

tmta talk

A publication of the Tooling, Manufacturing & Technologies Association



FROM ROB'S ROOST
By ROB DUMONT
PRESIDENT & CEO

Take Advantage of Membership Benefits

There are many benefits available to TMTA members through membership and a visit to our website (www.thetmta.com) will provide you with access to a listing of them. Like so much in life and in business if you don't utilize the programs put in place for you then you are getting less from membership than that which is available to you. Some members feel that one or another of the various programs is "enough" value from membership. The reality is that in today's economy you

owe it to yourself to take full advantage of the entire value proposition of membership and we encourage you to do so.

We have in place a number of "cost savings programs" and a variety of services to make life easier and to keep you up to date and informed on matters of interest and developments in the industry both legislatively and otherwise.

The TMTA is very proud of its comprehensive and highly competitive Insurance offerings through the **Ralph C. Wilson Agency** that provide members with the opportunity to save money, improve coverages and enjoy enhanced services.



Don't overlook the dual opportunities provided to minimize unemployment insurance costs to your company by utilizing the very capable services of **Packer and Associates** who administer and handle claims difficulties for you and, as well, the services of **Staffworks** who stand ready to place employees laid off or dismissed due to the economic realities of the times. Staffworks is able to provide a very attractive alternative (and a cost effective one) to adding

(Rob's Roost continues on Page 7)

Inside This Issue

- Page 2 Health News:
 - BCBSM / BCN ECOS Forms
 - Blue Dental Protects More
 - Ditch the Desk and Walk
 - Second Nat'l Rx Take-Back Day
- Page 3 TMTA Members In News
 - Gemini Group, Inc.
 - FYI:
 - TMTA MSD Sheets Due
 - TMTA Wage Surveys Due
- Page 4 Unlicensed Collection Agencies a Bad Idea
- Page 5 MI Medical Marijuana Act Does Not Apply to Private Employers
- Page 6 Inflation Talk—CPI-W/U
- Page 7 Rob's Roost (continued)
 - Made in America
 - TMTA Endorsed Providers
- Page 8 In Memoriam
 - John C. Lasko
 - Reminder to Members:
 - Free Benchmarking Report

tmta Calendar of Events

March 2011

20	First Day of Spring Vernal Equinox
23	TMTA Board of Directors meets

Visit www.thetmta.com for detailed, up-to-date information on all events.



Use Proper BCBSM and BCN ECOS Forms

BCBSM and BCN announced that effective April 1, 2011, they will no longer be accepting outdated Enrollment Change of Status forms (ECOS). The current forms are dated October 2010 and can be downloaded from the TMTA website. Visit www.thetmta.com and mouse over the "Information/Networking" navigation button. Select "Company Forms & Information" from the fly-out menu and click on "Insurance Forms." Up-to-date forms are available for BCBSM, BCN, Reliance, Ameritas, workers' compensation and COBRA.

Blue Dental Plans Protect More

BCBSM takes the connection between medical and dental health seriously. Members now have access to Blue Dental Connection, a proactive wellness program that protects more than just teeth.

Research shows a link between periodontal disease and other health problems such as heart disease, stroke, diabetes and more. Estimates show that nearly 80% of adults in the U.S. have some form of periodontal disease.

Blue Dental Connection contains online dental wellness tools to help members make important decisions about their dental care. To access the dental wellness center, visit www.bcbsm.com/bluedental.

If you have questions on how BCBSM or BCN dental programs can help your employees, contact TMTA's endorsed health agent, Dennis Campbell, at 313-550-3200 or 1-800-969-9682. (See the flyer enclosed.)

Ditch the Desk and Take a Walk

National Start! Walking Day is held on the first Wednesday in April — this year: April 6th. This annual event celebrates physical activity by encouraging all Americans to wear their sneakers to work, ditch the desk, and take a 30-minute walk. The goal is to develop regular walking habits.

Heart disease is the nation's No. 1 killer. Physical inactivity doubles the risk of heart disease; but by exercising for as little as 30 minutes each day, you can reduce your risk.

For more information including: tips, newsletters, a company tool kit, create a walking path, activity and meal tracker, community of walkers connections, and much, much more, visit the American Heart Association's website for National Start! Walking Day at www.startwalkingnow.org.

This April 6th, wear comfortable shoes and loose fitting, comfortable clothing to work. Then ditch the desk and take a 30-minute walk on your lunch hour.

Walk more. Eat better. Live a longer, healthier life!

Second National Prescription Take-Back Day

This spring, the Drug Enforcement Administration (DEA) and its national and community partners will give the public another opportunity to prevent prescription pill abuse and theft by ridding their homes of potentially dangerous, expired, unused, and unwanted prescription drugs.

Prescription medications that languish in home cabinets are highly susceptible to diversion, misuse, and abuse. The rate of prescription drug abuse in the U.S. is alarmingly high. More Americans currently abuse prescription drugs than the number of those using cocaine, hallucinogens, and heroin combined. Studies by the National Institutes of Health show that the majority of abused prescription drugs are obtained from family and friends, usually free from a medicine cabinet. The majority of teens agree that prescription drugs are easier to get than illegal drugs. Teens are turning away from street drugs and using prescription drugs to get high. The number of new teen users of prescription drugs have caught up with the number of new teen users of marijuana. Among 12th graders, 9.3% report they have used Vicodin without a prescription, 5% report using OxyContin, 6.5% report using sedatives/barbituates, and 10% report using amphetamines/ADHD medications. Twenty percent of people over the age of 12 in the U.S. have used prescription drugs for non-medical purposes.

Last September, Americans turned in over 242,000 pounds (or 21 tons) of prescription drugs at nearly 4,100 sites operated by more than 3,000 DEA state and local law enforcement partners at the first national prescription drug take-back day.

On Saturday, April 30th, from 10 a.m. to 2 p.m., the DEA will hold their second National Prescription Drug Take-Back Day at sites nationwide. This service is free and anonymous, no questions asked. To find the collection site closest to you, visit the DEA website at www.dea.gov and click on the "Got Drugs?" icon. Follow the links and enter your zip code to find your drop site.

F Y I FOR YOUR INFORMATION

Gemini Group, Inc.

The Michigan Economic Growth Authority (MEGA) approved tax incentives for 15 companies choosing to expand or locate in Michigan. One of those companies is TMTA member, **Gemini Group, Inc.** headquartered in Bad Axe, MI.

Gemini Group is a manufacturer of aluminum extrusion dies and provider of metal stamping, injection molding and stamping services to the automotive, lawn and garden, consumer products, defense, energy, aerospace and transportation industries. The group includes **Axly Precision Machining, Inc.** of Bad Axe, MI; **Valley Enterprises Ubly, Inc.** of Ubly, MI; **Regency Plastics-Ubly, Inc.** of Ubly, MI; **Sierra Plastics, Inc.** of El Paso, TX; **Gemini Plastics, Inc. (GPI)** of Ubly, MI; **Thumb Plastics, Inc. (TPI)** of Bad Axe, MI; **Thumb Tool & Engineering, Co. (TTE)** of Bad Axe, MI; **CKS Precision Machining, Inc.** of Bad Axe, MI; and **Briney Tooling Systems** of Bad Axe, MI.

The Gemini Group plans to invest \$53 million to renovate, upgrade and expand in Huron County where they are currently the largest employer. The company expects the project to create up to 290 direct new jobs and retain up to 555 direct jobs, resulting in state tax credits valued at \$6.56 million over eight years. For more information on the Gemini Group, visit their website at www.gemini-group.net.

The MEGA may, under statute, provide a refundable tax credit against the Michigan Business Tax to companies expanding or relocating their operations in Michigan. Tax credit agreements, awarded on the basis of the company's strength of project, program guidelines and MEGA board approval, are earned over time by a company's performance in meeting specified investment and hiring requirements. For more information, visit www.MichiganAdvantage.org.

Our congratulations and best wishes to the above member. Let us know what is happening at your company. We would like to share it with all of our readers.

TMTA MEMBERS IN THE NEWS

Member Services Directory Sheets Due

Member Services Directory sheets were mailed out to all member companies earlier this month. Please make sure your company completes and faxes the form back to TMTA at 248-488-0500 or e-mail to Ron at ron@thetmta.com as soon as possible so you can be sure to be included in the next edition of the TMTA Member Services Directory (MSD).

The TMTA MSD is a great way to publicize the services, processes and capabilities of your company. MSDs are distributed at no charge to TMTA members and outside companies that have a need to purchase special tooling, metalworking and technology services. We send out over 1,000 MSDs each year.

If you are not a member, but are a buyer of tooling, manufacturing or technology services, and would like to receive a free copy of the Directory, contact our office at 248-488-0300.

TMTA 2011 Wage Surveys Due

Both the TMTA 2011 Annual Hourly Wage Survey and the 2011 Annual Salary Wage Survey are being sent to all TMTA members by the end of this month. Your company's completed data must be returned to TMTA no later than Friday, April 29, 2011.

Remember, as always, only those member companies who participate in the surveys will be entitled to receive the respective survey results.

Please take the time to fill out these important surveys. TMTA has sought to maintain records on wages information since its beginnings. The information we maintain is only as useful as the data we receive from you.

If you have any questions about either of the surveys, contact Ron at (248) 488-0300 ext. 1306 or e-mail to ron@thetmta.com.

Unlicensed Collection Agencies Are Giving Debtors A Reason Not to Pay

They Could Be Wasting Your Time, Money and Reputation

by: *Ronald D. Jacobs, Managing Partner
Weinberg, Jacobs & Tolani, LLP*

As the economy continues to sputter, it is more important than ever for credit departments to utilize smart and effective techniques when granting credit and when following up on past due receivables. For the average company a \$1,000 invoice that goes uncollected means an additional \$5,000 - \$10,000 in sales must be created to make up for this lost revenue.

Since every dollar counts, experienced credit personnel understand that seriously past due customers often require the help of a collection agency if they have any hope of getting their customers to pay. Unfortunately the odds are overwhelming that these same credit professionals are unknowingly giving their past due customers a GET OUT OF JAIL FREE CARD when they place them for collections.

The Fair Debt Collection Practices Act (FDCPA) was created so the Federal Government could regulate the actions of "consumer" collection agencies. However, the FDCPA does not have provisions in place to regulate the actions of "commercial" collection agencies that collect from businesses and not individuals. The regulation of commercial collection agencies is left up to each individual state, and almost all states have different laws concerning commercial collection agencies. Most of these states have laws that place the agency at risk for state imposed sanctions and or possible civil litigation for lack of compliance.

In nearly half of the states, the first law that needs to be followed is a licensing or permitting requirement. If the agency is not legally licensed or permitted to perform collection services, there can be very serious consequences, as in the following states:

- In Florida, North Carolina and Idaho it is a felony to operate an agency without a license. In Illinois it is a first-offense misdemeanor, second-offense felony.
- In the State of Washington, the law requires that any money collected by an unlicensed agency must be returned.

- If your company is located in Arizona, Arkansas, Florida, Indiana, Minnesota, Nebraska, Nevada, North Carolina, Oregon, Tennessee or Utah, your agency may need to be licensed in those states to solicit your collection accounts.

Collection agency licensing is critical for both the agency AND the clients they represent. The negative effects an unlicensed agency can have on the client it represents are numerous, but the most obvious one is a debtor using a lack of licensing to avoid paying your bill. If your company received a collection call from an agency that was unlicensed and thus illegally contacting you, would you pay its bill? This is exactly why you need to use a licensed and compliant agency; don't give your debtors a GET OUT OF JAIL FREE CARD!

With the struggling economy and universal access to the Internet, your customers are a few clicks away from rendering your collection agency useless with a simple licensing search on the state regulator website. In addition to the debtor using a lack of licensing as an excuse not to pay, an unlicensed agency that steps out of line with a debtor is much more likely to get the creditor enjoined in litigation. A debtor's attorney will have a field day with a collection agency that isn't compliant with state licensing laws, and the creditor that hired the collection agency becomes an easier target.

Additional reasons to use a properly licensed and compliant agency are:

- Licensed agencies work the collection accounts more thoroughly because they are not afraid of getting caught for unlicensed activity. Unlicensed agencies often work the accounts passively so they can "fly under the radar."
- Following state law is not optional and associating with an agency that violates state licensing laws shouldn't be optional either. Don't be fooled if an agency claims an insurance policy or inclusion in a trade association is a substitute for licensing. The states have ultimate reign and if they demand a license, so should you.
- Don't be easy prey for a debtor's attorney. Documenting your due diligence by verifying an agency's licensing information in each state gives your company a powerful shield to help prevent your company from being enjoined in a lawsuit.
- Using a licensed agency means the agency is up to date with all state laws, regulations and licensing requirements, which often include bonds that are put in place to help protect the creditor. These

state regulator agencies are assisting you in making sure your agency stays compliant with federal and state collection regulations.

- Unlicensed agencies are targets for negative media coverage for the collection industry. Many times, creditors are dragged into unflattering news stories and questioned as to why accounts were placed with such a “bad acting” agency.

Lastly, one of the reasons collection agencies attempt to skirt the law is that licensing is complicated and expensive. A licensed agency is more than likely to be both competent and financially sound. Having the agency collect your money is only half the battle. Collecting your money from the agency is the other half, so don’t take the risk: verify that your agency is legally compliant to represent your collection needs.

There are a few steps that you should take to ensure that you have done your proper due diligence on licensing:

- Know the collection laws in the state where your company resides.
- Verify the licensing laws in both the state where your agency is located and the state where your customer is that you are placing for collections.
- Ask your collection agency to verify their licensing information in states where you conduct business.

There are a number of ways to determine the licensing rules that would apply to each client’s situation. The most direct is to call a regulator. You can easily find out if a state has a collection agency regulator with a quick Internet search. You can also require that copies of the licenses be provided to you prior to engaging an agency.

If you want a more consolidated approach, please contact our office to discuss state-by-state licensing requirements and due diligence compliance reviews at Weinberg, Jacobs, & Tolani, LLP, 11300 Rockville Pike, Suite 1200, Rockville, Maryland 20852, 301-468-5500, www.wjlaw.com.

Keeping your receivables current is hard enough. Don’t let the fast-changing regulatory landscape trip you up as well.

This information is not intended to be legal advice and may not be used as legal advice. Legal advice must be tailored to the specific circumstances of each case. Every effort has been made to assure that this information is up-to-date as of the date of publication. It is not intended to be a full and exhaustive explanation of the law in any area, nor should it be used to replace the advice of your own legal counsel.

MI Medical Marijuana Act Does Not Apply to Private Employment Policies

The U.S. District Court, Western District of Michigan, held that Michigan’s Medical Marijuana Act (MMMA) does not stop private businesses from firing employees who test positive for marijuana in violation of company policy, even if the employee possesses a MMMA registry card. The judgment addresses the rights of private, at-will employees.

In the case of *Casias v. Wal-Mart Stores, Inc.*, the court determined that while the MMMA was meant to provide some limited protection for medical marijuana users from state actions, primarily arrest and prosecution, the MMMA does not regulate private employers or employment decisions.

Joseph Casias was hired in 2004 by Wal-Mart to work in their Battle Creek store. He was an at-will employee. Under Wal-Mart policy, he passed a drug test upon hire. He was, for all accounts, a good employee. He was promoted to inventory control manager after three and a half years and named “Associate of the Year” for 2008.

In mid-2009, Mr. Casias, who suffers from an inoperable brain tumor, was issued a medical marijuana registry card and began using medical marijuana outside of working hours at the recommendation of his oncologist.

In November of 2009, Mr. Casias injured his knee at work. Pursuant to Wal-Mart’s mandatory, national policy, he was required to take a post-accident drug test. At the time of the test, he advised his manager and the drug testing staff that he possessed a medical marijuana registry card. He tested positive for marijuana. One week later he was fired by Wal-Mart’s corporate office in accordance with their drug use policy.

Mr. Casias, represented by the American Civil Liberties Union, filed suit in state court, alleging wrongful discharge in violation of public policy and violation of the MMMA. Wal-Mart removed the action to federal court and requested dismissal of the action.

Mr. Casias based his claim on two theories: first he argued that the MMMA provided him with an implied right of action, and second that Wal-Mart’s actions violated the public policy of Michigan as found in the MMMA. Wal-Mart argued that the MMMA is preempted by the federal Controlled Substances Act (under which marijuana is illegal),

that the MMMA does not create a private right of action nor does it grant medical marijuana users any employment protections.

The court examined the language of the MMMA and determined that none of the declarations indicated that it was meant to address employment decisions or discipline. The court found that although the word “business” is not defined in the law, it always appears in the statute as part of the phrase “civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau.” Therefore the word “business” is not meant to stand alone, but instead modifies “licensing board or bureau.” This makes it clear that the statute contemplated discipline from boards and bureaus of the state, not the entire realm of private employment.

The MMMA does not “decriminalize” the use of medical marijuana, but instead provides an affirmative defense and other limited protections in the face of state and local criminal proceedings. The court stated “Michigan voters could not have intended to enact private employment regulation implicitly, through negative inference, when the rights of employees are never mentioned anywhere else in the statute.”

Further, the MMMA does not indicate a general policy on behalf of the State of Michigan to create a special class of civil protections for medical marijuana users. The MMMA contains no “explicit legislative statements prohibiting the discharge, discipline, or other adverse treatment of employees who act in accordance with a statutory right or duty” because the MMMA does not confer any statutory rights. Under Mr. Casias’s reading of the MMMA, medical marijuana users would enjoy the kind of employment safeguards offered to only a very few groups under Michigan law (religion, race, color, national origin, age, sex, height, weight or marital status). This would mark a radical departure from the general rule of at-will employment in Michigan.

Noting that no other medical marijuana statute of any other state has been held to regulate private employment, the court concluded that “If the voters of Michigan meant to enact such sweeping regulation, they had to do so explicitly. Instead, they enacted a statute whose language and purpose simply protects medical marijuana users from prosecution and other similar actions of state and local governments, and does not attempt to regulate private employment decision.”

The American Civil Liberties Union, which represents Mr. Casias, has stated that there will be an appeal. Michigan is one of 16 states with medical marijuana laws. The language of the laws varies from state-to-state, and the

courts have been interpreting them on a case-by-case basis. Employers should recognize that this decision provides limited precedential effect. Other courts in Michigan are not legally bound to follow this Federal Court Opinion. Employers should review their drug policies to ensure they are clear, up-to-date, and uniformly enforced.

If you have any questions about your company’s drug policy, you should contact your legal advisor.

INFLATION TALK

CPI-W Urban Wage Earners and Clerical Workers

Month	82–84	1967	57–59
Jan 2011	216.400	644.591	749.65*
Dec	215.262	641.200	745.71*
Nov	214.750	639.673	743.94*
Oct	214.623	639.296	743.50*
Sept	214.306	638.353	742.40*
Aug	214.205	638.052	742.05*
July	213.898	637.138	740.98*
June 2010	213.839	636.962	740.78*

CPI-U All Urban Consumers

Month	82–84	1967	57–59
Jan 2011	220.223	659.692	767.21*
Dec	219.179	656.563	763.57*
Nov	218.803	655.438	762.26*
Oct	218.711	655.162	761.94*
Sept	218.439	654.346	760.99*
Aug	218.312	653.966	760.55*
July	218.011	653.066	759.50*
June 2010	217.965	652.926	759.34*

Note: January 2011 CPI-W represents a 1.8% increase from one year ago; CPI-U a 1.6% increase.

* Base Year 1957–59 is no longer released. BLS has issued the following conversion factors from the 82–84 year:

CPI-W—.2886674 CPI-U—.2870447

(Rob's Roost continued from Page 1)

employees to your company head count by effectively "renting" staff to you. Check these two options out — you may just find that you have done yourself a big favor.

SVS Vision offers Vision Programs to member companies and discounts to their staff on vision care needs. And, the good news is, you don't have to have a Vision Plan with SVS to take advantage of the discounts. You or your staff need only advise SVS that you work for a TMTA member company. That being said SVS should be considered for their superior programs including eye safety within the plant. Give them a call — they, like you, are manufacturers right here in America. This provides a chance to "walk the walk" as well as "talk the talk" when it comes to buying American and cutting down our disgraceful national trade deficit.

With this edition of the TMTA Talk I am extending to each of you an invitation to list the one greatest concern you have in your business and e-mail that to me (rob@thetmta.com) or send it by fax to my attention (248-488-0500) so that the association can be sure to act on your concerns. Please remember that we are here to assist you and we stand ready to do so but, we do not read minds and we need your input.

April is the month of the TMTA Annual Members meeting. This year the meeting will be held at an off site venue and will we be finalizing our plans shortly and get that information to you. Do plan on being in attendance at noon on April 20, 2011. Our board members will be present and your questions and comments are invited.

Since the February edition of TMTA Talk I have made two trips to Washington and have now visited the offices of over 25 new members of the House of Representatives. Much remains to be done on the advocacy front and, I am pleased to report, headway is being made.



Please patronize the companies on our **Made In America** page.

Access the list of companies by clicking on the icon (identical to the image to the left) located on our website home page at www.thetmta.com.

TMTA ENDORSED SERVICE PROVIDERS

Blue Cross Blue Shield/BCN
(Health insurance program)

TMTA contacts:

Dennis Campbell 248-488-0300

Elaine Burger-Laskosky 248-488-0300, ext. 1309

Encompass Energy Group
(Energy conservation program)

Provider contact:

Shel Rader 248-515-3217

Rick Wald 248-755-6523

Freedom One Financial Group
(401(k) Retirement program)

Provider contact:

John Young 248-620-8100

GlobalTranz — CarrierRate.com
(Freight discount program)

Provider contact:

Chad Hill 866-275-1407, ext. 130

John M. Packer & Associates
(Unemployment cost control program)

Provider contact:

Nathan Wiest 800-482-2971

Ralph C. Wilson Agency, Inc.
(Insurance management)

Provider contact for Benefits coverages:

Robert Farris 248-355-1414, ext. 109

Provider contact for P&C and WC coverages:

Jay Poplawski, 248-355-1414, ext. 158

Reliance Standard/Ameritas
(Life/Dental insurance programs)

TMTA contacts:

Dennis Campbell 248-488-0300

Stella Krupansky 248-488-0300, ext. 1310

SVS Vision
(Safety & Vision programs)

Provider contact:

Monica Dya 800-611-3683 or www.svsvision.com

Schena Roofing & Sheet Metal Co., Inc.
(Commercial/industrial roofing contractor)

Provider contact:

586-949-4777

Staffworks Group
(Staffing needs)

Provider contact:

Bill Brann 877-304-9690

TMTA receives a benefit from some of its Endorsed Providers when you, as a member, patronize them. This is one way we are able to maintain the level of dues.

In Memoriam



It is with deep sadness and regret that we note the passing of **John C. Lasko**, founder of **Republic Die & Tool Company**, on February 21, 2011 at the age of 90. He was born in Wayne, MI and founded Republic Die and Tool in Belleville, MI in 1940.

Under the leadership of Mr. Lasko, Republic grew to become the largest privately owned tool and die company in North America. Last year, at the age of 89, Mr. Lasko retired and sold his company. Republic was TMTA's fourth oldest existing member; joining the Association on 2/1/1959.

Mr. Lasko was founder of the John C. Lasko Foundation which supports the building of many churches the world over. He was an avid outdoorsman, and especially loved fishing, hunting, traveling and golfing. He was a member of the Washtenaw Country Club. Mr. Lasko also loved to fly and was the owner of his own amphibious airplane.

Mr. Lasko will be missed by his many employees, friends, and family. He was well known by all for his philanthropy, integrity, smile, and passion for life.

Memorial donations may be made in his name to the American Stroke Association at American Heart Association, 3816 Paysphere Circle, Chicago, IL 60674 (online at www.strokeassociation.org); or to the Mt. Calvary Baptist Church at 42682 Ecorse Rd, Belleville, MI 48111.

Our sincere condolences to his family and friends.

Reminder to TMTA Members: Free Benchmarking Report Opportunity

Under a FREE offer being made to only 8 national industry associations, TMTA members have an opportunity to receive a free benchmarking report from the Performance Benchmarking Service (PBS) group.

PBS is a part of the Michigan Manufacturing Technology Center (MMTC), a leading source of benchmarking data for manufacturing.

Complete and return the questionnaire (does not include sensitive financial disclosure) by April 1, 2011 and you will receive your confidential, customized, free report in May.

Visit the TMTA website at www.thetmta.com for details and questionnaires.

**For more information about
the TMTA, our advocacy,
events and benefits,
visit us at**

www.thetmta.com

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