



NFBA POST-FRAME FORUM

*Your connection to the NFBA and the latest in
Post-frame Industry news*

THIS ISSUE

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ISSUE 1
VOLUME 1
MAY/JUNE 2019

SAVE THE DATE INFO

SAFETY MANUAL
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A MESSAGE FROM NFBA CHAIRMAN: MATT GREINER

It is an exciting opportunity for me to write my first Chairman summary for NFBA, and to present a digital publication in place of Frame Building News (FBN). While we enjoyed many years of FBN being the official voice of NFBA, it is exciting to shift gears, and to add a digital platform with new partners assisting us in the publication.



It is important for NFBA to communicate with our membership base to cover important association, post frame building, and business management topics. As we continue the transition with developing a new digital and print publication we still want to provide you announcements during this time.

The NFBA Chairmanship role, which will change to the title of President instead of Chairman, has been exciting and has kept me quite busy in addition to running my own post frame-related companies. NFBA is in the process of undergoing a management change as our time with AMC soon comes to an end and TAO (The Association Office) will take over operations; that date is set for July 1st of this year.

I'd like to take this opportunity to thank AMC and in particular Jeff Henry, for the many years of service and dedication to our industry and to NFBA. The enormous impact made by this group will be long felt and appreciated by many. TAO has been great to work with during the transition and that has gone smoothly thus far.

We have already begun conquering many tasks and challenges including: education and curriculum development which will be used to provide credentials to post frame building workers and in turn help curb the labor shortage most of us face; continue the pursuit of post frame specific safety equipment manufacturing; planning for the 2020 Conference and Expo in Des Moines, which is very exciting - I think this will be an amazing venue for us; structuring new Board and Committee assignments and focus; concentrating on R&D projects important to the evolution of post frame construction and so on. Megan Miller, our new Executive Director, and her team show a lot of energy, enthusiasm and new ideas for NFBA and I cannot wait to see what is in store for NFBA moving forward!



I hope you enjoy the first edition of this new publication and hope your 2019 is going well. Thanks for all you do as a participant in the post frame building industry and NFBA. Your support is ever so necessary and much appreciated. We value your input and opinion so please, get involved and feel free to reach out to us at any time with questions, comments, or valuable input!

Best Regards,
Matt Greiner,
NFBA Board Chairman



National Frame Building Association Technical & Research Committee

Timothy R. Royer, P.E., Chairman - Ron Sutton, P.E., Past Chairman

The T&R Committee has been tasked by the NFBA Board of Directors to provide technical guidance and to oversee research projects that the Board deems necessary for the promotion and support of the post frame building industry. The T&R committee is made up of engineers and academia who are involved in the design of post-frame buildings or involved in research supporting the post frame building industry. These activities include research projects as identified by the T&R Committee and approved by the Board. Some recent projects that the T&R Committee has completed include Coordination of the 2014 Post-frame Design Manual Update, Industry Investigations into the Quality Post-frame Construction Metrics for the Insurance Industry, Development of the NRCS Non-Diaphragm Post-frame Building Design Manual, and current efforts to update the existing version of the Post-frame Design Manual. Upcoming projects include research into long-span roofing performance and development of snow load recommendations for agricultural buildings and others.

The T&R Committee also coordinates and executes test programs that are deemed essential by the Board to support the continued use and understanding of post-frame construction. Recent examples of test programs completed by the T&R Committee include a study of post-frame shear wall and shear wall openings as performed by Washington State University, and the re-test of the three-hour post-frame firewall as performed by Underwriters Laboratory.

The T&R Committee also oversees code compliance activities, as identified by the Board, to be important for the overall post-frame industry. Recent examples of this activity include maintaining code reference standards EP484 "Diaphragm Design of Metal Clad Post-Frame Rectangular Buildings", EP486 "Shallow-Post foundation Design", EP559 "Design Requirements and Bending Properties for Mechanically Laminated Columns". The T&R Committee also monitors and comments on proposed changes to code compliance requirements as they relate to post-frame building systems. Current code compliance projects include code change proposals to recognize post-frame construction in the International Building Code and the International Residential Code.

The T&R Committee meets three times each year while subcommittees meet and communicate on specific topics throughout the year. Members of the Committee along with members of the Board spend many hours promoting and supporting the post frame industry through their efforts. If you have ideas for or comments for the T&R Committee feel free to email Tim Royer at trr@timbertecheng.com.

The T&R Committee shall have the responsibility for:

- ▶ Identifying technical concerns/issues facing the Association and the Post-frame Industry
- ▶ Developing and maintaining NFBA's technical educational program
- ▶ Establishing policies related to technical issues
- ▶ Recommending standards for the post frame industry and NFBA Members
- ▶ Responding to technical questions submitted by NFBA Members
- ▶ Recommending strategies to achieve NFBA's technical objectives



May 2019 NFBA T&R Committee Meeting - Madison, Wisconsin

Save the Date!

NFBA Frame Building Expo

February 26-28, 2020

Iowa Events Center - Des Moines, IA

The Annual NFBA Frame Building Expo is the premier event for post-frame professionals. At the Frame Building Expo, everything you need to build your post-frame business is assembled under one roof. From an expansive list of exhibitors ready to demonstrate the newest innovations to educational sessions led by deeply invested presenters and industry leaders, you can expect to make all of the connections necessary to make smarter business decisions grow your bottom line and enhance credibility for your business.

Registration opens Fall 2019

**Get your message to the
NFBA Readership!**

***Advertising opportunities are now
available for the new NFBA publication!***

Contact

Rachel Pinkus with NFBA Staff for details

OSHA UPDATE FROM NFBA LEGAL COUNSEL: GARY AUMAN

Several changes are about to occur for employers regarding contesting OSHA citations. The updated OSHRC Rules of Procedure, which will go into effect on June 10, 2019, were last revised in 2005. Please remember that these rules impact employers with citations issued under Federal OSHA. Those employers in or with citations issued in state plan states are still controlled by the procedure in their states. Many of the time periods for taking action are being changed. Some of these time periods will encompass calendar days instead of "working days". E-filing will be preferred; but service by mail will be permitted. All of the changes can be found on the OSHRC website.



Currently to contest an OSHA citation, employers must file a Notice of Contest (NOC) with the Area Director within fifteen (15) working days of receipt of the citation(s) and serve it upon all parties. Currently, service on parties other than the Area Director can be accomplished by mail, personal delivery, fax, or posting. So, currently the employer can perfect service on other affected parties (usually the employees of the company) by posting the NOC along with the boilerplate document the employer receives from the Area Director with the citations at the same location the employer has posted the citations. Instructions for posting are included in some of the boilerplate information which accompanies the citations.

Under current procedures the employer receives a certification post card from the Occupational Safety and Health Review Commission several weeks after the NOC has been sent to the Area Director. The employer is required to return this card to the OSHRC within 48 hours certifying that it has noticed affected employees and (if they have them) their designated representatives. Sometimes employers don't know they have an affected employee who would like to participate in the contest. This is why there is a requirement to serve notice by posting or by mailing a copy of the NOC to the employees' designated union representative. Employers post a notice informing employees of their right to party status and availability of all pleadings for inspection and copying. A form notice provided in the procedural rules satisfies the requirements. In June, employers will now need to also post along with this form notice, a copy of the notice of contest or petition for modification of the abatement period. Further, affected employees currently have 10 days to let OSHA know of their intent to participate, but as of June employees will be given 14 days.

This procedure (filing the NOC) is about to change significantly for represented employers. As of the effective date of the new OSHRC rules, all those parties who are represented by a third party will have to file all documents, including the NOC electronically through the Commission's website. Self-represented parties (an employer who decides to represent itself in the NOC) may still mail, E-File, fax, or personally deliver the NOC to the Area Director. There has been no indication that the procedure for issuing citations to the subject employer by certified mail are changing. **So, the employer who elects to represent itself should carefully read the instructions which appear in the paperwork, which will accompany the citations, and follow those directions to be sure it correctly files its NOC.** All those using the E-file system must certify service of filed documents upon all other parties via email and must continue to file all other documents electronically. In other words, an unrepresented party may not choose to E-file one document and then change its mind and switch to US mail. After an employer who chooses to represent

OSHA UPDATE CONTINUED:

itself elects to utilize E-filing it must utilize E-filing thereafter. All parties must be wary to redact sensitive information (many examples are given in the rules) from their E-filed documents. Those unrepresented parties who choose to physically mail their notice are given the same address in Washington, DC as before; however, as the language has not changed under the new rules, and unless OSHA changes its procedures, the employer should file its NOC directly with the Area Director. We still recommend that employers who chose to use a representative to represent them in the NOC, permit their representative to file the NOC so the representative is “in the loop” for all subsequent pleadings that will occur in the case. Of course, that representative will have to E-file the NOC. Our office will continue to mail a copy of the NOC to the subject Area Director until all of the “bugs” have been worked out of the system and any questions regarding the new procedures, which require interpretations or litigation, have been resolved. Please remember that, with the modest procedural change noted below, the fifteen (15) working day period to file the NOC is still in force and failure to comply will, in most cases, result in affirming the citations issued as is.

As stated above, if an employer does not file their notice of contest within the required time frame, the case is over. The employer must pay the fines per the citation and perform any required abatement within the stated abatement period. As of June, the failure of an employer to file their notice of contest within 15 working days will result in a final order with relief permitted only under extraordinary circumstances and with a prompt filing of a request for relief. This is really the first time that the OSHRC has indicated that all may not be lost if the employer misses the fifteen working-day time frame for filing the NOC. This may give slightly more leeway to late filings for employers, but what “extraordinary circumstances” are have yet to be determined. The deadlines for filing, service, and procedural activities will also change in some circumstances. Employers will want to be aware of those changes so as not to miss any deadlines.

In many cases, settlement is reached before trial. Currently, “the Commission does not require that the parties include any particular language in a settlement agreement.” This will change dramatically. Parties will soon have to notify the Judge in a written joint submission titled “Notification of Settlement,” which must contain several statements (such as the items settled and those contested and remaining to be decided, certification that the agreement has been posted, etc.). The period of voluntary settlement will be increased from 45 days to 75 days. Mandatory settlement mediation currently applies to employers facing \$100,000 or greater in penalties and may not exceed 60 days. This will soon change to those facing \$185,000 in penalties and procedures not to exceed 120 days.

Finally, sometimes simplified proceedings are used for contesting OSHA citations. Currently these proceedings favor oral argument and discourage briefs. However, the new rules result in a 180 degree change with written briefs being favored and oral arguments being more discretionary. Further, judges currently provide their opinions from the bench, unless written briefs are filed, but they no longer must do so. They must only provide their decision within 60 days of the closing of the record.

All employers, especially those who are unrepresented, will want to pay special attention to the changing of the OSHRC Procedural Rules. Another article may follow, specifically highlighting some of the new rules that unrepresented parties may wish to pay special attention to and perhaps consider seeking legal counsel for.

This update was provided by NFBA Legal Counsel, Gary Auman, of Auman, Mahan & Furry



News Release

Internal Revenue Service
Media Relations Office
Washington, D.C.

Media Contact: 202.317.4000
Public Contact: 800.829.1040
www.irs.gov/newsroom

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IRS, Treasury unveil proposed W-4 design for 2020

IR-2019-98

WASHINGTON –Today the Internal Revenue Service issued a [draft](#) of the 2020 Form W-4, Employee's Withholding Allowance Certificate, that will make accurate withholding easier for employees starting next year.

The revised form implements changes made following the 2017 Tax Cuts and Jobs Act, which made major revisions affecting taxpayer withholding. The redesigned Form W-4 no longer uses the concept of withholding allowances, which was previously tied to the amount of the personal exemption. Due to changes in the law, personal exemptions are currently not a central feature of the tax code.

“The new draft Form W-4 reflects important feedback from the payroll community and others in the tax community,” said IRS Commissioner Chuck Rettig. “The primary goals of the new design are to provide simplicity, accuracy and privacy for employees while minimizing burden for employers and payroll processors.”

The IRS and Treasury collected extensive feedback over the past year while working closely with the payroll and tax community to develop a redesign that best serves taxpayers.

The IRS expects to release a near-final draft of the 2020 W-4 in mid-to-late July to give employers and payroll processors the tools they need to update systems before the final version of the form is released in November. To make additional improvements to this initial draft for 2020, the IRS is now accepting comments for 30 days. To facilitate review of this form, IRS is also releasing [FAQs](#) about the new design.

The IRS anticipates the related instructions for employers will be released in the next few weeks for comment as well.

The IRS reminds taxpayers that this draft W-4 is not for current use, but is a draft of the form to be used starting in 2020. Employees who have submitted a Form W-4 in any year before 2020 will not be required to submit a new form merely because of the redesign. Employers can continue to compute withholding based on the information from the employee's most recently submitted Form W-4.

For 2019, taxpayers should continue using the [current W-4](#). The IRS also continues to encourage people to do a [Paycheck Checkup](#) as soon as possible to see if they are withholding the right amount of tax from their paychecks, particularly if they had too much or too little tax withheld when they filed their 2018 taxes earlier this year. People with major life changes, such as a marriage or a new child, should also check their withholding.

The IRS cannot respond individually to those who submit comments, but the agency does appreciate the feedback and will consider all comments received.



Save the Date!

**Safety Manual Template
Instructional Webinar**

August 6, 2019

2:00 pm CDT/3:00 pm EDT

Learn more about how your company can
effectively use the new
NFBA Safety Manual Template

Registration info coming soon!

Safety Manual Template

A Guideline for the Post-Frame Industry

**For more information about NFBA or the Post-frame
Forum please contact Megan Miller at:**

NFBA

2077 Embury Park Rd. Dayton, OH 45414

PH: 888-294-0084 Email: mmiller@assnsoffice.com

Next issue: July/August

Have content to share? Send it in by July 1st