

The SubAla Insider



LARRY ARGO ELECTED PRESIDENT FOR 2014



SubAla would like to congratulate Larry Argo on being named SubAla President for 2014. Larry has provided SubAla many years of service and hard work, and has held numerous board positions over the years.

Larry Argo, Bobby Bratton and Bill Proctor founded Marathon Electrical Contractors, Inc. in March of 1987. Larry has served as President of the company since its inception. Prior to that, he was a vice-president with 4-Star Electrical and served as project manager and estimator.

Larry worked a variety of jobs, not in the construction field, as a teenager. He attended a junior college and completed two years. Larry started construction work as an apprentice electrician in 1971 working with several different contractors. He was hired by D & G Electric in 1976 and progressed to superintendent. He was moved into the office to help estimate when work in the field was not available. He progressed from there to a full-time project manager and estimator.

In 1981, 4-Star Electric was formed by Larry Argo and Bobby Bratton. Both stayed as officers and minority stockholders of that company until they were summarily dismissed in March of 1987, therefore, providing the impetus to begin Marathon Electrical Contractors, Inc.

After Marathon Electrical Contractors incorporation in March of 1987, the company has grown from twenty-two employees to approximately four hundred employees at the present time. Marathon Electric enjoys an excellent reputation and has been the largest electrical contractor in the state for twelve consecutive years. Marathon consistently ranks in the Top 600 Specialty Contractor in the country as ranked by a national magazine.

Larry is a past president of the American Subcontractors Association of Alabama and the Alabama Chapter of the Independent Electrical Contractors Association. He also served multiple terms on the Foundation Board of St. Vincent's Hospital.

Larry has been married to his wife, Janet, for over forty years. He has three children of which he is most proud. Larry has seven grandchildren that he enjoys spending time with. He also enjoys hunting, fishing, golf, motorcycle riding, running and electrical work.



THE NEW SUBALA MEMBERSHIP DIRECTORIES ARE IN

You should have received your copy of SubAla's 2013-2014 Membership Directory, which provides you easy access to fellow members' contact information. If you have not received your copy, please contact Jan Birdyshaw at (205) 981-0086.



OFFICERS

Robert Baker
President

Tom Kime
Executive Vice-President

Larry Argo
Vice-President – 1 Year

David Richard
Vice-President – 2 Years

L.F. "Chip" Pierce
Past President

BOARD OF DIRECTORS

Bobby Dobson
David Allen
Marty Robbins
Waymon Williams
Steve Miller
Brian Atkins
John Till
George Helms

BOARD OF TRUSTEES

Derek Thomas
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Conrad Watson
W.E. "Chip" Braswell, Jr.
Bruce McCrory

CHIEF EXECUTIVE OFFICER

David Feemster

CHIEF FINANCIAL OFFICER

Donna Feemster

COO & GENERAL COUNSEL

David Campbell

PARKING LOT WEAPONS POLICY – THE EMPLOYER’S SILVER BULLET

On August 1, 2013, Alabama law changed to allow employees meeting certain prerequisites to transport and store firearms in their privately-owned vehicles while in their employers’ parking lots. Eleven days later in Huntsville, Alabama, two employees were injured in an accidental shooting at work when they tried to exchange guns in their employer’s parking lot. Could these employees have mistakenly believed their actions were within the bounds of the new law?

To help prevent such mistakes, Alabama employers should implement a Weapons Policy or revise their existing policy to explain the law’s limits. You have likely heard a gun owner say it is better to have a gun and not need it than to need a gun and not have it. For employers, the same is true of Weapons Policies. To draft such a policy, an employer must first understand the restrictions the new law places upon them. Once it understands those, it can recognize and regulate the areas still within its control.

Employer Restrictions

The new law provides that an employer cannot restrict or prohibit the transportation or storage of a lawfully possessed firearm or ammunition in an employee’s privately-owned vehicle while it is parked in an authorized public or private parking area (including those owned by the employer), if (1) the employee has a valid concealed weapons permit (“CWP”) or if the weapon is legal for hunting (and not a pistol), the employee possesses a valid Alabama hunting license, the weapon is unloaded while on private property, it is during an authorized hunting season, the employee has never been convicted of crimes of violence and is not subject to a domestic violence order, the employee does not have certain psychiatric problems, and the employee has no documented prior workplace incidents involving physical injury threats or which resulted in physical injury; and (2) the firearm and/or ammunition is (a) in the employee’s vehicle and kept from ordinary observation within the vehicle while the employee is attending the vehicle, or (b) kept from ordinary observation and locked within a compartment within or container securely affixed to the employee’s personal vehicle.

If an employer takes an adverse employment action against an employee meeting these storage requirements because the employee stored a gun in his car, then the employee can make a demand to his employer to recover lost wages and benefits and other lost remuneration caused by the adverse employment action. If the employer does not satisfy that demand within 45 days (which presumably would include returning the employee to work), then the employee may file a civil action against his or her employer seeking lost compensation; and there would also, no doubt, be a request for reinstatement.

Employer Rights

In exchange for giving up the ability to prohibit the storage of firearms in employee vehicles on its property, the law provides that an employer shall be immune from claims seeking damages resulting from firearms brought onto the property by an employee, including one transported in the employee’s vehicle. The law is careful to point out, however, this immunity will not extend to any affirmative wrongful acts by an employer that cause harm.

Employers can still report to law enforcement a complaint based upon information and belief there is credible evidence of: (a) a firearm prohibited by state or federal law on its property (whether inside or outside of a vehicle); (b) stolen property or an illegal item other than a firearm; or (c) a threat made by an employee to injure themselves or others. If police officers legally discover a firearm prohibited by law, stolen property, or other prohibited item in an employee’s vehicle, the employer may take adverse employment action against the employee.

If an employer believes that an employee presents a risk of harm to himself/herself or others, the employer may inquire about whether the employee has a firearm in his vehicle. If the employee discloses he has a firearm in his vehicle, the employer may ask whether the employee is in compliance with the storage conditions. This should allow an employer to ask the employee to present proof of a current CWP or hunting license. If the employee does not comply with the storage requirements, the employer can take adverse employment action against the employee – in the discretion of the employer. The familiar discipline “up to and including termination” would be available here.

Employers can also still restrict or prohibit employees (including those who have CWPs) from possessing or carrying firearms on their persons while on the employer’s property (including the parking lot) or while engaged to perform job duties (on or off employer property). This can include prohibiting employees from taking their firearms outside of their vehicles and can even prohibit employees from touching their firearms while on the employer’s property (including within their personal vehicle in the parking lot). The parking lot is not the place to move a pistol from an ankle holster to a locking glove

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THE 2013 CHISENHALL AWARD

Congratulations to Thomas (Tom) Kime of Standard Heating and Air Conditioning Co. as recipient of the 2013 Chisenhall Award. The 2013 award was presented at our annual convention held in July, 2013, at Baytowne Wharf in Sandestin.

Tom grew up in Homewood, a suburb of Birmingham, and later graduated with an engineering degree from Auburn University in 1969. Tom spent time in California prior to returning to Birmingham where he began his career as sales engineer for an air conditioning manufacturer. In 1977 he began work at Standard Heating Company, a business that initially began as a roofing company back in the 1930's and expanded decades later to include heating and air conditioning installation and service. Standard Heating Company then became Standard Heating & Air Conditioning Company where he served as vice president from 1977 to 1996. In 1996 he purchased the company from Bob Williams. Today, Standard Heating & Air Conditioning Company is still locally owned and recognized as a leader in the Birmingham area.



In 2012 Carrier Corporation presented Tom Kime with its very prestigious National Dealer Hall of Fame Award. This extraordinary lifetime achievement award is presented annually to a contractor to recognize and honor a dealer who demonstrates enthusiasm, loyalty, and courage in his work and who embodies the same leadership philosophy as the Carrier founder, Willis Carrier. We are proud of Tom in receiving this honor.

Tom is married to Christine and they have three children: Tyler, who is married and has two children, works with Tom at Standard Heating & Air; Noelle Kime Ward is married, has two children and lives in Vestavia; and Ryan, Tom's youngest child, is married, has two children (the latest one born a few weeks ago) and lives in Boston.

The Chisenhall Award is the highest award given by our Association. Established in 1971, the Chisenhall Award was named for Herbert Chisenhall who was instrumental in the establishment of ARSM-HACCA, now SubAla, in the early 1950's. The award has always honored association members who exhibit standards of excellence in the industry and contribute to the success and growth of the association. The recipient is selected by vote of a committee of previous Chisenhall Honorees and the identity is kept secret until the presentation is made at the Annual Convention.

THE 2013 PRESIDENT'S AWARD

SubAla is proud to award Robert (Bob) Baker the 2013 President's Award. Over the years Bob has provided distinguished service to SubAla having been a member since 1982, has served on the Board of Directors for many years and was the president of SubAla in 2004. He has been very instrumental in the development of plans for the association as well as serving on special committees.

Bob is the President of Hinkle Roofing Products, Inc., and has held that position since 1998. He is married to Elizabeth Hightower Baker and has two wonderful daughters, Anne Peyton and Mary Lucile. Along with his service to SubAla, Bob is actively involved in the community. He is a Sunday School teacher, deacon, and Chairman of the Finance Committee at Mountain Brook Baptist Church; on the Executive Committee of Mountain Brook Athletics; a past board member of Shades Valley rotary; past president of the Foundation Board of St. Vincent's Hospital; and past Chairman of the Advisory Committee of the Building Science Department at Jefferson State College.



Bob's term as President continues throughout this calendar year.

We greatly appreciate Bob's dedication and the many contributions he has made to SubAla.

SUBALA 2013 INDUSTRY AWARDS BANQUET TO BE HELD OCTOBER 1ST

SubAla is excited to hold its annual Industry Awards Banquet at The Club in the Grand Ballroom on Tuesday, October 1, 2013, from 5:30 p.m. to 8:30 p.m.

The banquet will consist of a cocktail hour, a dinner and an awards presentation. This industry-wide event will honor members of the construction industry for their contributions to the area's construction climate. Special recognition will also be given to legislators and the SubAla General Contractor Forum participants. Those attending will include all facets of the construction industry, including architects, engineers, general contractors, subcontractors, suppliers, and owners of many of the area's construction projects.

During the banquet SubAla will be honoring the following individuals and companies:

Lifetime Achievement Award

Henry Hagood, Alabama AGC

Legislators of the Year

Senator J. T. "Jabo" Waggoner and Representative Paul DeMarco

General Contractor of the Year (\$75 million and above)

Brasfield & Gorrie, LLC

General Contractor of the Year (\$25 million to \$75 million)

Dunn Building Company

General Contractor of the Year (\$25 million and below)

Murray Building Company

General Contractor Safety Award

Robins & Morton

Architect of the Year

John Poole, Poole & Company Architects

Engineer of the Year

Dale York, LBYD

Project Manager of the Year (\$75 million and above)

Stephen Green, Hoar Construction, LLC

Project Manager of the Year (\$75 million and below)

Ryan Ferris, Dunn Building Company

Superintendent of the Year (\$75 million and above)

Mike Pattillo, Doster Construction Company

Superintendent of the Year (\$75 million and below)

Lanny Jolly, Rives Construction Company, Inc.

Estimator of the Year (\$75 million and above)

Barry Eady, B. L. Harbert International, LLC

Estimator of the Year (\$75 million and below)

Charley Saunders, Stewart Perry

Subcontractor of the Year (Central Alabama)

Hardy Corporation

Subcontractor of the Year (North Alabama)

Early Services, Inc.

Subcontractor of the Year (South Alabama)

Walters Controls, Inc.



EXCELLENCE IN THE WORKPLACE SAFETY AWARDS

As a new honor, recognized at the 2013 SubAla Awards Banquet, SubAla and WorkersFirst have created an Excellence in Workplace Safety award. To be eligible for the Excellence in Workplace Safety award candidates must be a member in good standing of SubAla and have participated in WorkersFirst for a minimum of five years. The award is based on extremely stringent performance criteria including, but not limited to, achieving an aggregate loss ratio for the last 5 years of 15% or less as well as maintaining an experience modification rating (EMR) of 1.0 or under for this same time period. There are additional rigorous standards to be realized before being nominated for this award. We are extremely proud to have 66 members accomplish the criteria for nomination and be selected for recognition of this significant achievement. Honorees will receive an Excellence in Workplace Safety award that can displayed prominently in their workplace and utilized as they market their organization.

We are proud to recognize the following for the SubAla/WorkersFirst 2013 Excellence in Workplace Safety Award:

A & B Electric Company	InTec Industries, Inc.
Advance Machinery, Inc.	Interstate Roofing, Inc.
Aguilar Roofing, LLC	James B. Donaghey, Inc.
Alabama Roofing & Sheet Metal Co.	Joe East Heating & A/C, Inc.
Allen's Air Conditioning, Inc.	Jones Brothers Roofing Co., Inc.
Architectural Stone Imports	KC Construction
B & D Electric Motor Co., Inc.	M. G. Roofing, Inc.
B & W Electric Company, Inc.	Madison Electric, Inc.
Bama Services	Magic City Roofing, Inc.
BDI, Inc.	Marathon Electrical Contractors, Inc.
Bhate Environmental Associates, Inc.	McCord Contract Floors, Inc.
Bonham Plumbing, Inc.	Mid-America Roofing, Inc.
Burgess & Berry Insulation Company, Inc.	Mobile Sheet Metal Company, Inc.
Bynum Heating Cooling & Appliance Repair, Inc.	NeedCo., Inc.
Capital Heating & Cooling, Inc.	P & T Mechanical Contractors, Inc.
Central Alabama Metal & Roofing Company	Paradiso Painting Company, Inc.
Clarke-Air, Inc.	Phil Dennis Heating & A/C, Inc.
Coley Air Conditioning, Inc.	R & R Contracting, LLC
Controlled Environment, Inc.	R. B. Atkins & Associates, Inc.
Cornelius Welding & Maintenance, Inc.	Redmon Drywall, Inc.
Crimson Insulation Company, Inc.	Reynolds Electric & Refrigeration, Inc.
DMF, Inc.	Ron Blackmon's Quality Air, Inc.
Dallas A/C & Heating, Inc.	Roofers Mart Southeast, Inc.
David S. White Roofing Company, Inc.	Roofing Systems, Inc.
Delta Flooring, Inc.	S-DAP, Inc.
Donald Carter Heating & Cooling, LLC	Siberton Fence Sales, Inc.
Freeman Sheet Metal, Inc.	Simco Construction, Inc.
Garrison & Garrison, Inc.	Snell Service Co., Inc.
Harrell's Refrigeration Service, Inc.	Thomas Sheet Metal Company, Inc.
Hathcock Roofing & Remodeling Company, Inc.	Tri State Roofing & Remodeling Company, Inc.
Hinkle Roofing Products, Inc.	Valley Distributors, Inc.
Hudson Roofing Company	Walley Electric Co., Inc.
Huntsville Heating & Cooling, Inc.	Wildes Air Conditioning Company, Inc.

SUBALA AND THE 2014 ELECTIONS

As many of you are aware, the association was heavily involved in the 2013 Legislative Session. SubAla introduced bills, provided changes and input to proposed legislation, and fought bills detrimental to the industry. Our success was in large part due to the support of many members of the Senate and House who we met with throughout the session. In 2014 these individuals will be up for re-election. While SubAla's PAC is relatively new and lacking the funding that many well established PACs have, we want to be as involved as possible in the upcoming election cycle.

To that end SubAla will be raising PAC money for the 2014 Elections through PAC fund raising events and request for contributions from our membership. We would also request that if you or your company is planning to give to a candidate's campaign that you consider giving those funds to the SubAla PAC. Any amounts given to the PAC can be directed to the candidate of your choice and you can be assured that they will be aware of your contribution.

Below is the list of federal and state offices which are up for election in 2014. Please contact David Campbell if you wish to be involved in this process or if there is candidate with whom you have a personal relationship.

2014 Offices Up For Election in 2014

- Governor
- Lieutenant Governor
- U.S. Senate
- U.S. House of Representatives
- 1st District through 7th District
- Attorney General
- State Senate (all 35 Districts)
- State Representative (all 105 Districts)
- State Supreme Court
- Associate Justice
- Court of Civil Appeals Judge (1 seat)
- Court of Criminal Appeals Judge (2 seats)
- Secretary of State
- State Treasurer
- State Auditor
- Commissioner of Agriculture & Industries
- Public Service Commissioner (2 seats)
- State Board of Education
- District 2
- District 4
- District 6
- District 8
- Circuit Court Judges (various)
- District Court Judges (various)
- District Attorneys (various)
- County Offices (various)

PARKING LOT WEAPONS POLICY – THE EMPLOYER'S SILVER BULLET **(CONTINUED FROM PAGE 2)**

compartment, and it is not the place for show-and-tell, or buying, selling or trading guns. The law also states that the storage rights pertain only to the employee's privately-owned vehicle. That means employers may still prohibit the transportation or storage of firearms in company-owned vehicles assigned to employees or in any other vehicle not owned by the employee.

A Weapons Policy can drive these and other points home to help make sure that the employee parking lot remains as safe and secure today as it was prior to August 1.

The authors, David Lynn Warren, Jr. and James Pennington, practice labor and employment defense law in Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s Birmingham office. They may be contacted by e-mail or phone at david.warren@ogletreedeakins.com (205) 714-4407 or james.pennington@ogletreedeakins.com (205) 714-4430.

SPECIAL THANKS TO OUR CONVENTION SPONSORS!

We are grateful to our friends who are sponsoring the 2013 SubAla and WorkersFirst convention. We are thankful for their interest in supporting us. Without the generous financial support of all our sponsors, we would not be able to host this type of first-class event. Please take advantage of this opportunity to socialize with representatives of these fine organizations and thank them personally for their support.

PLATINUM \$2,500 and up

Forte
Wilson & Berryhill, PC
WorkersFirst CompFund
York Risk Services Group

GOLD \$1,500-\$2,499

Marathon Electrical Contractors, Inc.
Midwest Employers Casualty Co.
Roofers Mart Southeast, Inc.

SILVER \$750-\$1,499

Brasfield & Gorrie
Carr, Riggs & Ingram
CMI, LLC
Hinkle Metals & Supply Co, Inc.
Morgan Stanley
Murray Building Company
Ogletree, Deakins, Nash, Smoak
& Stewart, PC
Weathertech

BRONZE \$749 or less

Austill, Lewis, Pipkin & Maddox, PC
Baker, Donelson, Bearman, Caldwell
& Berkowitz, PC
Corporate Pharmacy Services, Inc.
First Response, Inc.
Jett Medical Co, LLC
Johnstone Supply
Miller Development Group
RC Sales Group, Inc./Duro-Last
ServisFirst Bank
Wittichen Supply Company

WORKERSFIRST BROKER PARTNERS

Cobbs Allen
Clark Associates
Flowers Insurance Agency
JR Prewitt & Associates, Inc.
USI Insurance Services, LLC



WE HAD A GREAT TIME AT CONVENTION!!!



WELCOME NEW MEMBERS

SubAla is proud to welcome the newest members to the association and would like to give a special welcome to those members of ASA that have recently joined. As our commitment to you, we promise to always strive to provide you the services, support and unified voice you need to be successful in your business. SubAla has a number of great programs and offers numerous ways to be involved in the association. Please contact our office at 205-981-0086 if you need or would like to be more involved.

ALABAMA STEEL COMPONENTS, INC. – TUSCALOOSA
JETT CONSTRUCTION CO., INC. - MULGA
ALABAMA CONTROLS, INC. - PELHAM
CJF CONSTRUCTION, INC. – FLORENCE

ASSOCIATES

FIRST COMMERCIAL BANK* - BIRMINGHAM
SELLERS RICHARDSON HOLMAN & WEST, LLP* - BIRMINGHAM
CRS, INC.* - ATLANTA