that allows participants to identify their own leadership style and gain tools and techniques to make their individual strengths most effective. Attendees complete the DiSC Classic Profile, a non judgmental personality tool for understanding their behaviors as a leader. Leaders use this knowledge to understand behavior across four primary dimensions.

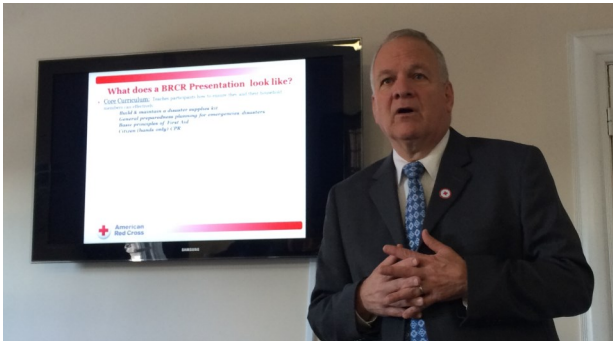
- DiSC Profile information creates a baseline for exploration of skills and techniques to enhance leadership effectiveness including:
- Individual approaches in response to different workplace talents.
- Communication styles of effective leaders.
- Building a team through targeted recruitment and interviewing.
- The essentials for establishing expectations.
- Solving common problems. · Delegating to get things done.
- Managing employee performance to achieve goals.

For more information contact Alison Butler at abutler@councilofindustry.org or call (845) 565-1355.



Network & Council News

Recap of the November Disaster Preparation Presentation



On Friday, November 14th, Hank Spangler, of The American Red Cross' Health and Safety Services Group, presented an overview of the training and services the Red Cross has available for companies in regard to disaster preparation. The presentation's mission was to raise the level of awareness regarding programs that can prepare individuals at all levels in an organization to deal with emergencies and disasters BEFORE they happen.

Spangler discussed the need for stress inoculation, practicing in order to stay calm during an actual emergency, and the types of training offered towards this goal:

- Be Red Cross Ready— 60 –90 minute Foundational Preparedness programs on the topics of your choosing providing the fundamental knowledge and skills to confront the selected emergency.
- Lay Responder Training—the classes the Red Cross is best known for: First Aid, CPR & AED for Adults and children. There are different combos of these that can be administered to your employees.
- Team First Aid Exercises— Training and practice with groups of 3 or 4 for already certified First Aid/ CPR/ AED employees to refresh skills and provide situational experience of working on and with co-workers.
- The Red Cross also offers training in OSHA 10/30 , both in person and online.

There are also a wide variety of free apps from the Red Cross with videos and step by step guidance for emergency situations from asthma attacks to poisoning to flooding. Only the pet first aid app cost money (\$0.99) the rest are free to download onto your smart phone or tablet.

If you have questions or would like to know more about these red Cross Programs you can contact Hank at hank.spangler@redcross.org or call (845) 938-4865.

December HR Sub-council: Tools for Leadership Success

Topic: Tools for Leadership Success – Using the DiSC Personality Profile in the Workplace

Presenter: Rebecca Mazin, Recruit Right, and Fundamentals of Leadership Instructor

When: Friday, December 5, 8:30- 10:00 am

Where: Dutchess Community College, Poughkeepsie, NY

Cost: None for members

Registration: online at: <http://www.councilofindustry.org/council-networks/humanresources/>

Or e-mail Alison Butler at abutler@councilofindustry.org or call (845) 565-1355.

Join us for a peek into this toolbox which begins with an online DiSC Management assessment. People don't wear easy identifiers to let managers know what approach to use, or if the manager's natural approach is working. Using DiSC helps build more effective working relationships based on an understanding of different behavioral styles.



You will leave this presentation with an access code for a free DiSC Management assessment, take it yourself or hand it off to another leader in your company. It's bound to be a valuable tool for workplace effectiveness.

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LENDER



Human Resource Matters

Understanding an Employer’s Obligations When Domestic Violence Affects the Workplace

By Mark A. Moldenhauer, Bond, Schoeneck & King, PLLC, a Council of Industry Associate Member

Over the past few months, the media has reported extensively about several incidents of domestic violence involving professional athletes. While these high-profile cases generate huge attention, it is important to remember that domestic violence is a problem of epidemic proportion. The Center for Disease Control and Prevention reports that 1 in 4 women and 1 in 10 men have experienced physical or sexual violence or stalking by an intimate partner. Only a small fraction of these cases involve millionaire athletes.

Whether it is obvious or not, domestic violence impacts workplaces across the United States on a daily basis. When this happens, an employer is often left struggling with the question of how – if at all – it should acknowledge and react to an employee’s sensitive and highly personal situation. While the nature of the problem makes it impossible to predict every issue that might arise, the following questions are frequently asked by employers when domestic violence affects their workplace.

Do any job protections exist for domestic violence victims?

Yes. In several states, including New York, domestic violence victim status is a protected category, meaning that an employer cannot take adverse job actions against an individual on that basis. While federal law does not expressly provide this same protection, Title VII of the Civil Rights Act (Title VII) makes it unlawful for an employer to treat an employee differently due to sex-based stereotypes, such as the assumption that there will inevitably be "distractions" in the workplace if a female employee is involved in an incident of domestic violence. This is not to say that domestic violence victims are insulated from employment actions taken for legitimate work deficiencies or other non-discriminatory reasons. It does mean, however, that an employer will be expected to prove that a challenged action occurred for a non-discriminatory reason.

It is also important to remember that the Americans with Disabilities Act (ADA) and analogous state laws prohibit discrimination on the basis of covered physical or mental impairments. Those same laws also require employers to provide disability-related accommodations, which could include modifying certain job responsibilities or employment policies, unless doing so would cause an undue hardship to the business. Although an incident of domestic violence would not itself implicate these laws, the accompanying physical and emotional harm could constitute a disability resulting in employee coverage.

Is an employer required to provide victims of domestic violence time off from work?

The New York Penal Law makes it a misdemeanor offense for an employer to penalize the victim of a crime who, after giving advance notice, takes time off from work to appear in court as a

witness, consult with a district attorney, or obtain an order of protection. In addition, the federal Family and Medical Leave Act (FMLA) grants eligible employees up to 12 weeks of unpaid leave to recover or receive treatment for serious health conditions, which could include counseling for any physical or psychological conditions resulting from domestic violence.

The ADA and equivalent state laws may also require that some amount of unpaid leave be offered as a form of reasonable accommodation.

An employer would also be expected to grant domestic violence victims time off from work pursuant to internal leave policies if leave is normally available to employees experiencing other types of personal matters.

Is an employer obligated to ensure a safe workplace for domestic violence victims?

The Occupational Safety and Health Administration considers workplace violence to be an occupational hazard which can be prevented or minimized with appropriate precautions. Included within the agency’s definition of workplace violence is violence by someone who does not work at a given location, but who has a personal relationship with an employee. Under the Occupational Safety and Health Act’s "General Duty Clause," employers are required to provide a place of employment that is free from recognizable hazards that cause or are likely to cause harm to employees. An employer that has experienced acts of workplace violence – or is on notice of threats, intimidation, or other indicia to show a potential for workplace violence – is required under the general duty clause to implement feasible abatement measures.

What if my employee is not the victim, but is the person accused or found guilty of engaging in criminal acts often associated with domestic violence?

New York and many other states make it unlawful for an employer to discipline, discharge, or take other adverse action against an employee who was accused of a crime if the charges have been dropped, dismissed, or otherwise resolved in the employee’s favor. At least in New York, that same protection is not afforded to pending charges, but an employer motivated by mere allegations that an employee has perpetrated a crime could nevertheless find itself defending against claims of discrimination on other grounds.



Continued on page 15



More Human Resource Matters

Consider “WorkKeys” as a Hiring Tool

By Jim Kimple, Council of Industry TAACCCT Grant Coordinator

Looking for ways to reduce hiring costs? Are you reasonably sure prospects are ready to work in your plant, that they can read your manuals, do basic math, adjust temperatures, check tolerances, follow standard procedures, and solve problems on the job? Diplomas, GED certificates, and job histories help, but they are not always reliable indicators. Reading and math grade-level scores don't always predict work-related skills. And skills alone don't ensure a good fit between a company's needs and a prospective employee. Reliability varies a great deal, and poor hires cost too much to leave anything to chance. Requiring the CPT credential (Certified Production Technician) is one excellent way to improve the odds—but at least for a while, hiring needs will out-pace the rate at which schools and the Council of Industry's SUNY and P-Tech partners can turn out credentialed prospects.

Enter work readiness assessment tools developed by ACT that may help increase successful hire rates. ACT (known for its college readiness alternative to the SAT exam) calls its proprietary system WorkKeys and describes their products this way:

... *WorkKeys is a job skills assessment system that helps employers select, hire, train, develop, and retain a high-performance workforce. This series of tests measures foundational and soft skills and offers specialized assessments to target institutional needs.*

WorkKeys provides a set of tools designed to help employers identify and prepare the talent they need. The basic WorkKeys assessment measures what ACT calls “work readiness”, or the ‘real world’ skills that employers believe are critical to job success. It focuses on three areas”: Applied Mathematics, Locating Information, and Reading for Information. Test questions are based on situations in the everyday work world. A successful score on the assessment qualifies job seekers for the ACT National Career Readiness Certificate (NCRC). The certificate is consistent with the NAAM skills model and is a portable credential of achievement and demonstrated workplace employability skills. Additional “Foundational Assessments” and “Soft Skill Assessments” go beyond the basic threshold and focus on increasing the odds of a good fit between the company and a new hire. The additional skills assessed include:

- Applied Technology

- Business Writing
- Listening for Understanding
- Teamwork
- Workplace Observation



A set of “Soft Skills Assessments” focuses on

- Fit (or how well the individual is suited to company culture, teams, communication, etc.)
- Performance
- Talent

Research conducted by ACT supports the claim that the system works (no surprise there, but it appears rigorous), and a number of significant companies endorse the product, including: CME Automotive, Dow Corning, Eastman Chemical, Hemlock Semiconductor, and Northrop Grumman Ship Systems, to name a few. Several states and workforce development organizations also utilize WorkKeys in one or more ways, including:

- Assessing readiness,
- Directing workforce training and education,
- Issuing certificates of career readiness, or in other ways.

Michigan, Illinois, Kentucky, North Carolina, and ten other states employ WorkKeys.

While the Council of Industry is not endorsing WorkKeys here, the ACT system components appear to be a well-designed, thoroughly researched, and useful—worthy of consideration by companies that wish to increase their rate of successful hiring.

WorkKeys provides a set of tools designed to help employers identify and prepare the talent they need. The basic WorkKeys assessment measures what ACT calls “work readiness”, or the ‘real world’ skills that employers believe are critical to job success.

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Legislative Matters

President to Expand, Create Programs for Undocumented Workers

By Otieno Ombok, Attorney, Jackson Lewis P.C., a Council of Industry Associate Member

President Barack Obama has announced he will take executive action to expand the population of currently undocumented individuals who will be allowed to remain and work legally in the U.S.

While there were few details in the President's November 20, 2014, televised address to the nation, key initiatives of the President's Immigration Accountability Executive Actions include:



- **Expansion of Deferred Action for Childhood Arrivals (DACA):** Currently, certain individuals who arrived in the United States as children are eligible for DACA protection and corresponding employment authorization. The announced executive action will expand the pool of individuals eligible for the DACA program and extend the period of DACA status and corresponding employment authorization from two years to three years.
- **Creation of Deferred Action for Parents (DAP):** This new program will allow parents of U.S. citizens and lawful permanent residents (of any age) who have been continuously present in the United States since January 1, 2010, and who pass background checks and pay taxes, to be eligible to apply for deferred action and corresponding employment authorization. DAP status and employment authorization will be for a three-year period.

Estimates are that up to five million currently undocumented individuals may be eligible for Deferred Action. As individuals granted Deferred Action will be eligible for work authorization, employers must be particularly cautious in addressing current employees who may come forward under these initiatives.

The President also announced new efforts to increase the responsiveness of the employment-based legal immigration system to the needs of employers. These efforts include:

- **Employment Authorization for H-1B Dependents:** Currently, H-4 dependents of holders of H-1B nonimmigration visas are precluded from employment. U.S. Citizenship and Immigration Services (USCIS) will finalize and promulgate a rule to provide work authorization to the spouses of certain H-1B visa holders who are on the path to lawful permanent resident status (i.e., nonimmigrants who possess an approved I-140 Immigrant Petition for Alien Worker or a pending labor certification application and are currently in the sixth year of H-1B status).
- **Expansion of Optional Practical Training (OPT) for Foreign Students and Graduates from U.S. Universities:** Currently, students enrolled in a science, technology, engineering, or math (STEM) academic degree program may gain practical training work authorization for 17 months in addition to the 12-month period typically available for post-graduate practical training employment. New regulations will expand and extend the use of OPT for foreign students, consistent with existing law. This potentially would include students whose initial degree is in a STEM field, but who are studying in a non-STEM field (e.g., in a Master's program) and are not currently covered by the STEM training program.
- **Greater Consistency in the L-1B Visa Program:** For years, employers have sought guidance and clarity regarding the definition of "specialized knowledge" employees under the L-1B nonimmigration program to better assess their prospective employees' qualifications and prepare petitions accordingly. USCIS has stated that it will issue clear, consolidated guidance on the meaning of "specialized knowledge" as early as this year or the beginning of 2015.
- **Increasing Worker Portability:** USCIS will issue guidance with respect to the types of job changes that constitute "same or similar" jobs under current law. It also will remove unnecessary restrictions on natural career progression and general job mobility to provide relief to workers facing lengthy adjustment delays. Similarly, the adjustment process for individuals who are the beneficiaries of approved I-140 Immigrant Petition for Alien Worker will be amended by regulation so the sponsored worker is eligible to file for adjustment of status sooner, allowing worker portability while also giving employers needed flexibility to make employment, promotion, and assignment decisions outside the strict limitation of a Labor Certification often filed years earlier.

While it will be months before many of the initiatives will be fully implemented, employers should begin preparing for these changes now, including inquiries from employees regarding the impact of these far-reaching executive actions.



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Health Care Matters

Mid-sized Businesses Still Very Concerned About (and Unprepared for) Obamacare

By J.D. Harrison, *The Washington Post*



Health care costs and the Affordable Care Act represent the biggest concerns right now for owners of mid-sized businesses, a newly released survey shows. In part, that may be because, now four years after the legislation was passed, most of them are still uninformed about and unprepared for the rules in the health care law.

More than two-thirds (69 percent) of mid-sized business owners say they are very or extremely concerned about the costs of health coverage and other benefits, while more than half (54 percent) say they are particularly concerned with the health law, according to an annual study conducted by the research institute at payroll firm ADP.

Some of that concern, the authors of the study note, may stem from that fact that fewer than half of mid-size businesses (firms that have been 50 and 999 employees) have put formal plans to manage the changes implemented under the health care law. Additionally, more than three-fourths of their owners say they aren't confident that they completely understand the new rules.

On the whole, confidence among mid-size business owners is lacking. Only half of the roughly 750 respondents expect the industry in which they work to strengthen in coming year, while far fewer — 15 percent — believe the broader economy will improve.

In their report, the researchers point out that owners of mid-sized businesses often find themselves in a difficult position, in that they are “expected to operate with the agility of smaller businesses but abide by many of the same regulations that govern larger enterprises.” And perhaps nowhere is that more evident than in the health law.

Under some of most important provisions of the law, companies with more than 50 employees are considered large businesses, even though many would be considered small by other federal standards (the Small Business Administration's definition generally includes firms with up to 500 workers). For example, they are not permitted to apply for small-business tax credits, shop for coverage on new employer insurance marketplaces or seek a small-business exemption to rules requiring companies to offer health coverage.

“A changing landscape, coupled with heightened responsibility, can take a toll on the confidence of mid-sized business owners,” the authors of the study wrote. “In 2014, they seem to be struggling to find it.”

It isn't just health care concerns that are weighing heavily, though. More than half of respondents said they are very or extremely concerned with the number of government regulations. A third said they have been hit by unexpected fines or expenses in the past year resulting from noncompliance with government rules.

“In 2013 alone, there were more than 19,000 proposed changes to laws and regulations that impact how businesses manage employees,” Anish Rajparia, an ADP executive, said in a statement about the report. “So it comes as little surprise that the level and volume of government regulation made our list of top concerns three years running.”

Fewer than half of mid-size businesses (firms that have been 50 and 999 employees) have put formal plans to manage the changes implemented under the health care law. Additionally, more than three-fourths of their owners say they aren't confident that they completely understand the new rules.

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EHS Matters

Plan to Minimize Spread of Flu and Legal Risks in the Workplace during Flu Season

From Jackson Lewis PC, a Council of Industry Associate Member

Seasonal flu has received limited attention with Ebola recently dominating the media coverage. Each flu season, however, according to Flu.gov, nearly 111 million workdays are lost due to the flu. That equals approximately \$7 billion per year in sick days and lost productivity. According to the Centers for Disease Control and Prevention (CDC), the timing of flu season is unpredictable and can vary from season to season. Flu activity usually peaks in the U.S. between December and February. However, seasonal flu activity can begin as early as October and continue to occur as late as May. The CDC recommends a yearly flu vaccine for everyone six months of age or older by October. Now is a good time for employers to review and develop their policies and plans for minimizing the spread of influenza in the workplace without running afoul of a complex array of federal, state and local laws. This article addresses many of the recurring legal issues and questions that arise during the flu season.

Employee Rights to Paid and Unpaid Leave

“Presenteeism” (i.e., being at work when one should be at home due to illness) is as much, if not more, of a concern during flu season as absenteeism. One sick employee at work can cause other employees to become ill. Thus, employers may find it useful to clarify policies that permit employees to take paid or unpaid leave due to the flu. Evaluating any attendance situation requires an employer to determine which statutes and employer policies apply. In general, the Family and Medical Leave Act provides covered employees up to 12 workweeks of unpaid leave during any 12-month period if the individual has a “serious health condition that makes the employee unable to perform the functions of the position of such employee.” In some situations, influenza-like illnesses may qualify as a “serious health condition” under the FMLA, but the majority of flu-related absences will fall under state and local leave laws or employers’ absence policies. (For additional information regarding the applicability of the FMLA for influenza-like illnesses, please refer to the Department of Labor’s Q&A concerning pandemic flu and the FMLA.)

In addition to the FMLA and comparable state laws, some states

and municipalities require covered employers to provide paid sick leave to employees. Connecticut, for example, enacted paid leave law that requires employers with at least 50 employees within the state (excluding most manufacturing establishments and the nationally chartered tax-exempt organizations described in the law) to provide non-exempt “service workers” with paid sick leave of up to 40 hours per calendar year. Other states are considering similar legislative measures. New York City, Eugene, OR, Portland, OR, San Francisco, Seattle, several municipalities in New Jersey and Washington, D.C. have enacted some form of paid leave for eligible employees. California and the City of San Diego also enacted paid sick leave laws this year; however, given the date employees can first use accrue paid sick leave under these laws, the flu season likely will be finished.



Regardless of the law in your state, to minimize lost productivity during flu season, employers should consider implementing absence policies that encourage sick employees to stay home, including paid time off (PTO) for short-term illnesses. Employers should make sure employees understand what human resources policies, workplace and leave flexibilities, and pay and benefits will be available to them. PTO and other workplace policies should be consistently enforced for all employees.

Are Employer Flu Vaccine Requirements Lawful?

Although certain states, such as New York and Rhode Island, require some form of mandatory flu vaccination for health care workers, many do not. Thus, many employers, particularly those in the health care sector, also have instituted, or are considering, mandatory influenza vaccination programs for employees. Before implementing such programs, however, employers should consider possible disability and religious accommodation issues under the Americans with Disabilities Act and Title VII of the Civil Rights Act, as well as analogous state and local laws. An employee may be entitled to an exemption from a mandatory vaccination requirement based on an ADA disability that prevents the employee from taking the vaccine. Subject to undue hardship on the employer, Title VII may exempt an employee whose sincerely-held religious belief, practice or observance prevents him or her from receiving the vaccine. The requirement that an employee have a sincerely-held religious belief may not include beliefs that are common or in the mainstream of religious doctrine. For example, an employee who was a vegan brought a religious discrimination case against her employer after being terminated following her refusal to receive an employer-mandated flu shot because the vaccine was grown in chicken eggs.

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CI Calendar of Training and Events

Jan 14& 21	<u>Certificate in Manufacturing Leadership: Fundamentals of Leadership</u> — 9:00 am—4:40 pm at Bowne Hall, Dutchess Community College, Poughkeepsie, NY. Instructor: Rebecca Mazin, Recruit Right. Cost: \$400 per person, \$350 each for two or more from the same company.
Feb 4	<u>Certificate in Manufacturing Leadership: Best Practices & Continuous Improvement</u> —9:00 am—4:40 pm at Bowne Hall, Dutchess Community College, Poughkeepsie, NY. Instructor: Paul Campanella, Action Plus Project Management. Cost: \$200 per person, \$175 each for two or more from the same company.
Feb. 11	<u>Certificate in Manufacturing Leadership: Human Resources Management Issues</u> -9:00 am—4:40 pm at Bowne Hall, Dutchess Community College, Poughkeepsie, NY. Instructor: Tom McDonough, Jackson Lewis LLP. Cost: \$200 per person, \$175 each for two or more from the same company.
Mar 4	<u>Certificate in Manufacturing Leadership: Problem Solving & Decision Making</u> —9:00 am—4:40 pm at Bowne Hall, Dutchess Community College, Poughkeepsie, NY. Instructor: Arnold Most, MOST Business Improvement Solutions. Cost: \$200 per person, \$175 each for two or more from the same company.
Mar 18	<u>Certificate in Manufacturing Leadership: Positive Motivation & Discipline</u> —9:00 am—4:40 pm at Bowne Hall, Dutchess Community College, Poughkeepsie, NY. Instructor: Rebecca Mazin, Recruit Right. Cost: \$200 per person, \$175 each for two or more from the same company.
Apr 1	<u>Certificate in Manufacturing Leadership: High Performance Teamwork</u> —9:00 am—4:40 pm at Bowne Hall, Dutchess Community College, Poughkeepsie, NY. Instructor: Ellen Messer, Organizational Effectiveness. Cost: \$200 per person, \$175 each for two or more from the same company.
Apr 15	<u>Certificate in Manufacturing Leadership: Effective Business Communication</u> —9:00 am—4:40 pm at Bowne Hall, Dutchess Community College, Poughkeepsie, NY. Instructor: Rebecca Mazin, Recruit Right. Cost: \$200 per person, \$175 each for two or more from the same company.

*You can find more information on the courses and events listed in our calendar by going to our website—
www.councilofindustry.org or if you are reading our electronic version just press Ctrl and click the course title.*

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Energy Matters

Schumer and the other lawmakers from New York said that the zone has resulted in a "significant and unwarranted price increase" for lower Hudson Valley electric consumers. "Estimates indicate that the annual increase in electric prices associated with the" zone will reach approximately \$280 million, the lawmakers told LaFleur.

Senator Launches Latest Salvo Against New York Capacity Zone

By Paul Ciampoli, Public Power Daily

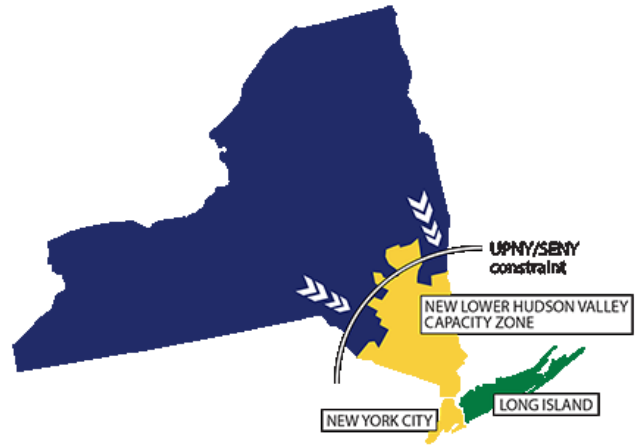
U.S. Sen. Charles Schumer, D-N.Y., on Nov. 11 launched his latest salvo against the Federal Energy Regulatory Commission (FERC) which created a New York Independent System Operator capacity zone in the lower Hudson valley vowing to take legislative steps to undercut the zone.

At issue is a Federal Energy Regulatory Commission-approved capacity zone in the lower Hudson Valley that went into effect earlier this year. Schumer first voiced concerns about the zone in November 2013 when he called on FERC to delay an order implementing the new zone. More recently, he was joined by Sen. Kirsten Gillibrand, D-N.Y., and Reps. Chris Gibson, R-N.Y., Eliot Engel, D-N.Y., Sean Patrick Maloney, D-N.Y., and Nita Lowey, D-N.Y., in asking FERC to reverse its decision supporting creation of the zone. The Sept. 15, 2014 letter was sent to FERC Chairman Cheryl LaFleur.

Schumer on Nov. 11 said that he would introduce legislation that will require FERC to complete and publish a cost-benefit analysis before moving any further forward with the capacity zone. The bill would block FERC from putting federal funding toward the capacity zone if the cost-benefit analysis shows that it will result in increases for ratepayers, which Schumer said any study is likely to conclude.

In addition, Schumer said that he would support an amendment to the House of Representatives' version of the federal spending bill that recently passed the House. The amendment would prevent FERC from putting any federal money toward capacity zone implementation. Schumer said that the Senate will likely be considering an omnibus spending bill and that he will push to make sure this amendment is included.

In their letter to LaFleur, Schumer and the other lawmakers from New York said that the zone has resulted in a "significant and unwarranted price increase" for lower Hudson Valley electric consumers. "Estimates indicate that the annual increase in electric prices associated with the" zone will reach approximately \$280 million, the lawmakers told LaFleur.



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Manufacturing Matters

5 Manufacturing Trends That Will Shape the Market in 2015

By Michael Kotelec, Verizon Enterprise Solutions from Industry Week

As 2015 approaches it's time to look ahead at emerging trends that will impact 21st century manufacturing around the globe.

The entire supply chain ecosystem — encompassing manufacturers, distributors and retailers — is undergoing a business transformation. This is in response to changing dynamics involving shifting consumer expectations, time to market and intense global competition that is being dictated by the rising Internet and mobile economies.

Advances in technology — coupled with changing labor demographics — are proving to be the lynchpin shaping this new business model. To remain economically viable, retailers must sell products faster and at competitive prices which sends a ripple effect down the supply chain. For example, manufacturers must accelerate production cycles and distributors must shorten delivery times.

Stakeholders throughout the supply chain have no choice but to adjust their business models to meet consumer demand and increase profits. However, technology is helping businesses stay relevant in these changing times. Let's take a look at five manufacturing trends that will impact the industry in 2015:

'SMAC Stack' adoption to gain speed.

A manufacturing comeback is being driven by SMAC — social, mobile, analytics and cloud. The SMAC Stack is becoming an essential technology tool kit for enterprises and represents the next wave for driving higher customer engagement and growth opportunities. The need to innovate is forcing cultural change within a historically conservative "if it's not broke don't fix it" industry, and SMAC is helping early adopters in the manufacturing market increase efficiencies and change.

Social media to further impact business model innovation.

According to an IDC white paper, "The Future of Manufacturing," sponsored by Infor, social media is forcing manufacturers to become more customer-centric. The traditional business-to-business model is becoming outdated because today's connected consumers are better informed and expect products on-demand. Consumers compare, select

2015



or buy multiple products with a tap of their smartphone or tablet, and social media has become their preferred communication platform. This consumer purchasing style is not only having an impact on brand-oriented value chains, but is transforming traditional B2B to B2B2C models.

Internet of Things (IoT) will increase automation and job opportunities.

A renewed focus on science and engineering education is cultivating a manufacturing workforce that can manage highly technical systems and allow for greater automation. This frees up employees to put their talents to work on R&D which is helping to redefine what it means to have a career in manufacturing. In addition, IoT allows for condition-based maintenance which is driving efficiencies as businesses save on labor and service costs.

Greater capital investment.

Though the slow economic recovery continues to hinder expansion and growth opportunities, recent government and industry reports show an uptick in capital investment funding. As manufacturers become focused on capturing value through innovation, original design and speed to market, they are increasing spend for upgrading plant, equipment and technologies.

Greater automation and investment driven by accelerated production cycles, advanced technology and changing labor demographics will continue to revolutionize the industry.

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Financial Matters

Miscellaneous Tariff Bills

Manufacturers are calling on lawmakers to pass a long-delayed bipartisan jobs bill—the Miscellaneous Tariff Bill (MTB). The MTB is critical legislation that would support job creation, spur economic growth and enhance manufacturers’ global competitiveness by eliminating or reducing import duties on hundreds of raw materials and intermediate products that are not available in the United States. The last MTB expired 687 days ago.

Miscellaneous trade and tariff bills (MTBs) reduce or suspend duties on a wide range of imported products. Members of Congress introduce these bills based on requests received from constituent companies. The goal of a MTB is to lower costs by reducing the tariff obligations on products or parts that are imported. MTBs can result in as much as hundreds of thousands of dollars in savings to individual companies. The lower costs from tariff savings can help to increase a company’s competitiveness.

How MTB is supposed to work

At the beginning of the MTB submission process, the House Ways and Means and Senate Finance committees will issue an advisory providing guidance to Members and constituents on how to submit a request for a duty reduction or suspension, and generally what types of requests will be considered “non-controversial.” In that regard, there are two major guidelines for consideration: 1) the tariff revenue loss for an individual MTB does not exceed \$500,000, and 2) there is no domestic production of a competing product. The Committees can weigh other factors on a case-by-case basis, as can the Administration during its review. The Committees usually report out a large number of "non-controversial" miscellaneous tariff bills as part of an omnibus package once or twice each congressional session.

After collecting and reviewing bills, the Committee will issue another advisory requesting public comment on the bills it is considering for inclusion into an omnibus MTB package. In addition, the Committee will request a review and analysis of each bill from the International Trade Commission (ITC) and the Admin-

istration (including a review by the Department of Commerce, the Department of Homeland Security --Customs and Border Protection, the U.S. Trade Representative, and other agencies.)

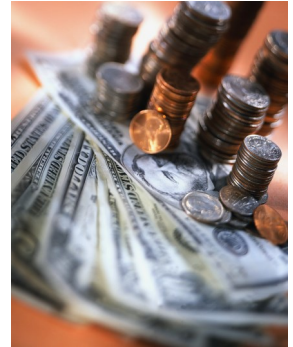
Industry and Analysis staff conducts analysis on the impact of each proposed bill on the competitiveness of firms within that industry. I&A’s Office of Trade Negotiations and Analysis coordinates and reviews the analysis, along with the Department’s Office of Assistant General Counsel and ITA’s Office of Legislative and Intergovernmental Affairs. Commerce’s analysis on each MTB under consideration by Congress is then sent to OMB for inter-agency review. After the review, the resulting Administration views on each MTB are transmitted to Congress by the General Counsel for the Department of Commerce.

Some Examples

According to Leib Oehmig, president and chief operating officer for Glen Raven, Inc., in Burlington, N.C., “Glen Raven is one of the world’s leading manufacturers of performance fabrics used in the furniture, automotive, safety, marine and sunshade industries and employs 1,700 associates in the United States. Since the raw materials required to manufacture many of these fabrics are not available in the United States, Glen Raven relies on the MTB to ensure these materials can be sourced competitively. The expiration of the MTB has resulted in a significant increase in our manufacturing costs, which makes companies like ours less competitive in the global marketplace. Glen Raven urges Congress to move quickly and resolve the impasse on the MTB as a means to spur much needed job creation and economic growth in the United States.”

Ron Eva, global sourcing and contracting manager for BASF Corporation, notes the importance of the MTB to job creation and global competitiveness. “The MTB is very important to manufacturers like BASF as well as other U.S. manufacturers, especially in light of the globally competitive market that we face today. This bill will help BASF Corporation maintain its position as a global, low-cost producer. I encourage and urge all members of Congress to act expeditiously to pass the MTB.”

National Association of Manufacturers Vice President of International Economic Affairs Linda Dempsey also emphasized the importance of the legislation to our nation’s job creators. “Manufacturers in the United States are making a comeback, creating new jobs and making more products than ever before. However, congressional inaction on MTB legislation is hurting our ability to compete globally and create jobs. Manufacturers need Congress to end the gridlock and act immediately to pass this bipartisan, job-creating legislation.”



Manufacturing Job Opportunities

If you have job openings and positions to fill:

- Post it on the Council of Industry Website www.councilofindustry.org
- Look at resumes from our member recommended **For Hire page**

Contact Alison at abutler@councilofindustry.org for more info.



Member Benefits

Videos Show the Benefits Members Find in the Council of Industry

The Council of Industry has been working with Stage 6 Media over several months to create short videos providing insight into what membership really means. These short clips featuring members from throughout the Hudson Valley were premiered at the Annual Luncheon. Find the video screen on the menu column on our website home page or follow this link: <http://www.councilofindustry.org/videos/> to view them yourself.



Stage 6 Media spent numerous hours visiting member companies, recording their employees at work and interviewing key personal about the services the Council provides. The videos cover training, advocacy, member discounts and the electricity aggregation and networking. These videos are a great tool to let current members become more aware of the services provided by the Council of Industry as well as inform potential members of the variety of benefits membership provides. In addition the videos are a showcase of the impressive variety of industry and manufacturers here in the Hudson Valley.

In addition to the original videos from Stage 6 Media, the Council of Industry Video page contains select videos from the National Association of Manufacturers and a few from the Hudson Valley Pathways Academy (PTECH) program. Please share the video links and help us to let as many people as possible know what today's manufacturing workplaces are like.



These videos are a great tool to let current members become more aware of the services provided by the Council of Industry as well as inform potential members of the variety of benefits membership provides.

Consumer Price Index for Oct. 2014

				Point	%	% Increase
Wage Earners & Clerical	Oct. '13	Oct. '14	Sept. '14	Increase	Month	Year
1967=100	684.31	694.72	697.52	-2.80	-0.4	1.5
1982-84= 100	229.74	233.23	234.17	-0.94	-0.4	1.5
All Urban Consumers						
1967=100	699.60	711.24	713.04	-1.79	-0.3	1.7
1982-84=100	233.55	237.43	238.03	-0.60	-0.3	1.7

Hudson Valley unemployment rate for October 2014 = 5.1 %

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The Council of Industry's monthly newsletter has a mailing circulation of 250 manufacturers and an online circulation of hundreds more.

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Continued from front page

Seventeen graduates of the Manufacturing Leadership program were recognized at the luncheon. SUNY Dutchess and the Council of Industry have been partners for over fifteen years in this constantly evolving program designed to provide skill sets for supervisors and managers. Ten full day classes cover topics from Fundamentals of Leadership to Problem Solving & Decision Making, to Making a Profit in Manufacturing.



Recipients of the Certificate in Manufacturing Leadership

Virginia Stoeffel, Dean of Community Services and Special Programs at SUNY Dutchess presented the following individuals with their certificates: Matthew Mc Donald from Alcoa Fastening Systems; Don Sylvester from Ametek; Jason Chabut, Gerald Pulis, and Jay Reed, from Balchem Corporation; Jim Reap and Ben Rothwell, from MPI; Karen Chastain, Gary Dohrman, Fabian Juhr, Evelyn Rivera, and James Wilson, from Selux; Marc Weiss from Stanfordville Machine & Mfg.; Tracy Diviesti, Arthur Grund, Brian Harris, and Sharon Roff, from Zumtobel Lighting.

Sponsorships make this event possible and The Council of Industry would like to thank the following supporting sponsors for their support of Hudson Valley Manufacturing:



**Continued from page 11
Manufacturing Matters**

The emergence of "Next-Shoring."

The rise of a more technical labor force to manage supply chain operations — combined with rising wages in Asia, higher shipping costs and the need to accelerate time to market to meet retailer and consumer demands — has led to more companies shifting their manufacturing strategies from outsourcing overseas to developing products closer to where they will be sold. "Next-shoring," as this tactic has been dubbed, allows manufacturers to increase the speed at which product is replenished on store shelves. The faster inventory can be moved to the consumer, the sooner the costs to warehouse, ship and dock goods can be freed up.

These are a few of the game-changing trends expected to impact manufacturing in 2015 and it will be exciting to watch which take off as the industry continues to evolve.

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Continued from page 8 EHS Matters

In addition, the Occupational Safety and Health Administration and National Labor Relations Board requirements may play a role for certain employers.

Employers' Rights and Responsibilities under ADA

The Equal Employment Opportunity Commission's technical guidance, "Pandemic Preparedness in the Workplace and the Americans with Disabilities Act," includes the following directions:

- Employers may ask employees whether they have symptoms of a cold or the seasonal flu because it is not a disability-related inquiry.
- Employers may use an ADA-compliant pre-pandemic employee sample survey for employers, which the agency has prepared. It combines medical and non-medical inquiries about the ability of an employee to come to work during a pandemic. The objectives are to provide employers with information they need to plan for a pandemic and to shield employers from receiving information about chronic diseases or illnesses that employees might have.
- Employers may send employees home if they display influenza-like symptoms.
- If employees report feeling ill at work or call in sick, employers may ask them if they are experiencing influenza-like symptoms, such as a fever, chills, and cough or a sore throat. Employers must maintain all information about an employee's illness as a confidential medical record in compliance with the ADA.
- Employers may require employees to follow infection-control practices in the workplace. For examples, see OSHA's webpage, Workplace Safety and the Flu.

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Continued from page 4 Human Resource Matters

This includes a claim that the challenged action was the result of an employer policy or practice which adversely impacts one or more groups protected by Title VII, as addressed in recent enforcement guidance issued by the Equal Employment Opportunity Commission. If the accused employee belongs to a union, additional protections may be afforded under a collective bargaining agreement provision requiring "just cause" prior to disciplinary action.

In regards to criminal convictions, several states restrict an employer's ability to fire an individual because he or she has been convicted of a crime. In New York, an employer considering such action must evaluate eight factors, such as the nature of the offense, the time elapsed, the age of the individual when the offense occurred, and any evidence of rehabilitation. Only after evaluating these factors will an employer be in a sufficient position to determine whether a direct relationship exists between the offense and the job, or whether the person's employment involves an unreasonable risk to property or safety, either of which would provide a defense to a discrimination claim based on a prior conviction.

For either arrests or convictions, an employer should investigate the underlying facts to determine if an individual's conduct justifies termination or some other employment action. Failure to do so may hurt the employer's chances of successfully defending against allegations of discrimination, prevailing at arbitration, or avoiding negligent hiring or retention claims.

In sum, employers must become familiar with the various legal obligations that arise when an employee is involved in domestic violence, either as the victim or the accused. If the employee is known to be suffering the effects of an abusive relationship, the employer should be prepared to grant leave or make other work-related adjustments to facilitate the employee's physical and emotional recovery or participation in the legal process (including obtaining an order of protection). If the employee is accused or convicted of a violent or threatening act, the employer should determine if the underlying conduct impairs his or her continued employment, recognizing that the law generally disfavors employment actions taken because of an individual's arrest or conviction record. In either situation, merely ignoring the problem is never a good strategy.



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