

JANUARY, 2011

# monitor!

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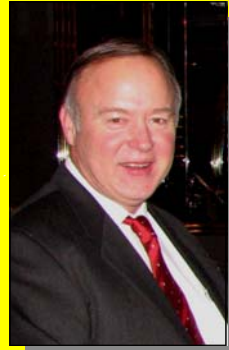
PUBLISHED BY THE FINISHING CONTRACTORS ASSOCIATION OF CHICAGO,  
CHICAGO PDCA, AND THE PAINTING & DECORATING CONTRACTORS  
INDUSTRY ADVANCEMENT & PROMOTIONAL FUND

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*Monitor vs. Merrimack*  
March 9, 1862,  
Hampton Roads, Virginia



A Few  
Words  
From ...

**TOM TYRAKOWSKI**  
President, FCA of Chicago

## MANY THANKS... & A NEW SEMINAR

Before anything, I want to offer my own sincere appreciation to Rick Ascher for his many years of dedicated service to FCAC and our predecessor organization, PDCA. Few people will ever give so freely of their valuable time to our association, nor ask so little in return.

It's easy to take such things for granted, but our Officers and Directors do donate a serious portion of their personal time to the organization and that kind of dedication should be valued and appreciated. In Rick's case, he not only served on our Board of Directors, but also as the Secretary, Treasurer, Vice President, and President, as well as Chairman of the Pension Fund. We did present Rick with a plaque and gift certificate as our tokens of appreciation, but his service to FCAC-PDCA has truly been invaluable.



On another topic, I am pleased to promote our first-ever FCAC Technology Seminar, scheduled to be held on Tuesday, February 1<sup>st</sup>, at The Fountain Blue in Des Plaines. This event is near and dear to my heart, being a bit technologically challenged, so I heartily endorse all like-minded contractors to attend.

All the Best,

*Tom*

## RICK ASCHER RETIRES FROM FCAC BOARD

Rick Ascher has retired from the PDCA and FCAC Boards, following many years of service, including terms as Treasurer, Secretary, Vice President, and President. He and his brother, David, are owners of Ascher Brothers Company. When the firm first opened its doors in 1979, Rick and David worked out of Rick's home on Chicago's North Side and they employed only two painters. Today, Ascher Brothers owns and operates out of a 30,000-square-foot facility in Chicago's Roscoe Village neighborhood, and employs hundreds of painters during peak seasons. Ascher Brothers has grown from a local painting contractor into one of America's premier contractors . . . painting, decorating and maintaining buildings, stadiums and more.



Rick attended Miami University in Ohio and earned a bachelor's degree in business. He started his career in the painting industry providing project estimates, notably for Bobbe & Company. At the young ages of 34 and 29, Rick and David decided to partner and launch Ascher Brothers. Today, Rick focuses his professional energies on project estimates and workforce management, sales and marketing . . . while admiring a new FCAC plaque on his wall. David attended the University of Missouri, where he earned a bachelor's degree in business. He focuses upon sales and marketing to help grow the Ascher Brothers business.

Rick and David take great pride in their business accomplishments and still work hard to provide each customer with the expertise, quality, and care for which Ascher Brothers has become well known. And Rick is quick to explain that he is not retiring from his business . . . just from service to the FCAC Board.

### WELFARE FUND REPORT

Trustee Marty Tew reports for the Health & Welfare Fund for November, 2010, that Income of \$3,403,801.20 plus Investment Income of (\$513,503.37) minus Expenses of \$2,963,769.99 yielded a Net Income of (\$73,472.16).

For the Fiscal Year-to-Date, Ordinary Income of \$20,862,141.21 plus Investment Income of \$4,238,733.92 minus Expenses of \$21,381,032.12 yielded a Net Income of \$3,719,843.01.

The Fund Value as of 11/30/10 was \$91,187,213.32.

### PENSION FUND REPORT

Trustee Rick Ascher reports for the Pension Fund for November, 2010 that Ordinary Income of \$3,276,809.64 plus Investment Income of \$5,984,860.57 minus Expenses of \$3,057,771.79 yielded a Net Income of \$6,203,898.42.

For the Fiscal Year-to-Date, Ordinary Income of \$21,887,746.79 plus Investment Income of \$13,985,428.39 minus Expenses of \$23,407,664.10 yielded a Net Income of \$12,465,511.08.

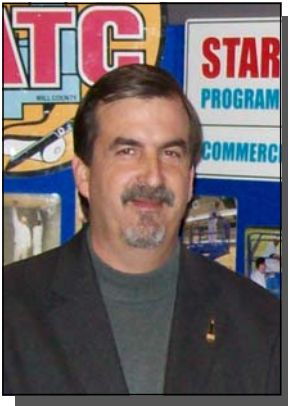
The Fund Value as of 11/30/10 was \$505,270,816.71.

**FCAC TECHNOLOGY SEMINAR**

**February 1, 2011**  
**4 PM to 8 PM**

**Fountain Blue**  
2500 South Mannheim Road, Des Plaines  
**MAKE TECHNOLOGY WORK FOR YOUR CONTRACTING BUSINESS!**

**REGISTER ON-LINE AT [www.chicagopdcafa.org](http://www.chicagopdcafa.org)**



## News From The Apprentice School...

By ED BOGDAN, Apprentice Training Coordinator



**SAVE THE DATE!**  
**PDCA-FCAC**  
**GOLF**  
**OUTING**  
**JUNE 17, 2011**  
**RUFFLED FEATHERS**

## Joint Trade Board

By JAMES VANEK, Esq.  
Legal Counsel to the Finishing Contractors Association of Chicago

This column on the Joint Trade Board is a new feature of the *Monitor* which will appear from time-to-time as warranted. The objective is to provide notice to you of possible financial implications if the Collective Bargaining Agreement is not followed.

As you know, if there is a dispute between a Painting Contractor and the Union, under the CBA either party has the right to have the dispute heard by the Joint Trade Board. The JTB is comprised of representatives appointed by both the Finishing Contractors Association and PDC 14.

The enforcement of our CBA ensures a level playing field for all signatory contractors. If the Joint Trade Board determines that a contractor has indeed violated the CBA, it can levy significant monetary fines. We thought that it is important to disclose to FCAC Contractor Members a good example, including the real fines that were imposed, just recently through Joint Trade Board decisions.

Below is a summary of those findings by the Joint Trade Board, wherein a violation was found to exist and the amount of the fine therefore imposed. Keep in mind that if a violation is found to occur, the contractor may also be liable for the attorneys' fees and costs associated with conducting the Joint Trade Board hearing. Also, bear in mind that the facts of each case differ, which may result in fines that are different from those imposed in other Joint Trade Board decisions.

	<b>VIOLATION</b>	<b>FINE</b>
1.	Failure of employer to report an employee to Union within seven days of being hired.	\$5,000.
2.	Not reporting overtime work.	\$2,000 (per job not reported).
3.	Not obtaining permit for weekend work.	\$2,000.
4.	Failure to report two jobs.	\$4,000 (\$2,000 per job).
5.	Not submitting time sheets – three violations.	\$1,500 (\$500 per violation).
6.	Subcontracting work to employee.	\$4,000.
7.	Failure to pay employee timely.	Lost wages. *
8.	Failure to have proper level of bond.	\$20,000 (abated if bond within in 30 days).
9.	Banking of hours.	\$20,000 (one half to be held in abeyance and waived if employer does not violate CBA for 12 months).

\* Failure to pay employee timely results in payment to employee at the double time rate for 24 hours per day until payment of wages is made.

As you can see, the fines imposed by the Joint Trade Board can be substantial. We therefore heartily encourage all contractors to adhere to the CBA to avoid the risk of these kinds of fines.

Financial Reports for November, 2010, indicate that Ordinary Income of \$170,578.71 plus Investment Income of (\$25,235.52) minus Expenses of \$75,692.69 yielded a Net Income of \$69,650.50.

For the Fiscal Year-to-Date, Ordinary Income of \$1,549,853.80 plus Investment Income of \$278,310.74 minus Expenses of \$1,612,852.11 yielded a Total Net Income of \$215,312.43. The JATC Fund Value as of 11/30/10 was \$4,696,125.99.

As always, donations of materials to the school are most welcome, including vinyl wallcoverings, unopened cans of paint, tools, and the like. Visit our web site at [jatc-dftc.org](http://jatc-dftc.org)!

## PATRONIZE OUR ASSOCIATE MEMBER VENDORS!

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