

year in which our membership grew for the first time in nearly a decade," he said. "A year in which new programs were launched to help contractors with everything from understanding legal issues to learning how to better market their business."

"It was the year in which we restored the trust between ACCA and the contractors we serve."

When he stepped up to the stage, outgoing chairman John Saucier told the audience he felt "like the luckiest contractor in the world."

"One year ago, you handed me the keys to ACCA and told me to take it out on the open road. And, as I told you then, 'I love to drive,'" said Saucier. "The keys you gave me started the ignition of a car that had been carefully refurbished and rebuilt over a three-year process. In fact, it was like getting behind the wheels of a brand new car. ... It wasn't your father's ACCA."

Saucier was thankful for the cooperation he received in handling the federation process.

"As of last week, for the first time in ACCA's history, we have contractor members in all 50 states. Folks, we're no longer the largest national HVACR contractor organization. We're the only nationwide HVACR contractor organization. And that's all because of your support and commitment, and I thank you."

Before the conference concluded, newly elected chairman Skip Snyder, president of Snyder Company, Upper Darby, Pa., vowed to keep the momentum rolling. Skilled in karate, Snyder asked that members reach Pyong Ahn, the ultimate goal of martial arts.

"It's the feeling that you are in such control of your immediate environment that no harm can come to you," he said. "Do you have Pyong Ahn in your business? I'll tell you three ways you can attain it."

He asked that members first get involved, then ensure their technicians become NATE certified, and, finally, help guide young contractors to ACCA through a new association mentoring program.

"Mentoring is the best answer," said Snyder. "We'll take contractors with less than five years of experience, and pair them with non-competing successful contractors of broad experience. We'll give these contractors a chance to learn, one-on-one, from contractors who've been there, who know the ins and outs, and who know how to succeed. It's a chance for contracting business owners to give back personally to this industry — to share their wisdom and their strengths — and to make a difference in someone else's life and business." ®

The Importance Of Conducting Employee Background Checks

By John R. Hall
Of The News Staff

NEW ORLEANS — How much should HVACR contractors know about prospective employees? Plenty, according to Stan Linnertz of U.S. Investigations Services Inc., Tulsa, Okla. Linnertz believes that background screening "seems to be more important to HVACR contractors rather than drug and alcohol screening."

Linnertz outlined some "negligent hiring" problems at the 2004 ACCA Conference, noting that an employer has the duty to protect its employees and customers from injuries caused by employees whom the employer



Stan Linnertz makes a point during his discussion of background checks.

knows or "should have known" pose a risk of harm to others. Likewise, an employer may be held liable for failing to investigate, discharge, or reassign an employee, Linnertz said.

"If you go to court and you haven't asked questions about your employee, you will lose your company," he emphasized. He added that lawsuits filed under "negligent hiring" have resulted in increasingly higher awards to plaintiffs in recent years.

Linnertz pointed out that 18 percent of his customers who order criminal searches find conviction information. He talked about other negligent hiring facts.

"According to the Employment Management Association, approximately 52 percent of the applications employers receive will have misrepresented or inaccurate information," he said. "Courts expect employers to know about employees' backgrounds prior to hiring them. Employers can be held liable for any damages to the public caused by an employee, even when the employee's transgression occurs outside the scope of employment."

Linnertz said that background checks are important now more than ever because security issues have changed since the terrorist attacks on Sept. 11, 2001. Since applicants are not likely to discuss their criminal past, simply asking if they have a criminal record is not considered a "reasonable background investigation," according to Linnertz.

Using an example of pre-employment checks for drivers, he added that there are four important aspects of background checks:

1. An employer has 30 days from the first time a driver applies for a safety-sensitive position to get background information that may include positive drug and alcohol tests, and refusals to test.
2. The employer must go back two years from the date of application.
3. Records must be kept for two years.
4. Employers must ask an employee if he/she tested positive, or refused to test, on any pre-employment drug/alcohol test administered by an employer to which the employee applied, but didn't obtain a job within the previous two years.

Linnertz said the choice to check is easy. "You want to have at your disposal a company that will do a background check and find out if people are who they say they are," he said.

For more information, visit www.usis.com.

Look for more coverage of the ACCA Annual Conference and Indoor Air Expo in future issues of The News. ®

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