THE LONG ISLAND SOUNDER

ASHRAE™

Long Island Chapter

2022-2023

IN THIS ISSUE

PRESIDENT'S MESSAGE

APRIL

ASHRAE Long Island board members always feel the pressure of the final activities within the last three months of the season. April is the start of this busy season. We will host a Distinguished Lecturer at the April meeting before the Sustainability Panel at NYIT on April 19. Our biggest event Golf Outing is on May 8. We have planned a field trip for the following week after the Outing. The June meetings are dedicated to Past Presidents' Night, officer installation, student scholarship, and engineer of the year awards ceremony. The new board members for the 2023 – 2024 season will swear in the oath for the duty. Whereas ASHRAE, in spring, already started planning for the subsequent BOG and committee chairs. Now, it's time for the HVAC-R industry professionals to volunteer for The Chapter's board by reaching out to any chapter officer to join the team.

Traditional Golf Outing is scheduled for May 8 at Cherry Valley Club in Garden City. The tickets are already sold out; however, the event sponsorship opportunities are open. Reach out to Mr. Peter Gerazounis for scholarship opportunities. We want to thank all our members and golfers. The traditional Golf Outing is the pinnacle of The Chapter's events bringing hundreds of golfers together with numerous sponsors' support. This full-day event is an excellent asset for connecting with hundreds of professionals and cannot be missed.

Last month, Mr. Max Rohr – Education and Industry Engagement Manager at Caleffi Hydronic Solutions - presented to over thirty guests about Zero Energy Buildings. It's been a presentation full of critical knowledge for engineers to learn about the impact of the design considerations for Zero Energy Buildings. We host new guests interested in the monthly presentation topics to learn more about the latest or standard technologies. We'll maintain selecting the best presentation topics for our guests to reach out to more HVAC-R professionals. Check your inboxes and follow us through social media and our website for future events.

The ASHARE-LI's YEA group organized a well-participated Bay Shore Brewery tour. Following this event, the Young Engineers committee will announce the traditional Go-Kart racing event anytime soon. The race we had last year was highly competitive. We hope to have the same competition this year with new participants.

For the first time, ASHRAE-LI's recently formed Sustainability Committee is planning to organize a panel at NYIT in April. We expect support from our members to enhance the sustainability committee and proposals for new activity ideas. Sustainability and decarbonization efforts are for our younger generations to ensure a better future with a peaceful connection between mother nature and civilization that is economically beneficial to all.

Now, ASHRAE-LI Chapter is accepting student scholarship applications. Our student connections are not limited to college students. We want to encourage more students to engage in engineering practices, have them learn more about engineering, and introduce ASHARE. The student scholarship application forms have been delivered to numerous schools.

As mentioned, the ASHRAE-LI chapter accepts applications from Long Island's HVAC-R industry members for the "Engineer of the Year" award nominations. The awards and the student scholarship will be given at the very last meeting of this season in June. The Chapter encourages members and HVAC-R industry professionals to nominate engineers to recognize success and encourage all to be more competitive. Reach out to any chapter official and request the nomination form if you want to appoint an engineer for the award. The Chapter will also issue a press release for the awards ceremony to reach out to Long Island residents.

A Distinguished Lecturer, Dru Crawley, will join us to present on April 11. He will discuss "Impacts of Climate Change and Urbanization on Future Building Performance." It will be an informative presentation for all engineers and HVAC-R industry professionals.

We hope to see you all at Westbury Manor for the April meeting.

Murat Bayramoglu
Chapter President

Chapter Monthly Meeting - Program for 2022/2023

September 13, 2022 * At Westbury Manor

Dinner Presentation – Heat Pump and Heat Recovery in Hydronic Systems

Presenter: Albert Stark

****1 PDH****

October 11, 2022 * *At Westbury Manor*

Dinner Presentations -
HVAC Retrofit Best Practices for GHG Emissions Reduction to Meet the LL97 Mandate presented by Adrian Zebrowski

The Impact of the Inflation Reduction Act (IRA) on the Energy Industry presented by Jacob Goodman

****1 PDH****

November 8, 2022 * *At Westbury Manor*

Dinner Presentation—

Gasket Technology presented by Stanley Funk

****1 PDH****

Membership Promotion
Student Activities Night and YEA Night
Resource Promotion Night

December 13, 2022 * *At Westbury Manor*

Dinner Presentation—

Extending Condensing Boiler Heat Exchanger Durability

presented by: Kyle Bottorff

****1 PDH****

January 10, 2023 * *At Westbury Manor*

Dinner Presentation—
Electrical Engineering Fundaments (for Mechanical Engineers)
Presented by: Andy Siegelson

****1 PDH****

February 6-8, 2023

AHR Expo

Location: Atlanta, GA

February 21, 2023 * *At Westbury Manor*

Dinner Presentation— Automatic Flow Balancing
Presented by: John Knowles ****1 PDH****

Membership Promotion Night
Resource Promotion Night

February 20-26, 2023

NATIONAL ENGINEERS WEEK

March 14, 2023 * *At Westbury Manor*

Dinner Presentation— Zero Energy Building with Hydronics
Presented by: Max Rohr from Caleffi

Construction Law Fundamentals –
A Practical Guide. *Presented by: Michael Ganz*

****1 PDH****

Student Activities Night
YEA Night

April 11, 2023

Dinner Presentation— TBA ****1 PDH****

May 2023 * *Cherry Valley Club, Garden City, NY*

ANNUAL GOLF OUTING– MAY 8TH

May 16, 2023

Annual Field Trip at Hudson Yards

***Backup:** Empire State Building*

June 13th 2023 * *At Westbury Manor*

Free Buffet Dinner for Members

PAST PRESIDENTS NIGHT & OFFICER INSTALLATION
STUDENT SCHOLARSHIPS TO BE AWARDED
ASHRAE History Quiz and prize Give-A-Ways

June 2023 - TBD (4pm-8pm) * *Dixie II @ Captree State Park Boat Basin, NY*

ANNUAL FISHING TRIP

August 2023

CHAPTERS' REGIONAL CONFERENCE (CRC) REGION I
GRANIT STATE

Long Island Chapter Officers & Committees

ASHRAE 2022/2023 OFFICERS

POSITION	NAME	EMAIL
President	Murat Bayramoglu	c006@ashrae.net
President-Elect	Michael Nigro	c006pe@ashrae.net
Vice President	Elizabeth Jedrlinic	c006vp@ashrae.net
Treasurer	Michael Razzano	c006tr@ashrae.net
Secretary	Matthew Catan	c006sec@ashrae.net
Board of Governors	Zhigang Xu	c006bog1@ashrae.net
Board of Governors	Rich Smith	c006bog2@ashrae.net
Board of Governors	Michael S. Gerazounis	c006bog3@ashrae.net
Board of Governors	Thomas DiBenedetto	c006bog4@ashrae.net
Board of Governors	Matthew J. Vitrano	c006bog5@ashrae.net

ASHRAE 2022/2023 COMMITTEES

COMMITTEE	NAME	EMAIL
Programs & Special Events	Michael Nigro	c006pe@ashrae.net
Membership (MP)	Michael Razzano	c006mep@ashrae.net
Refrigeration	Matthew J. Vitrano	c006ref@ashrae.net
Chapter Technology Transfer (CTTC)	Thomas DiBenedetto	c006cttc@ashrae.net
Government Activities (GGAC)	Rich Smith	006ggac@ashrae.net
Newsletter Editor	Alexis H. Smith	c006ne@ashrae.net
Research Promotion (RP)	Peter Conte	c006rp@ashrae.net
Historian	Steven Gerazounis	c006his@ashrae.net
Student Activities (SA)	Zhigang Xu	c006sa@ashrae.net
Young Engineers in ASHRAE (YEA)	Michael S. Gerazounis	c006yea@ashrae.net
Webmaster	Frank Paradiso	c006web@ashrae.net
Nominating	Michael Gerazounis, PE, LEED AP	nominating@ashraeli.org
Reception & Attendance	Zhigang Xu / Matt Catan / Michael S. Gerazuonis	reception@ashraeli.org
PR & Engineering Joint Council of LI (EJCLI) Liaison	Andrew Manos, LEED AP	pr@ashraeli.org
Golf Outing	Peter Gerazounis, PE LEED AP	golf@ashraeli.org
Awards	Brian Simkins	c006ha@ashrae.net
ASHRAE LI, P.O. Box 79, Commack, NY 11725		

* Double Click on Flyer Below *

ASHRAE American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

TWIN TIERS CHAPTER

Annual Spring Symposium and Professional Development Seminar

Tuesday, April 18, 2023, 8:30 A.M. – 4:30 P.M.

Holiday Inn Binghamton: 2 Hawley Street Binghamton, NY 13901

EARN UP TO 7.5 Professional DEVELOPMENT HOURS!

The ASHRAE Twin Tiers Chapter 2023 Spring Symposium provides a local opportunity to bring together practicing professionals, engineers, academics, contractors, owners, and others to discuss with respected expert's issues and challenges that our industry faces. This year's symposium offers attendees opportunities to review some of the industry's latest technologies as well as techniques, methods, and systems that employ them.

SCHEDULE OF EVENTS

8:00-8:30 A.M. Registration, Holiday Inn Binghamton - Foyer
Includes: Sweet & Savory Baked Goods, Coffee, Hot Tea

8:30-10:00 A.M.

Binghamton Room	Endicott Room
"Building Automation Systems 102 Building Automation Systems and Control Basics" **1.5 PDH** Scott Edwards, Johnson Controls	"NYStretch for Commercial Buildings" **1.5 PDH** Chris Whittet, Performance Systems Development

10:00-10:10 A.M. Morning Break – Foyer

10:10-11:40 A.M.

Binghamton Room	Endicott Room
"Creating a World of Zero Energy Buildings" **1.5 PDH** Paul Torcellini, Ph.D., ASHRAE DL	"Deliver Clean Healthy Air with UV-C" **1.5 PDH** Steve Mongeau, UV Resources

11:40-1:20 P.M. Lunch & Presentation – Johnson City Room
Lecturer: Dr. Theresea Weston, Ph.D, ASHRAE DL
Virtual Presentation: "Women and STEM: Enhancing Innovation and Sustainability through Diversity"
Monthly Chapter Meeting
HO Ward Scholarship Recipients – to be announced

1:20-2:50 P.M.

Binghamton Room	Endicott Room
"Basic Air Management & System Pressurization" **1.5 PDH** Steve Krisko, Bell & Gossett - Xylem	"Desiccant Dehumidification" **1.5 PDH** Steve Brandt, P.E. – D.F. Brandt, Inc.

2:50-3:00 P.M. Afternoon Break – Foyer
Includes: Queso, Guacamole, Chips, Bottled Water, Coffee, Hot Tea

3:00-4:30 P.M.

Binghamton Room	Endicott Room
"Smart Buildings" **1.5 PDH** Rob Alix, Siemens	"Airflow Control Devices" **1.5 PDH** Rob VanSkiver, H&V Sales Group

Please Note: The ASHRAE Twin Tiers Chapter reserves the right to change the schedule, speakers, and presentations without notice.

Buildings Sustainability Panelist Event

Print out flyer!

Meeting Program

Dinner Presentation

Impacts of Climate Change and Urbanization on Future Building Performance

Attendees Will Earn 1 PDH!

Presented by: *Dru Crawley*

Bentley Fellow and Director

DATE:	**TUESDAY, APRIL 11TH, 2023**		
Time:	6:00 PM - Cocktails and Hors D'ouevres 7:00 PM - Dinner Presentations 8:45 PM - Conclusion	**Fee:**	**Members - $50 pp** **Guests - $70 pp** **Students - $15 pp**
Location:	**WESTBURY MANOR** (516) 333-7117 1100 Jericho Tpke., Westbury, NY 11590 **Directions are posted at @ www.ashraeli.org**		
Presentation:	The presentation will discuss define zero energy buildings and discuss the following: With the increasing interest in climate change driven by human activity, recent research has focused on the impact of climate change or urban heat island on building operation and performance across the world. But this work usually aggregates the energy and peak demand impacts across a broad sector. In a recent study, impacts on the operating performance of an office building were estimated based on climate change and heat island scenarios in 25 locations (20 climate regions). This presentation presents the variation and differences among the 20 regions when climate change is introduced. The focus is on changes in comfort conditions, building equipment operation as well as daily patterns of energy performance using prototypical buildings that represent typical, good, and low-energy practices around the world. Other issues such as fuel swapping as heating and cooling ratios change, impacts on environmental emissions, and how low-energy building design incorporating renewables can significantly mitigate any potential climate variation are also presented. **All attendees will receive 1 PDH.**		
About our Speaker:	Dru Crawley is Bentley Fellow and Director, Building Performance Research focusing on building performance, zero-energy Buildings, decarbonization, digital twins, smart cities, sustainability, and resilience. Prior to being elevated to Bentley Fellow in 2014, he led development of Bentley's building performance software suite for four years. Before joining Bentley in 2010, Dr. Crawley developed and managed EnergyPlus and the USDOE's Commercial Buildings Initiative (now Better Buildings Initiative and Alliances) promoting creation of net-zero-energy buildings. With more than 40 years of experience in buildings energy efficiency, renewable energy, and sustainability, he has worked in engineering software development, government research and standards development organizations, as well as building design and consulting companies. He received his PhD in Mechanical Engineering from University of Strathclyde in Glasgow, Scotland on the topic of building simulation as a policy tool, and a Bachelor of Architecture from University of Tennessee, and is a registered architect.		

The Long Island Chapter is looking for presenters for the remainder of the year. Please contact us if you are interested in presenting to our membership.

Meeting Program

Dinner Presentation

Refrigeration Night

Presented by: *Richard Smith*

Rathe Associates - Commercial Development

Attendees Will Earn 1 PDH!

DATE:	**TUESDAY, APRIL 11TH, 2023**		
Time:	6:00 PM - Cocktails and Hors D'ouevres 7:00 PM - Dinner Presentations 8:45 PM - Conclusion	**Fee:**	**Members - $50 pp** **Guests - $70 pp** **Students - $15 pp**
Location:	**WESTBURY MANOR** (516) 333-7117 1100 Jericho Tpke., Westbury, NY 11590 **Directions are posted at @ www.ashraeli.org**		
Presentation:	The presentation will be about Refrigeration Updates. **All attendees will receive 1 PDH.**		
About our Speaker:	Rich Smith graduated from NYACK College with a Bachelor's Degree in Organizational Management. Prior to that, he attended Nassau Community College where he graduated with an Associates degree in Computer Science. Experience ranging from Industrial Production Plants to Military Electrical Test and Computer Science. Telecommunications to Heat and Refrigeration, Controls, and system design. Each Industry Learning and Developing many years. Rich has also been a Member of IEEE 2008-2016 serving on several subchapters and committees. Computer Society, PELS, RF/Microwave, Photonics, EMC, Renewable Energy (PELS) Serving as an ASHRAE Board Member and Chair of the Government affairs has brought me right here, today. Refrigerants!		

The Long Island Chapter is looking for presenters for the remainder of the year. Please contact us if you are interested in presenting to our membership.

Long Island Chapter - Past Presidents

1958	H. Campbell, Jr. PE	1990	Robert Rabell
1959	Clyde Alston, PE	1991	Gerald Berman
1960	Sidney Walzer, PE	1992	Donald Stahl
1961	Sidney Gayle	1993	Ronald Kilcarr
1962	William Kane	1994	Jerald Griliches
1963	Louis Bloom	1995	Walter Stark
1964	Milton Maxwell	1996	Joe Marino
1965	Will Reichenback	1997	Norm Maxwell, PE
1966	Joseph Minton, PE	1998	Alan Goerke, PE
1967	Irwin Miller	1999	Frank Morgigno
1968	Walter Gilroy	2000	Michael Gerazounis, PE, LEED AP
1969	Charles Henry	2001	Ray Schmitt
1970	William Wright	2002	Steven M. Stein, PE
1971	Louis Lenz	2003	Andrew Braum, PE
1972	Ronald Levine	2004	Claudio Darras, P.E.
1973	Henry Schulman	2005	Craig D. Marshall, P.E.
1974	Myron Goldberg	2006	John Nally
1975	John N. Haarhaus	2007	Peter Gerazounis, PE, LEED AP
1976	Richard K. Ennis	2008	Steven Friedman, PE, HFDP, LEED AP
1977	Kenneth A. Graff	2009	Steven Giammona, P.E., LEED AP
1978	Evans Lizardos, PE, LEED AP	2010	Nancy Román
1979	Albert Edelstein	2011	Carolyn Arote
1980	Ralph Butler	2012	Brian Simkins, LEED AP
1981	Robert Rose, PE	2013	Andrew Manos, LEED AP BD+C
1982	Timothy Murphy, PE	2014	Richard L. Rosner, P.E.
1983	Leon Taub, PE	2015	Thomas J. Fields, P.E., LEED AP
1984	Raymond Combs	2016	Donald Kane, P.E.
1985	Edward W. Hoffmann	2017	Andrew Dubel, P.E., LEED AP
1986	Jerome T. Norris, PE	2018	Richard Halley
1987	Abe Rubenstein, PE	2019	Frank Paradiso
1988	Michael O'Rourke	2020	James Hanna
1989	Mel Deimel	2021	Matthew J. Vitrano

PAOE

What is ASHRAE PAOE?

The ASHRAE Presidential Award of Excellence (PAOE) is a society-wide point system to track and reward chapter achievements.

Each year, the Society President establishes the point-earning activities. In this way, chapters are mobilized to work toward common Society goals. Chapters enter points they earn in our online system, and earn awards at the Region and Society level for their achievements and commitment to excellence.

PAOE POINTS FOR 2022/2023

Chapter Members	Chapter Operations	CTTC	Communi-cations	GGAC	History	Member-ship	Research Promotion	Student Activities	YEA	Chapter PAOE Totals
277	805	400	185	100	150	750	475	1000		

FROM: Farooq Mehboob SUBJECT: PRESIDENTIAL AWARD OF EXCELLENCE (PAOE)

I am writing to you on 'Securing our Future,' a subject near and dear to us for ourselves, our families, and our beloved Society ASHRAE. This is our theme for this society year. We stand today on the threshold of the new era with its challenges, climate, economic and cultural changes to name a few. Yet we have new opportunities which await us in this digital age by global collaboration using the power of our relationships, knowledge and a willingness to change. To secure our future, every one of us needs to participate passionately in a transparent ASHRAE. The bedrock on which we will build our secure future is Diversity, Equity and Inclusion. Only then will we be able to harness the power of our relationships, harvest information in the service of our members, and embrace changes by breaking down silos and overcoming resistance to change. The PAOE system was created to provide guidance to Chapter leaders in planning your chapter activities. The goal of the 2021-2022 PAOE system was to offer a roadmap for successful Chapter operation. This year's PAOE program is designed to move our Society forward as I have explained and help in securing our future.

Historian

The ASHRAE annual/winter conferences have been held since 1980. Below is a list of all the places they have been held over the years.

Year	Winter	Annual
1980	Los Angeles	Denver
1981	Chicago	Cincinnati
1982	Houston	Toronto
1983	Atlantic City	Washington
1984	Atlanta	Kansas City
1985	Chicago	Honolulu
1986	San Francisco	Portland
1987	New York	Nashville
1988	Dallas	Ottawa
1989	Chicago	Vancouver
1990	Atlanta	St. Louis
1991	New York	Indianapolis
1992	Anaheim	Baltimore
1993	Chicago	Denver
1994	New Orleans	Orlando
1995	Chicago	San Diego
1996	Atlanta	San Antonio
1997	Philadelphia	Boston
1998	San Francisco	Toronto
1999	Chicago	Seattle
2000	Dallas	Minneapolis
2001	Atlanta	Cincinnati
2002	Atlantic City	Honolulu
2003	Chicago	Kansas City
2004	Anaheim	Nashville
2005	Orlando	Denver
2006	Chicago	Quebec City
2007	Dallas	Long Beach
2008	New York	Salt Lake City
2009	Chicago	Louisville
2010	Orlando	Albuquerque
2011	Las Vegas	Montreal
2012	Chicago	San Antonio
2013	Dallas	Denver
2014	New York	Seattle
2015	Chicago	Atlanta
2016	Orlando	St. Louis
2017	Las Vegas	Long Beach
2018	Chicago	Houston
2019	Atlanta	Kansas City
2020	Orlando	Virtual (Austin)
2021	Virtual (Chicago)	Virtual (Phoenix)
2022	Las Vegas	Toronto
2023	Atlanta	Tampa
2024	Chicago	Indianapolis
2025	Orlando	Phoenix
2026	Las Vegas	

- Steven Gerazounis

Historian

Author: *Michael Ganz, Esq. is a partner at the Woodbury, New York headquarters office of* ***Kaufman Dolowich****. He focuses his practice on Construction Law and has more than 20 years of experience in construction transactional matters and litigation. He can be reached at:*

Michael.Ganz@kdvlaw.com or (516) 283-8761

Author: Aaron Solomon, Esq. is a partner at the Woodbury, New York headquarters office of ***Kaufman Dolowich****. He focuses his practice on Labor and Employment Law in many contexts, including the construction industry. He can be reached at:*

asolomon@kdvlaw.com *or* ***(516) 283-8727***

The Pitfalls Of Blurring The Traditional Contractor/Subcontractor Relationship With A Caveat For Most Contracts Performed Within New York State

Traditionally, a general contractor (GC) will enter in to a subcontract with a subcontractor and the two entities will operate as separate companies, each paying their own employees, each with the power to only terminate their own employees and essentially each controlling their own employees. However, there are often situations, particularly when a subcontractor is having cash flow problems in which a contractor may decide to pay the subcontractor's employees directly. This is done to ensure that the subcontractor will continue to perform work and the subcontractor will not use payments from the contractor for other purposes or to fund other projects. A GC should not do this and therefore must continue to maintain the legal distinction between companies. As discussed below, a GC might find itself liable for their subcontractors' violations of the law, even if the GC had nothing to do with the violation.

In a recent federal case, the Fourth Circuit Court of Appeals (Even though New York State is within the Second Circuit, this matter is a federal case and may influence a New York court.) found that employees of a framing and drywall subcontractor were also the employees of a GC for purposes of federal employment laws.

In the federal case, several employees of the Subcontractor filed a lawsuit against the Subcontractor and the GC for Subcontractor's failure to pay the employees proper overtime wages. The issue before the Court was whether GC was a "joint employer" of Subcontractor's employees. Since the Subcontractor was defunct with no money to pay a judgment, the GC was their only means of recovery.

The lower court dismissed the case against the GC because the GC and Subcontractor entered into a "traditionally … recognized," legitimate contractor-subcontractor relationship that did not attempt to avoid the law. This rationale is consistent with industry expectations that when a GC hires a subcontractor to do work, although there is some supervision required of the subcontractor, the GC does not take on legal responsibility for the subcontractor's workers.

However, on appeal, the Fourth Circuit found that the GC was a joint employer and stated that the "legitimacy of the business relationship was not the most important factor." Instead, a GC is a joint employer when (1) it shares responsibility for the terms and conditions of a worker's employment, and (2) the two entities' combined influence renders the worker an employee rather than an independent contractor.

The factual allegations supporting the Court's decision were as follows:

- The GC threatened to fire a Subcontractor employee on at least one occasion;
- On some jobs, the Subcontractor's employees worked directly for GC;
- The GC had control over the schedules of the Subcontractor's employees; and
- The Subcontractor's employees wore GC's clothing/hard hats with the GC logo on site.

Therefore, the Court determined a joint employer status for the GC and Subcontractor. The significance of joint employer status is that all joint employers are liable, jointly and severally, for any FLSA wage and hour violations. In the past, Courts have held that the joint employer test is whether the employee is "economically dependent" on the alleged joint employers. The Fourth Circuit rejected that test. Instead, it explained, the fundamental question is "whether two or more persons or entities are 'not completely disassociated' with respect to a worker such that the persons or entities share, agree to allocate responsibility for, or otherwise codetermine—formally or informally, directly or indirectly—the essential terms and conditions of the worker's employment."
There is a six factor test as to the Joint Employer relationship.

1. Whether, formally or in practice, the joint employers jointly determine, share the power to direct, control or supervise the worker;

2. Whether, formally or in practice, the joint employers jointly determine, share the power to hire or fire the worker or modify the terms or conditions of the worker's employment;

3. The degree of permanency and duration of the relationship between the joint employers;

4. Whether, through shared management or a direct or indirect ownership interest, one joint employer controls, is controlled by or is under common control with the other joint employer;

5. Whether the work is performed in an office owned or controlled by one or more of the joint employers, and

6. Whether, formally or in practice, the employers jointly determine, share or allocate responsibility over functions ordinarily carried out by an employer, such as handling payroll; providing workers' compensation insurance; paying payroll taxes; or providing the facilities, alleged equipment, tools or materials necessary to complete the work.

Importantly, the claimant does not have to satisfy all six factors. The Fourth Circuit explained that "one factor alone can serve as the basis for finding that two or more persons or entities are 'not completely disassociated'" and are therefore joint employers. The contractor-subcontractor relationship is a vertical employment relationship. In the past, joint employer status was typically found in a horizontal employment relationship. In horizontal relationships, an employee is admittedly employed by two separate entities and the question is whether those entities are sufficiently related such that they should be considered one employer for FLSA purposes. An example is a laborer that works for two separate contractors operated by the same entity.
The facts of the Fourth Circuit case were atypical and unfavorable to the GC. There, the subcontractor worked almost exclusively for the GC and took other work only when GC had nothing available. GC provided the subcontractor's employees nearly all tools, material and equipment. It required the plaintiffs to sign in on GC time sheets each day, wear GC branded hard hats and vests, and tell anyone who asked that they worked for GC. The employees were directed by the GC, not the Subcontractor, how and where to perform the day's work. Also, in some instances the employees' paychecks came directly from the GC. Here, it is clear that the GC was essentially the real employer of the Subcontractors' employees.

New York State Caveat – The Statutory Erosion of a General Contractor's protection for wage violations committed by sub-contractors.

In January 2022, New York changed the game with respect to a New York General Contractor's lability for a sub contractor's wage violations. Specifically, a new wage protection statute was added to New York Labor Law, Section 198(e) which holds construction contractors liable for all sorts of claims under the New York Labor Law committed by their subcontractors and all down-stream sub-subcontractors, at any tier, in connection with work performed on "construction contracts." The terms construction contracts, contractors, subcontractors, and owners are broadly defined. However, the New York Legislature mercifully agreed to exclude home improvement contracts with the owner of an occupied dwelling and construction contracts for one- or two-family dwelling units (except where such contract or contracts involve the construction of more than 10 units at one project site) from the statute's coverage.

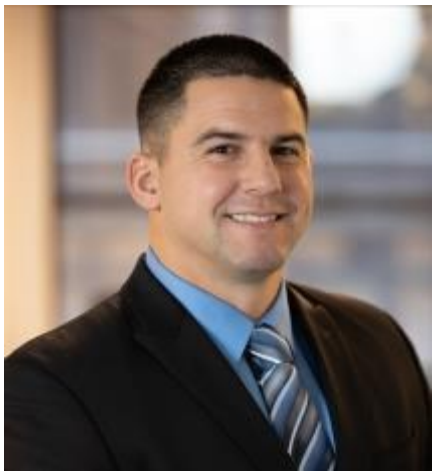
The law imposed strict liability on General Contractors for the wage violations of their subcontractors. This is significant because the employees of a General Contractor's subcontractors, at any tier, can sue the General Contractor for relief for New York Labor Law violations committed by their employer. This includes recovery of unpaid minimum wages, unpaid overtime wages, benefits that might be wages (i.e. reimbursement for expenses, vacation, holiday, and separation pay), civil penalties, and attorneys' fees. Further, the limitation period for claims against the general contractor under NYLL 198(e) is three years.
As discussed above, prior to this law, a general contractor would not be responsible for its subcontractor's wage practices or liability to their employees unless it was found to be a "joint" employer, which, is discussed above. Now, as mentioned, contractors face strict liability for claims associated with the subcontractor's and down-stream sub-subcontractor's payroll practices.

Also, the New York Legislature added section 756(f) to the New York General Business Law (GBL). This section authorizes contractors to withhold payments owed to subcontractors who fail to pay their construction workers or who fail to comply with the law or requests by contractors for payroll information and records required by the law (i.e., certified payroll records, records of names of employees, payments of wages and benefits and dates of work).
This necessary provision allows general contractors to impose significant contract, audit, payment and indemnity provisions on subcontractors in an attempt to manage and limit their liability for subcontractor's wage claims.

Therefore, if you employ subcontractors, make certain your contracts contain the correct language on the independent contractor relationship, contain strong indemnification provisions and insurance requirements that establish the subcontractor as a distinct entity. Moreover, even if your contractors are proper, your interactions with subcontractors and their employees are even more important. General Contractors in New York must take appropriate additional care. Given the stringent and arguably onerous scope of liability, contractors must address these requirements in their subcontracts and explicitly advise their subcontractors of their responsibilities and record keeping requirements. An evaluation of a subcontractor's wage practices must be evaluated in advance of retention. For example, General Contractors may wish to avoid engaging subcontractors who pay in cash as well as those who pay a "daily" or "weekly" rate to their workers. General Contractors must be especially wary of subcontractors who fail to pay employees on a weekly basis.

General Contractors must ensure that a contract contains strong auditing provisions and payment to a subcontractor must be contingent upon the successful outcome of an audit. Additional license must be given to a General Contractor to terminate a contract. For example, a General Contractor may wish to include language in a contract providing for termination in the event the subcontractor demonstrates that it is engaging in an improper wage practice. This includes the failure to pass a wage compliance audit, the failure to remit payment of wages to its employees, or the failure to keep and maintain appropriate records. Failure to take appropriate care can lead to peril.

Refrigeration



Hello Everyone,

I like to follow the Refrigeration Applications column in the monthly society Journal. This month I read the September 2006 Article “Using Refrigerants Responsibly” This article goes into the role HVAC&R equipment manufacturers play in making sure refrigerants are used and handled responsibly.
Recovering, Recycling and reclaiming refrigerants as well as ways to properly dispose of refrigerants at the end of their useful life were all covered in the article.

Here is a link to the article if you would like to read it:
https://technologyportal.ashrae.org/Journal/ArticleDetail/110

- Pete Conte

Chairperson

CTTC

With the continued push for building electrification, more and more engineers are turning to VRF (Variable Refrigerant Flow) systems to meet their heating and cooling needs. In addition to the benefits of electrification, VRF systems offer quieter operation, simultaneous heating and cooling, and built-in energy recovery. As with any system type, proper installation and design can improve efficiency and performance. Check out this past month's January 2023 issue of the ASHRAE Journal, "The VRF Learning Curve" to learn VRF system installation and design best practices.

We look forward to seeing you at the next ASHRAE meeting on Tuesday, February 21st.

Thomas DiBenedetto
CTTC Chairman

Murat Bayramoglu
CTTC Co-Chairman

The VRF Learning Curve

From the January 2023 ASHRAE Journal

Authored by Michael Gallagher, PE

Article Summary

While the concept of VRF has been around since the 1970s, the invention of variable speed compressors and improvements in control systems solved the issue of incomplete oil return and allowed VRF systems to reach their full potential. A properly functioning VRF system requires good design and installation practices.

Pipe Expansion

Designers often neglect to include provisions for expansion and contraction. Designers should work with manufacturers to confirm maximum lengths before expansion joints or loops are required.

CTTC

Distribution Box Service Access

With the advent of stepper motor flow regulating valves to replace solenoid valves in the distribution boxes, the distribution boxes no longer make annoying clicking sounds and may now be installed in more accessible locations rather than hidden away.

System Refrigerant Charge

VRF systems work better when they are properly charged with refrigerant. When VRF piping is run through shafts, the shafts must be designed with adequate space to identify and repair refrigerant leaks.

To properly charge refrigerant systems, installers must share actual installed piping layouts with the product manufacturer to identify proper refrigerant charge. System total piping length can be too short or too long. Overcharged systems are common when installers rely on design drawings rather than as-builts to determine refrigerant charge, and this puts major strain on compressors.

> *"A good VRF installation is an iterative redesign process between the field foreman and the project manager, with periodic reruns through the manufacturer's software based on actual distribution box and fan coil locations."*

Isolation Valves

To permit repair work on VRF systems, isolation valves should be installed for each fan coil unit either near the terminal unit or at the distribution box to avoid requiring full system shutdowns for minor repairs.

Filtration

The COVID era brought a high demand for MERV 13 filtration. Designers should not assume that every ducted VRF fan coil can use a MERV 13 filter, and recognize that there may be filter housing alterations or accessories required.

Condensate Pumps

VRF terminal units are typically furnished with condensate pumps that have only 2 to 3 feet of pump head. For systems requiring higher condensate line elevation, alternate pump arrangements are required.

Control System Upgrades

For tenant fit out systems, the condensing units are often installed prior to the tenant terminal fan coil units. Because of the rapid improvements in VRF systems year after year, the terminal units are often 1 or 2 generations newer than the condensing units, and control systems require software and firmware updates to be compatible. While typically inexpensive, these updates can delay system startup and project turnover, and should therefore be identified early.

YEA

Leadership Weekend 1.0

Registration for the spring YEA Leadership Weekend is still open until February 24th! This event will be hosted in Miami, Florida from March 17th through the 19th . Please visit the link below for additional information on this event.

https://www.ashrae.org/communities/young-engineers-in-ashrae-yea/yea-events-and-programs/yea-leadership-weekend

Leadership Weekend 2.0

Additionally, registration for Leadership Weekend 2.0 is open until March 16th. If you had previously attended 1.0 last year, please look into this event as Ralph expands upon the skills taught during 1.0.

LeaDRS

Similar to the Leadership U program, LeaDRS, allows a region to select any ASHRAE member to shadow their Director and Regional Chair (DRC) at an ASHRAE Conference. To apply for this program you must contact the DRC directly. For Long Island that would be Steven Sill.

Region	DRC	Email
Region I	Mr. Steven C Sill	r01drc@ashrae.net

- Michael Steven Gerazounis

YEA

Student Activities

Welcome back! Hope everyone has enjoyed the nice weather in the past weeks. As the clock is ticking, we have a couple of due dates around the corner.

First, the ASHRAE Student Activities Committee is offering two $1,000 USD **Travel Grants** to help subsidize students to travel to the Winter Conference in Atlanta, Georgia in February 2023.

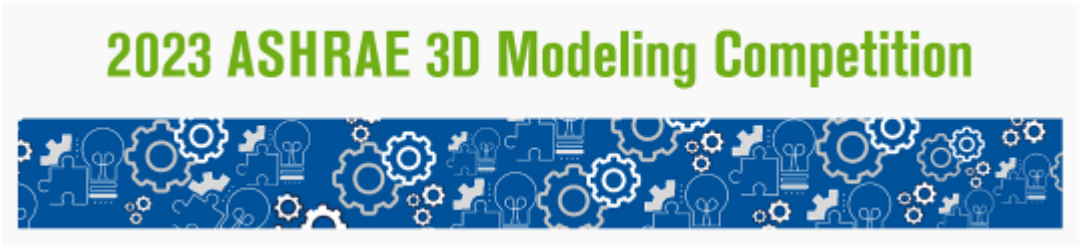
Applications are due by **September 30, 2022**. So, if interested, apply online NOW:

https://www.ashrae.org/communities/student-zone/scholarships-and-grants/student-activities-travel-grant

Second, the **ASHRAE Undergraduate Program Equipment Grants Program** provides grants to engineering, technical and architectural schools worldwide with the goal of increasing student knowledge, learning and awareness of the HVAC&R industry. Grants shall be used to fund equipment and supplies for undergraduate projects and 2-year technical school projects that focus on ASHRAE-related topics. Grants may cover projects lasting from one academic term up to one year.

Early-bird deadline for Undergraduate Equipment Grant Applications are **November 15, 2022.**

Third, the **ASHRAE 3D Modeling Competition** will provide students with the opportunity to take the first steps in designing a building's HVAC system. This competition will expose students to the process that designers and engineers go through when designing building systems.



Registration Deadline for Modeling Competition is the **November 30, 2022.**

Please reach out for more information if you are interested in participating of any of the above programs. I look forward to seeing you in the 2023 ASHRAE Winter Conference!

- Zhigang Xu

Student Activities Chair

Sustainability Committee

Please join ASHRAE Long Island in an Earth Day Panelist event being hosted at the New York Institute of Technology. We will be having an open discussion on sustainability in HVAC, and how it affects our day-to-day lives, as well as our careers. We hope to see you there!

Buildings Sustainability: Panelist Event
New York Institute of Technology (NYIT)
Harry Schure Hall - Room #130
April 19 @ 12:45pm – 2:30pm

Government Affairs Committee (GAC)

Refrigerant Update.3/09/23

Just when you thought it was safe to switch to one of the new refrigerants….NY State Amps up the Drama.
Governor Hochul wanted to shift the accounting for the impact of methane emissions from a 20-year to the 100-year outlook used by most states, including those that surround New York, to enable interstate cooperation in things like her “cap and trade” plan. But the green lobby erupted and they withdrew from the fight.
You may say what does Methane have to do with refrigerants? Carbon emissions are not differentiated between fuel and refrigerants so they are connected together as one, even if it sabotages climate goals in the process.

20 Years it is!
Excerpt from last month.

Add to the end

Till Next Time… Next Month- Look for my Article on Serving on the Hospital climate Goal Consortium.

Richard Smith – GAC Chair.

006ggac@ashrae.net

MEMBERSHIP PROMOTION

Did you know that there are four membership grades with different benefits, and that they are based on your time in ASHRAE? Many people enter ASHRAE as students. At the student level, they may not hold office in ASHRAE, BUT can participate in technical committees that essentially shape the industry. In addition, students can begin to network with HVAC professionals and build bridges that will serve them well when they are ready to enter the workforce. In terms of building a solid resume, there is no better way to spend $25!

After graduation, students can move into an Affiliate Members through the Smart Start Program. For three years this level of membership allows them to keep their fees relatively low while they build their social and professional networks and advance their careers. Another key benefit is they gain access to discounted ASHRAE publications and are eligible for various products.

Affiliate members naturally advance to Associate Members after 3 years. Now that you have experience you are ready to get involved and change the world. Associate Members can participate in the governance of their chapters and take advantage of leadership opportunities all over the globe.

Progressing 12 years forward, you become a Member. At this point, you're confident in your professional skills, comfortable in leader-ship positions, and well established in the industry. Even better, you are eligible to hold office and vote all the way up at Society level. As an ASHRAE Member, you really can change the world through ASHRAE's global reach.

Unfortunately, none if this is possible if you **allow your membership to lapse**. Even if you've been a member for 20 years, if you allow your membership to expire (90 days past due) you lose your seniority, and the clock goes back to zero when you come back. Don't let this happen to you! Don't lose what you've worked so hard for. Renew your membership and hold your esteemed place in the conversation. Don't forget to check our website at www.ashraeli.org for the most current information about your Long Island chapter.

I would like to informally welcome our new members this month:

1. James Purcell
2. Jafet Tavarez
3. Laura L St Germain
4. Jonathan Rodriguez

Looking forward to another great month and thank you in advance for your support, time and guidance.

Michael H. Razzano
Membership Promotion Chair

Michael Gerazounis
Membership Promotion Co-Chair

ASHRAE CERTIFICATIONS

ASHRAE, accredited by ANSI under ISO/IEC 17024 for the High-Performance Building Design Professional (HBDP) program, has certified more than 2,000 Built Environmental Professionals.

ASHRAE certification programs:

- Are developed by industry practitioners who understand the knowledge and experience that are expected for superior building design and system operation
- Assure employers and clients of subject mastery
- Serve as a springboard for continued professional development
- Offer an easy-to-apply process

FOR MORE INFORMATION GO TO - https://www.ashrae.org/education--certification/certification

Join ASHRAE on Social Media!

ASHRAE Social Media

Follow **ASHRAE on Twitter @ashraenews** for up-to-date news, events, and articles about HVAC&R. Search **#MyASHRAE** on Twitter to see member photos from around the world.

Follow us on Twitter

Most Popular Tweets

Does It Cost More To Build Green? Benefits include reduced operating costs & construction waste.

Online Thermal Comfort Compliance Tool Included In New ASHRAE User's Manual.

87% of households in the US have #AC, 5% do in India. India's tough choice on air-conditioning and climate.

The November issue of the Journal is tested for binding strength to see how many times a page can be turned before the binding would fail.

Harvard & SUNY Upstate Medical University find that workers are healthier and happier in certified green buildings.

ASHRAE Standard 90.1 has been redefining energy savings since 1975. A new version is available now.

Adapting historical buildings for sustainable reuse.

Get To Know ASHRAE

ASHRAE Conferences

ASHRAE 2023 ASHRAE WINTER CONFERENCE
ATLANTA, Feb 4-8 | AHR Expo, Feb 6-8

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