



M I D W E S T G L A S S 2 0 1 2 - I S S U E 1

A MINNESOTA GLASS ASSOCIATION
PUBLICATION

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March: Auto Glass Technical Program

March 18 - 20: BEC
Conference, Paris Hotel,
Las Vegas

April: Viracon Tour - High Performance Glass Review

June 28: Golf Fundraiser, Stillwater

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New MGA Officers, Board Members

The Minnesota Glass Association announced its newly elected officers and board of directors, effective January 1, 2012.

Officers include:

President: Mike Schenian, City Auto Glass, South St. Paul, MN

President Elect: Patrick Tanner, Dorglass, Minnetonka, MN

Past President: Jennifer Lang, Minneapolis Glass, Plymouth, MN

Secretary/Treasurer: Gary Haider, Architectural Products Group, Woodbury, MN

Directors for 2012 include:

Tom Dorr, Mygrant, Minneapolis, MN

Dan Garrett: Brin Northwestern Glass Company, Minneapolis, MN

Jim Janssen: Sika Industries, Eden Prairie, MN

Jeff Meier: White Bear Glass, White Bear Lake, MN

Shawn Stariha: Glass Today, Roseville, MN

MGA members are encouraged to attend both Board and committee meetings. The Board meets on the first Wednesdays in February, April, June, August, October and December (every other month) at 10:30 a.m. in the offices of Brin Northwestern Glass. The next Board Meeting will be: April 4, 2012. The Auto Glass Committee precedes the meeting and starts at 9:30; the Flat Glass Committee follows the Board meeting and starts at approximately 12:00.

The Auto Glass and Flat Glass committees follow developments in the industry and provide guidance on legislative activity and educational programming.

The MGA is regional professional trade association representing the architectural and automotive glass industry in the Dakotas, Minnesota and Wisconsin. Members of the industry are encouraged to join; information is available on our website www.mnglass.org.

Other Board Changes and Industry Developments

Directors Clint Hanson of Restoration Auto Glass in New Brighton, MN and Matt Mauer of Boehnlein/Basco, Hudson, WI have resigned from the Board. The terms of former Board members Jack Beckman: All Auto Glass, Minneapolis, MN Myron Schapp, Red River Glazing, Fargo, ND

Clint Hanson sold his company Restoration Auto Glass to Rod Ellison. Hanson will focusing efforts on his construction business. Ellison is a former MGA president and is returning to the Twin Cities market after several years in the Chicago and Florida markets. The new company will be called eglass Service Ins.

Matt Mauer has been on the MGA Board for a year now and feels that his travel responsibilities will make it impossible to attend regular Board meetings. Boehnlein Sales has been a regular sponsor at the annual MGA Golf Fundraiser.

MGA Recognizes Participation and Outstanding Members

The MGA succeeds because of the work and commitment of it's members. Individuals have stepped forward to take on leadership roles for their industry again and again since we were founded in 1977. Officers, Directors and Committee Chairs not paid; the work they do takes time and energy that could be devoted to the development of their own careers and companies. Minnesota is a measurably better place to run a glass company because of the MGA and the work these people have done. We don't recognize our leaders often enough but we did take the time to do so recently.



Jennifer Lang

Jennifer was presented with an Outstanding Service Award. She led the MGA as President in 2009 and again in 2011. Jennifer also served on the Board in the years preceding her terms as President and continues to serve as Board member and Past President. She was presented with an award engraved as follows:

“The Board and Members of the MGA wish to express their gratitude for Jennifer’s dedication, inspiration and work as a Board Member and President. We have been lead by the best in the industry”



MGA Past President,
Jennifer Lang,
Minneapolis Glass Co.

Jennifer gives of her time without question at all MGA programs and with her company has been very generous in sponsoring MGA events. Jennifer will also continue to serve as the Chair of the Flat Glass Committee.

The MGA also recognizes the contributions of members who are stepping down from the Board of Directors. In addition to Directors mentioned above, terms expired for Jack Beckman of All Auto Glass, Minneapolis, MN and Myron Schapp of Red River Glazing, Fargo, ND and they are stepping off of the Board. The MGA thanks each of them, in addition to serving on the Board; both are past Presidents of the MGA.

Recent MGA Events

Annual Meeting

MGA members recently enjoyed two fun events. We held our Annual Meeting at Park Tavern in St. Louis Park, MN on December. We wound up going back to this venue due to a scheduling snafu at the 2011 Winter Social. Park Tavern failed to hold the party room for the MGA in February of 2011 forcing us into the back of the bowling area. As compensation we got a free bowling party which we used for the 2011 Annual Meeting. Over 50 MGA members and guests had a great time following announcements and a quick review of the year’s events.



Winter Social

MGA has moved around over the years for its annual Winter Social - Park Tavern for Bowling, and previous years at the Old Log Theatre. This year 50 MGA members went to Famous Dave’s for dinner and then went to Comedy Sportz for fun improvisational comedy routine. The entire event occurred place in one place - Calhoun Square so we didn’t have to go out in the cold until the evening was done. Everyone had a great time.

MGA Visits Minnesota Commerce Commissioner Rothman

Members Guy Selinski, Reed Vanderzee, Mike Schenian, Clint Hanson and Exec. Director Mike Schmaltz visited with Commerce Commissioner Mike Rothman on December 14. Excerpts from the follow up letter summarize points made in the visit.

“I would like to thank you and your staff members for meeting with us in mid December. We appreciate

your willingness to listen to and consider the issues we presented. We are anxious about behavior we see in the marketplace and the affect it is having on the glass industry and independent glass dealers.

We presented quite a bit of supporting material in April and again at this most recent meeting. We have also learned that the Alliance of Automotive Service Providers (AASP) of Minnesota visited with your office with the same concerns we have.

Toward the end of our meeting one of our members spoke about a general deterioration of our industry. It is due to the manipulation of the market by Third Party Administrators and strong arm tactics by insurers. We know you cannot address “industry deterioration” so we present specific examples of violations of the law that lead to this state of affairs.

- Steering is a serious problem as demonstrated by the Glass Today letter. This was an attempt to defer a job from an independent shop to a TPA owned shop and is one of the clearest violations of the law we have seen.
- Insurers are imposing pricing that does not comply with Minnesota law. We have demonstrated this in arbitration after arbitration; we now have over 35 consecutive victories over Progressive insurance. We prevail in those arbitration hearings because insurers cannot support their pricing with data and do not comply with their policy language.



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- Statutes must be enforced and TPA's must be closely watched, particularly when they are in direct competition with service providers.
- As requested in our last visit, we ask that you look into the pricing determination methods used by all insurers. Unilateral drops in price drives the market down unfairly and to the detriment of independent Minnesota glass companies.

We renew our offer to act as a resource for auto glass issues as they come before the department.

We will be happy to answer questions and provide additional information as needed. As requested, we will not provide any additional data until we speak on the matter again. Ms. Pam Gergen will be our contact point. I would like to follow up in two to three weeks to follow up on our visit.”

Attending with commissioner Rothman were Ms. Pam Gergen, Mr. Paul Hanson, Mr Marty Fleischhacker. We have not heard any follow-up to our concerns and continue to work with other members of the industry in this area.

Glass Technical Issues

MGA is delighted to welcome the following contributions from member Melanie Dettmer of Brin Northwestern Glass. Ongoing development, changes in codes as well as the periodic need for specialized products led to the need for the following reference materials. Melanie developed them for use at Brin and is sharing them with us. We knew they would be useful for you as well. Melanie plans on providing additional materials in the future; all members are encouraged to contribute material or just send in requests for information.

FIRE RATED GLASS BASICS

By Melanie Dettmer, Brin Northwestern Glass

Industry Terms

- Fire Protective Rated Glazing:

Glass Allows heat to transfer but blocks smoke and fire. Another term for this is on-temp rise.

- Fire Resistance Rated Glazing:

Glass blocks smoke, fire, and limits the temperature rise to no more than 250 above the ambient temperature. Another term for this is temp-rise.

Basics for U.L. Wire Glass

- Fire Ratings:

20/45 minutes at 1296 square inches

60/90 minutes at 100 square inches

- Glass sizes over 1296 square inches are not available with U.L. label
- No dimension can exceed 54 inches
- Traditional wire glass is not a safety glass product (unless filmed)

General Notes

- Not all fire rated glass products are safety glazing products*

Examples of Safety Glazing Glass

Examples of Fire Rated Glass

Tempered Glass

Wire Glass

Laminated Glass

Pyran Platinum

Examples that meet both safety and fire codes

Pyran Star F

Pyran Star L

Filmed Wire Glass

Use closed cell foam tape for fire rated glazing

Norton

Pemko

MEASURING/ORDERING CURVED GLASS

By Melanie Dettmer, Brin Northwestern Glass

When ordering curved glass these dimensions are needed to place the order.

WIDTH

RADIUS

HEIGHT

If the dimensions are not available:

A pattern can be submitted to determine the radius and the width of the curved glass.

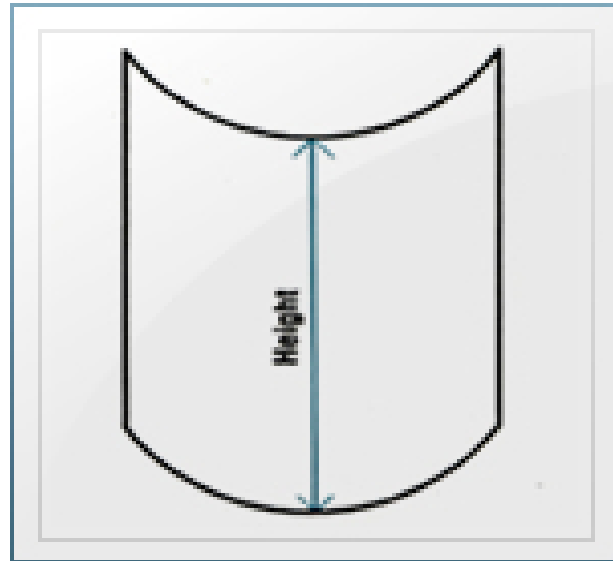
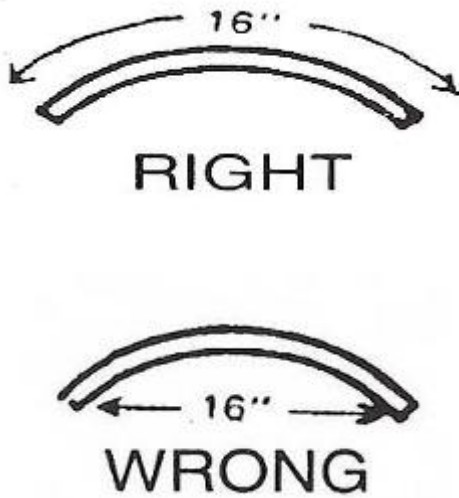
***To make the pattern,** stand the glass on end and trace darkly around the outside of the curve, making thin end marks. This will show the width and the radius of the glass. Be careful not to let the glass move when tracing the pattern.*

If there isn't any glass remaining:

***You can use the frame to make a pattern.** Stand the frame up on a durable piece of paper, or cardboard, and trace the outside (larger curve) of the frame. Cut along the line that you just traced and place the pattern in the frame where the glass would be. Trim the pattern to fit if necessary, as the outside of the frame may have a slightly larger radius than the inset that holds the curved glass.*

If the frame cannot be removed:

Place a piece of paper over the edge of the frame where the glass rests. Use your fingernail to trace an impression of the curve onto the paper. Darken the impression with a pen, pencil, marker, etc of the curve. Cut along the line and place the pattern in the frame where the glass would be to ensure that it fits.



MD Brin 1/27/2012

Legislative Update

Session 2012

The 2012 Legislative Session started January 24, 2012, and hard economic times remain a challenge for the state. That said the state's November budget report from Minnesota Management & Budget has some good news. Minnesota ended 2011 with an unexpected budget surplus of \$876,000,000. Most of this surplus comes from reduced spending in human services and higher than expected income tax collections. Unfortunately, all that money has been effectively spent because the legislature is legally required to use it to replenish the State's depleted fiscal reserves.

Going into 2012, in addition to addressing the state's budget woes we expect to see the Legislature grapple with systematic changes to the operation of government through redesign and innovation, health care, K-12 policy and funding, and, potentially, gaming and the Vikings stadium.

2012 Legislative Goals

Making changes to construction financing and contract requirements are some of the ways we are working to counteract the current poor economic environment and make long-term improvements for subcontractors and suppliers. At the Capitol, MGA has joined with others to seeking fundamental changes to Minnesota's construction statutes to make business practices more equitable.

A primary legislative goal for 2012 is Indemnification Reform: changing the inequitable insurance &

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indemnification laws that subcontractors face today. Currently, a loophole in Minnesota Law ensures that subcontractors will be forced to insure and indemnify everyone on the construction site, for everyone else's negligence. Accordingly, this year MGA will build on its coalition with other key industry members to pursue legislation to change this Minnesota law. In times like these, everyone needs to pay their fair share, and no more.

Our main focus is Indemnification Reform, but nothing is off the table when it comes to making the business environment fair for all players in the construction industry. Other goals on the legislative docket include getting a hearing on a Business-to-Business Accountability Bill & Retainage Bill. These bills, if passed, will help all subcontractors get paid for the work they have done as well as manage their risk more effectively.

Indemnification Problem - the Bolduc Case Summary

Engineering and Construction Innovations, Inc. vs. L.H. Bolduc Co., Inc., A11-159

(Minn. Ct. App. 9/6/11).

Background: Owner Metropolitan Counsel Environmental Services (MCES) hired Frontier Pipeline as the prime contractor for a construction project. Frontier subcontracted with Engineering and Construction Innovations (ECI) to complete a portion of the project. ECI then subcontracted Bolduc to "furnish, drive and remove metal sheeting to and from the project."

Contract & Insurance: By contract ECI agreed to pay Bolduc \$32,513.29 for its work. In addition, ECI's Commercial General Liability Policy required Bolduc to carry insurance covering ECI. In order to obtain the job, Bolduc complied and purchased the extra insurance required by ECI.

Damages & Litigation: In 2007, ECI discovered damage to the pipeline laid by Frontier Pipeline. Under ECI's contract with MCES and Frontier Pipeline, ECI had to repair the damage immediately. ECI completed the repairs for the total cost of \$235,399.89. ECI informed Bolduc and Bolduc's insurance company (Travelers) of the damage,



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demanding payment.

Although ECI was required by contract to pay Bolduc \$32,513.39 for its work, instead ECI subtracted the \$32,513.29 it owed Bolduc from the \$235,399.89 that it cost ECI to repair the pipeline. Under this math, ECI insisted that Bolduc in fact owed ECI \$202,826.60.

Travelers refused to pay for the damage, claiming the insurance policy did not cover these damages. ECI then sued Bolduc and Travelers for the pipeline repair costs. The parties went to District Court where, in a bifurcated trial, the issues of fault and damages were decided.

Zero Fault: The jury found that Bolduc was not negligent and that ECI was not entitled to any money for its loss resulting from damage to the pipeline. ECI appealed to the Minnesota Court of Appeals.

Minnesota Statute & The Minnesota Court of Appeals: On appeal, the Minnesota Court of Appeals determined that Bolduc was not negligent. However, the Court found that the MN Stat. § 337.02, designed to prevent the transfer of liability was rendered inapplicable because of MN Stat. § 337.05 – the exception to the rule. Under this ruling and because of Minnesota Statute, Bolduc became 100% responsible for another’s negligence.

Consequence of Ruling: As is typical in construction projects, in this situation liability was effectively transferred downstream between four parties (owner to prime contractor to subcontractor to sub-subcontractor). The result is that the smallest participating subcontractor in the construction project is being forced to insure and indemnify everyone else working on the Project.

And even though Bolduc was found 0% negligent by a jury, they are being held 100% liable for damage caused by someone else’s negligence. Bolduc was going to make less than \$33,000 for their work. Now, because of a statutory loophole, they have to pay more than \$235,000 for a mistake that was not theirs.

Today, MN § 337.02’s anti-indemnification protection is totally worthless in preventing Broad Form Indemnification. In fact, the Minnesota Appeals Court acknowledges this flaw when it stated, “that the narrow exception appears to have swallowed the rule.”

The Bolduc case illustrates a unique problem in Minnesota - be sure to read about how risk transfer is affecting glaziers in the January 2012 USGlass Metal and Glazing - page 14, *General Contractors Work to Move More Liability to Glazing Contractors.*

Nine Ways to Lower the Cost of Employer Sponsored Health Care

Compiled by Patrick D Kennedy, VP Kraus-Anderson Insurance

Here are 9 tips to help you take care of both your employees and your bottom line.

1) Know your company’s claims data.

Employees with modifiable health risks [that’s medical conditions that result from an unhealthy lifestyle and

that can be corrected with healthier habits] account for at least one-quarter of all medical expenditures, according to the Minnesota Department of Health. Knowledge of which health risks are within your employee population is a good first step toward forming education and wellness programs to help employees bring those risks (and, ultimately, your health costs) down. It is worth your time to become familiar with your company's claims analysis and tracking data; which brokers often provide to customers at no cost. Claims data can reveal a variety of company cost drivers, which can then be used to develop a menu of cost controlling solutions.

2) Help Employees to become educated health care shoppers.

In Minnesota, consumer-driven health plans currently account for about 30 percent of the state's employer-based health insurance. A consumer-driven health plan is any plan that makes it the consumer's financial prerogative to shop around for the best value in their medications and care. One example is a high-deductible health plan paired with a Health Savings Account or HSA. It features lower monthly premiums than traditional health plans, and the HSA component allows employees to deposit a portion of their pre-tax income into an account for future health expenses. The idea is that higher deductible increases accountability for out-of-pocket health expenses, thus, motivating the employee to search for the best value. Shopping smart for prescriptions and care, however, requires education. The Minnesota Council of Health Plans reports that cheaper, generic alternatives are available for about 80 percent of all brand-name prescription medications. Encourage your employees to take advantage of the medical cost comparison websites available online. A recent search on Medica's online cost comparison calculator, Main Street Medica, reveals that while Target Clinic averages \$66 to treat an ear infection, Park Nicollet Health Services averages \$181. Blue Cross/Blue Shield's Care Comparison Tool reveals that, in fall 2010, hip replacement surgery cost \$18,346 to \$23,587 at United Hospital, while the same surgery cost between \$28,830 and \$34,070 at Woodwinds Health Campus just a few miles away.

3) The Power of "preventive care".

For Minnesota companies with fewer than 50 employees, preventive care is covered at 100 percent. Many large groups also have this coverage, including those with HSA or Health Reimbursement Account plan components. While preventive care varies by gender and age group, typically covered services include routine eye exams, annual physical exams, prenatal/postnatal care, mammograms, immunizations and well-child care. Prevention also takes the form of work-site wellness programs, many of which can be offered free of charge using tools and incentives provided by the health insurance carrier. "There are so many employers that don't know what all is available for them and, as a broker, I feel like that's my job," to make them aware of carrier based work-site wellness resources, says Kelly Brenna, Director of Human Resources and Benefit Services at Kraus-Anderson Insurance. "[Many carriers] help you break it out by the quarter, decide what you should roll out, how you should roll it out, et cetera. They have posters, they have gift cards that employees get back — and the employer doesn't pay a dime."

Medica and HealthPartners, for example, both offer telephone-based smoking cessation coaching, and a \$20 credit toward monthly membership dues at any fitness club for employees who meet the minimum requirement of eight or more workouts per month. Medica also provides gift cards to employees as incentives for taking a health assessment or participating in custom-tailored online fitness programs.

HealthPartners' Healthy Discounts program encourages good habits by offering discounts at local retailers for such products and services as exercise or fitness classes, snowboard and ski equipment, Weight Watchers and spa services.

Blue Cross and Blue Shield of Minnesota helps employers begin a "do campaign" at work. The do campaign's mission is to encourage 30 minutes of physical activity each day to lower health risks like high blood pressure and obesity. Blue Cross and Blue Shield's online tutorial includes step-by-step directions,

examples of sample work-site campaigns and printable posters that employers can post around their work sites.

Kraus-Anderson Insurance also provides a step-by- step manual to help businesses start a wellness program, and will even guide employers through the first year, helping them form a wellness committee and use the tools provided by their insurance carriers.

The Minnesota Department of Health estimates that companies with work-site wellness programs can expect to gain a return on investment of between \$3 and \$6 for every dollar spent — even if those dollars don't come from their companies.

4) Offer more than one Plan.

If your company employs more than five people, you typically have the option to offer more than one insurance plan. Offering one traditional plan and one high-deductible plan can

result in significant cost savings for the company. The savings from offering multiple plans can be as high as 30 percent, because the employer's premium will remain constant with the high-deductible plan and the higher premium plan's expenses will be passed on to those employees who choose it.

A choice of plans can also result in higher benefit satisfaction among employees, which can help to retain a talented workforce. According to a 2010 survey conducted by the Society for Human Resource Management, benefits were the second-most important factor in job satisfaction, topped only by job security.

5) Understand your Broker's commission.

Kelly Brenna says commission rates are standardized by the insurance carriers for companies with 50 employees or fewer and cost about \$19.50 per member per month. But large group commission rates vary greatly because they can be decided upon between the carrier, broker and employer group, ranging from a flat monthly fee to a certain percent of the premium.

6) Manage how you shop your Insurance Program.

Your insurance broker should help market your business to other carriers at a time that allows for thoughtful consideration of all alternatives – which is not at the last minute. Additionally, you should coordinate the marketing review process with planned claims within your employee base. As an example, if your renewal date is April 1st and someone has a planned surgery, birth or other major medical expense coming up in February or March, potential carriers will look at those assumed claims costs. It would be better to go to market for quotes ahead of planned claims such as in January or February; or when the situation is over and done with — maybe May or June.

7) Health Advocacy Services – worth the money.

Health advocacy services give every employee over-the-phone access to a health insurance expert. This expert can provide answers to any kind of insurance question and will also help facilitate between appropriate parties, on behalf of your employee, to help resolve any insurance issue that arises - which prevents stress, saves time, which of course, saves money. Ask your broker about offering a discounted health advocacy service,



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which can then be added to your employee benefits plan.

8) Manage stress with Employee Assistance Programs.

Many employers don't realize that they have an Employee Assistance Program (EAP) available to them. They are provided by your carrier and are commonly free! EAPs offer employees guidance on any number of matters they may be facing inside or outside the office, from a conflict with a coworker or a question about insurance coverage, to locating child-care services, or seeking help for depression. EAP services typically include access to consultants by telephone, online tools and resources, and even face-to-face visits with health benefits counselors to help employees sort out short-term problems.

Kelly Brenna also recommends dedicating a bulletin board to physical and mental wellness resources that can be updated by the broker or the company's wellness committee. She says having a single place where employees can turn for information can help to keep stress and worry at bay.

9) Vary premiums based on health status.

Currently, employer-based insurance plans allow companies to vary the cost of their premiums by as much as 20 percent based on the health of each employee. In 2014, health care reform will increase the maximum spread to 30 percent, which could further motivate your employees to get healthy.

Depending on your employee base, however, premium reductions are not always the biggest motivator. Kelly Brenna recommends working with your broker to offer discounted premiums or other incentives for employees who take a health risk assessment and go to a preventive care appointment. "Every company is a little bit different," Brenna says. "We have a client in northern Minnesota that was going to give

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a premium reduction and couldn't get as much participation, so they decided to give employees who did their health risk assessments and preventive appointments a gas card, because most of the people who work there drive trucks. They couldn't use it for cigarettes or anything, it had to be for gas — and the employees were ecstatic. That was an incentive that was specific to that company that got the employees excited.”

NLRB Extends Deadline for Displaying New NLRA Posters

The National Labor Relations Board has extended to Jan. 31, 2012, the deadline for employers to display posters notifying employees of their right to organize. The NLRB [postponed](#) its original Nov. 14 deadline “to allow for enhanced education and outreach to employers.”

NGA Toolbox: January 2012 — Tips & Tricks for Your Business

Together, We Are the Glass Industry

As your association, the NGA strives to continually evolve to support your business needs. We work every day to make sure we offer the programs, services, and information that helps our members run a successful business in the glass industry. In 2012, we are striving to offer our members even more value. [Keep Reading](#)

Call Recording and Sales Success

Most people are afraid of being held accountable for their actual performance. People are terrified of being held accountable for their actions. They are terrified of their performance being dissected and critiqued. They are terrified of the truth. Perhaps, this is why some people bristle at the idea of having their sales call recorded.

[Keep Reading](#)

IRS Issues 2012 Optional Mileage Rates

The IRS has [issued](#) the 2012 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on January 1, 2012, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 55.5 cents per mile for business miles driven
- 23 cents per mile driven for medical or moving expenses
- 14 cents per mile driven in service to charitable organizations

Taxpayers using the standard mileage rates must comply with [Rev. Proc. 2010-51](#).

[Notice 2012-01](#) contains the standard mileage rates, the amount a taxpayer must use in calculating reductions to basis for depreciation taken under the business standard mileage rate and the maximum standard automobile cost that a taxpayer may use in computing the allowance under a fixed and variable rate plan

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The Association advocates for and promotes member success in the architectural and auto glass industries. Through Training and Education, the Association supports Professionalism and High Ethical Standards; unifying members to speak as one for Safety, our Environment and Fair Competition.

Our Mission:

“To develop and maintain a strong and vital organization that improves the image of the industry through promotion of reasonable regulations and adherence to and promotion of ethical business practices.”



Minnesota Glass Association

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