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JANUARY-MARCH 2018

ACOUSTICAL INTERIOR CONSTRUCTION

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Ceilings & Interior Systems
Construction Association



**TP ACOUSTICS
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FOR PHOENIX SKY
HARBOR INTERNATIONAL
AIRPORT TERMINAL 3
MODERNIZATION**

**2018 CISCA CONVENTION
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WALT DISNEY WORLD SWAN AND DOLPHIN RESORT
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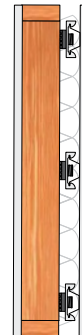


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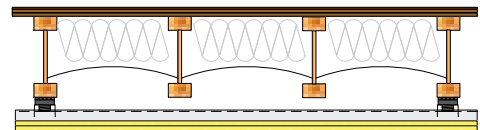
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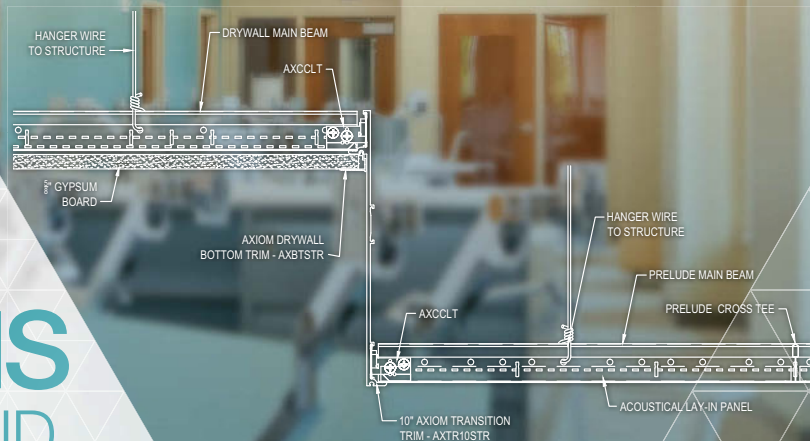
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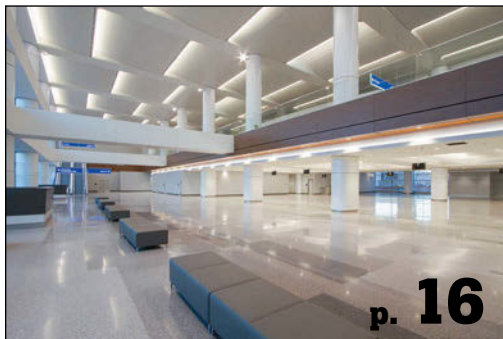
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JANUARY–MARCH 2018

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PRESIDENT'S MESSAGE

The 2018 Convention in Orlando has some outstanding education sessions planned! We touch on current construction issues that our members have requested. One of our primary goals is to provide technical topics that support our member base.



BY PAUL GALLAGHER, C.J. COAKLEY CO., INC., 2017-2018 CISCA PRESIDENT

The 2018 Convention in Orlando has Some Outstanding Education Sessions Planned!

One of our primary goals is to provide technical topics that support our member base

If you have made your way to this page, thank you for taking the time to be here. Our Disney convention is a few short weeks away. We have had tremendous response to date and expect a huge attendance this year. This is a great sign for what promises to be a fun and successful event. Are you registered yet? If not, I have a few reasons to share with you on why you should attend.

First, this is the major national event for ceiling professionals. Contractors, Manufacturers, Distributors and Sales teams from across the country come together to network, learn, and have fun! Each year attendees make new relationships, get contractor specific education and exposure to the national industry.

The 2018 Convention in Orlando has some outstanding education sessions planned! We touch on current construction issues that our members have requested. One of our primary goals is to provide technical topics that support our member base. In addition to our education lineup, this year, we will also have two panel discussions. The panel formats are very popular with attendees as it gives different perspectives on a topic and presents real-world answers and examples. There will be a panel on Acoustics and another panel will present recommendations for recruiting from colleges and beyond.

Our workloads are increasing and the labor market is not keeping pace. If you have already solved the labor shortage, come on by and share your wisdom. If you are like most of us and need help recruiting, our panel will bring the dialogue and present solutions. The remaining education sessions will include silica awareness for our installers, combatting identity theft issues, contract law and negotiating Skills. Please check our full event schedule for a complete list of education sessions at www.cisca.org.

Back again this year, sponsored by USG, is the 2018 Economic Forecast presented by Mr. Bob Treadway. The current economy is in uncharted territory. Is there an end in sight? Bob always provided very useful forecasting on what the year ahead may present with a bias towards the dynamics of the construction industry.

Our Celebration Dinner and Awards Program is the highlight of the convention. During dinner we will present the 2018 DeGelleke Award, President's Award, and the Construction Excellence Gold Awards. Come congratulate the winners, enjoy a good meal and have some fun.

In closing, I would like to thank our CISCA Council groups and Task Forces who have been working tirelessly on this Event. Also, a special thanks to our Membership, Communications and our Technical Council groups who have made great strides this year and are to be commended for their efforts.

I look forward to meeting you all in Orlando – stop by and say Hi! ■



CORE PURPOSE

CISCA exists to provide the acoustical ceiling and wall systems industry with a network of relevant opportunities for professionals to interact, grow and prosper through actionable education.

VISION

CISCA is the recognized authority and resource for acoustical ceiling and wall systems committed to providing solutions to contractors through education, leadership and networking opportunities.

MISSION

Recruit and retain contractors
Provide relevant, effective education
Develop, update and promote technical and installation guidelines
Promote the acoustical ceilings and wall systems industry
Provide opportunities to allow those in the industry to advance their relationships with other professionals in the industry

SAVE THE DATE

FALL CONFERENCE AND NETWORKING EVENT DENVER, COLORADO

October 3-6, 2018

Rockfon Celebrates

Opening of Plant in Mississippi

CISCA Executive Director Shirley Wodynski was one of a number of dignitaries who helped CISCA member, Rockfon, celebrate the grand opening of its new North America facility, as well as three months of uninterrupted production, in October 2017. The 130,000-square foot manufacturing facility is located in Marshall County, MS.

"It was well done," says Wodynski, who has toured CISCA members' plants before. This was, however, her first plant opening. "It was interesting to see the plant when it was new and getting off the ground." She was particularly impressed by Rockfon's efforts to thank everyone involved, noting, "It takes a village to build a plant."

Rockfon is a subsidiary of Denmark-based ROCKWOOL International A/S.

Since the plant is located next to an existing ROXUL (recently rebranded as ROCKWOOL) facility, this means that the company's complete ceiling systems now are made in the USA. The new Rockfon plant represents a \$40 million investment



for ROCKWOOL Group and employs about 90 people.

Of particular note, says Wodynski, is that this is the first opening of a ceiling tile plant in the United States in many years.

ROCKWOOL Group CEO Jens Birgersson cut the ribbon. He was joined by Phil Bryant, governor of Mississippi, other state and local government officials, customers and employees. The event coincided with ROCKWOOL Group's 80th anniversary.

Birgersson pointed to the importance of the US market for Rockfon and the ROCKWOOL Group, noting that, "The new manufacturing facility expands our North



American capacity...and brings us closer to our customers, shortens delivery time and cuts transportation costs and environmental impact." ■

Wayne Chester

Retiring from Armstrong World Industries

After an incredible 45-year career in the building materials business, Wayne Chester will be retiring effective January 31, 2018. Early in his career Wayne spent a number of years working for Owens Corning Fiberglass, before moving over to Tectum Inc. and then Armstrong World Industries. Through Wayne's guidance, Tectum became an often specified product in the commercial interiors and roofing business. Wayne was a very active member in CISCA and in 2011 was named the CISCA DeGelleke Award

recipient, an award he is very proud of and he will never forget the celebration with the organization and his family. Wayne is very open about how the CISCA organization is like family to him. Wayne has said he is grateful to all of those whom he has met over the years and cherishes the life-long relationships that have been built.

As he transitions into retirement, Wayne and his wife, Paula, will be moving into a new house in the Hilton Head Island area to enjoy the mild climate along with golf, swimming, woodworking, walking on the



beach and many other hobbies. With this move from Ohio, Wayne and Paula will leave many close friends behind, but they will be much closer to their two children and six grandchildren who all reside in Atlanta.

Armstrong World Industries congratulates Wayne Chester on a tremendous career. ■

CISCA is headed for the land of sunshine and laughter for its 2018 convention. With plenty of opportunity for networking and education, the annual event is planned for March 24-28 at the Disney World Swan and Dolphin Resort in Lake Buena Vista, FL.

"Disney is a great place to have a convention," says CISCA President Paul Gallagher. "Not only is it the 'Happiest Place on Earth,' but for those of us who live in the north, we will have a week of sunshine and warm weather."

The Celebration Dinner and Awards program ranks as the highlight of the convention. There attendees will be able to see the best of the best, the most unique and challenging in new acoustic ceiling construction, as they are presented with the Construction in Excellence Awards. In addition, they will honor their own with the DeGelleke and President's awards.

The DeGelleke Award was named for one of CISCA's founders, Gerry DeGelleke, and is given annually to recognize a member who has made important contributions to the industry and the association. Each year the CISCA president chooses a member he or she believes has contributed to his or her success as president and has been an asset to the association overall. To that person goes the President's Award.

This year CISCA's own Eric Mau will serve as the MC. "We wanted to have someone who knows the industry and knows the people," he says.

All diners will receive gift bags, full of items donated by CISCA members.

Attendees will be able to bid on donated items during the Monday evening silent auction. Proceeds from the auction will go to the CISCA Educational Foundation. Founded in 1979, the Foundation's purpose recently was changed to allow for donations in the case of natural disasters, such as hurricanes and wildfires.

The convention would not be complete without networking and education. There will be at least one education session for everyone. Learn how to protect yourself from identity theft. Brush up on your negotiation skills. Study what's new in silica and acoustics. Update yourself on finance and contract law. Learn what the college crowd wants to hear when you recruit them. Check out the CISCA website for a complete list of convention educational offerings.

Networking is the number one reason to attend the convention. The convention committee has planned one-on-one meetings with manufacturers, as well as several receptions.

The recently renovated Disney World Swan and Dolphin Resort, this year's convention site, provides the perfect opportunity for a family vacation in conjunction with the convention. It is located on 87 acres of lakefront property and provides daily transportation to and from the Disney World park. So, "bring your family," says Gallagher. "Disney, warm weather and sun, coupled with networking, education and social events, makes for the happiest week of the year. Come for CISCA and stay for the Disney fun." ■

CISCA 2018 Conven



tion



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2018

CISCA CONVENTION EDUCATION

Sessions Highlights

Negotiation Skills: Why just close the deal when you can seal the deal –
Presented by Tom Woodcock

**Monday,
March 26:
9:00-9:45 a.m.**

Time to seal the deal and bring you the skills you need to succeed. You can also use this strategy to buy a new Corvette, but don't tell your boss.

Tom Woodcock is nationally known as one of the most dynamic sales trainers and consultants in the country. His personal success in sales is well documented and highly regarded. His latest book; "You're Not Sellin', They're Buyin'" is comprehensive in developing the proper sales skills, persona and methodology to rise above the competition. His DVD series can be used as an individual or corporate training program.

Tom turned a Caterpillar rental territory from 2.5 Million to 10 Million in revenue in 18 months while raising margins by 2 percent! He also trained 325 sales reps for a 750 Million nationwide equipment firm. In his first sales position at 19 years of age he took a 150K contractor sales territory to 2.5 Million in 1 year. His customized training programs hit areas targeted for improvement head on. He knows how to get people to buy and manage a sales effort to success!



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Identity Theft –
Presented by Robert Siciliano

**Monday,
March 26:
9:50-10:30 a.m.**

Do you have a handle on your personal information online? You can bet someone else has. Put your phone down and come on in and learn some Do's and Don'ts (Swipe Right!).

Robert Siciliano, CSP, the #1 bestselling Amazon.com author and CEO of IDTheftSecurity.com, will get your attention with his fun, engaging tone and approachable personality, but he is serious about teaching fraud prevention and personal security. Robert is a security expert and private investigator fiercely committed to informing, educating and empowering people so they can protect themselves and their loved ones from violence and crime in their everyday lives, both in their physical and virtual interactions.



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Silica

**Monday,
March 26:
10:40-11:30 a.m.**

SILICA is a clear and present danger to how we implement our work. Come and explore the Ceiling-specific risks, regulations and solutions for SILICA.

Acoustics

**Monday,
March 26:
1:00-1:45 p.m.**

A panel of experts will explore trends in acoustics.

Finance 102 – Presented by Mike Eshoo

**Monday,
March 26:
2:00-2:45 p.m.**

The money guy is back to tell you how to accrue millions and where to spend it. Join Mike Eshoo from Merrill Lynch on this fantastical financial journey.

Michael Eshoo, CPM® Senior Portfolio Manager, Senior Vice President-Wealth Management, Wealth Management Advisor. Mike has been working in the financial services industry since 1989 and joined Merrill Lynch in 1999. His analytical background, education, and designations make him exceptionally qualified in his role of asset manager. His management is specified to one's needs, thus providing superior service to clients.

Contract Law – Presented by Lauryn Parks

**Monday,
March 26:
2:00-2:45 p.m.**

Are you up to date on your Legal Immunization Shots? The Doctor is in! Join Lauren Parks for a refresher on Construction Law, specifically for subcontractors. What clauses to include, and what clauses to exclude. How about Design Delegation—are you down with that? We have the antidotes/anecdotes.

Lauryn Parks is an Employment Law and Commercial Litigation attorney. Ms. Parks has a wide array of experience in employment litigation matters, including litigating breach of restrictive covenant and non-solicitation agreements, wage and hour disputes, and a variety of federal and state employment discriminations claims. She also has extensive experience in commercial litigation and business disputes, including declaratory judgments, contract disputes, construction and real estate litigation, and matters involving various injunctive and equitable remedies. Ms. Parks also consults with and advises employers and executive-level employees regarding employment agreements, restrictive covenants, compensation issues, employee handbooks, and employee separations.

Thank You

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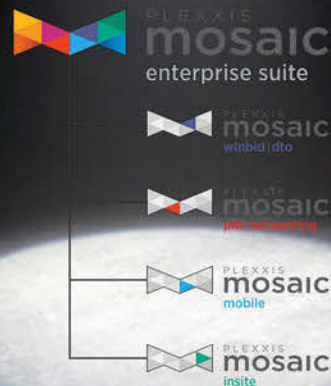
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FEATURE

Panel on Recruiting College Students

Help—I need to hire millennials! Successful college recruiting with a panel discussion from a group of your peers.

**Monday,
March 26:
3:00-4:00 p.m.**



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2018 Economic Forecast – Presented by Bob Treadway

**Tuesday,
March 27:
9:00-10:00 a.m.**

Bob Treadway possesses a unique ability to integrate forecasts for effective strategy development. Most of his practice is executive sessions with directors and top management in think tank, brainstorming, future visioning, decision-making and strategic planning projects.

He's called on to make forecasting presentations for a wide range of organizations and industries but participants often comment on the take-away, hands-on instruction that allows them to become better forecasters on their own. As one executive put it recently, "Your workshop, in just one short hour, helped the audience with HOW to think about their own businesses in the future."

He has been a guest lecturer and faculty for executive education sessions at the University of California Berkeley, Loyola, Illinois State, Oregon State and Kansas State Universities. His 16-year tenure on the faculty of the Institute for Management Studies educated thousands of Fortune 500 man-

agers. He is a member of the Association of Professional Futurists, a charter member of the Society for the Advancement of Consulting and was awarded the National Speakers Association's highest earned designation as a certified speaking professional. ■



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Phoenix Sky Harbor International Airport **TERMINAL 3** **Modernization**

After 40 years of operation, Phoenix Sky Harbor International Airport Terminal 3 needed a facelift to provide passengers improved, efficient and intuitive travel experiences. During that time, the airport has become one of the top 10 busiest in the United States and top 30 worldwide. To avoid significant interruption to daily operations, planners split the \$590 million dollar project into three separate phases. Phase One was completed in December 2016 and focused on modernizing Terminal 3: adding and improving ticketing and baggage capacities, consolidating security checkpoints, updating interior and exterior finishes, and overhauling HVAC systems.

“Phoenix Sky Harbor has a context that is quite different from all other international airports,” says Chris Knorr, AIA, LEED-AP and Associate at SmithGroupJJR’s Phoenix office. “[Our] intent was to design a modern building deeply rooted in the Sonoran desert with excellent views to the surrounding area, more daylight, and exterior shading—all while improving the passenger experience.”

Approximately two years before construction began on the project, the City of Phoenix, DWL Architects + Planners, SmithGroupJJR, Corgan, Hunt/Austin, Lanton Associates, TP Acoustics, and Hunter Douglas Architectural began collaborating on the design using building information modeling (BIM).

“Early on we worked with the entire build team to ensure concepts and mock-ups were in lock-step for the project,” said Wayne Turcotte, Project Manager at TP Acoustics, the company that handled ceiling installation on the project. “Working in an active

Submitting member:
TP Acoustics, Inc.

Other CISCA members involved in the project:
Hunter Douglas Architectural Products
Lanton Associates

Architect/Designer:
DWL Architects & Planners, Inc.
Corgan
SmithGroupjjr



airport comes with its own set of logistical challenges,” Turcotte added. Managing all project activities—material handling, installation, and coordination with other trades—required next-level dexterity... and odd hours. Ultimately TP Acoustics received a Gold Award for Construction Excellence from the Ceilings and Interior Systems Construction Association (CISCA) in 2017.

“Relocation of utilities, installation of new structural elements, and upgrades to building finishes are all challenging aspects of construction,” noted Knorr. “Completing these activities while an airport continues to operate further complicates the task.”

The main design challenge focused on reorganizing many style and performance elements that had become obsolete since the facility was originally constructed in the 1970s. For example, concrete mass had been added in the mezzanines and wall panels, restricting the size and openness of the structure’s main area. The design team removed some non-load bearing elements in the main terminal hall to enhance flow and provide a more welcoming feel.

“The goal to increase spatial volumes had a direct impact on the utility distribution pathways,” said Knorr, adding that the team was able to more efficiently use space between ticketing and departure levels for wiring and connectivity needs.



Updates were particularly noticeable in the ceiling plane, where the original darker reds and browns were replaced with clean, white panels and linear, metal wood-look systems provided by Hunter Douglas Architectural. Architects specified Multi-Box Continuous metal linear ceiling systems with two separate wood finishes

in three separate sizes along lower-level security checkpoints. From there, the ceilings flowed outward into exterior soffits. Accommodating irregular lighting design—which intentionally appears randomized and in some instances extends across multiple 10-foot ceiling panels—requiring precise planning and installation.



"Providing ceiling systems that easily install and integrate into other systems while still maintaining plenum access is always something we think about when collaborating with design and construction teams," said Ron Rice, General Manager at Hunter Douglas Architectural Ceilings. "This particular project offered us some

opportunities and challenges to address with customization, yet the end result comes across as seamless."

On the upper floors of Terminal 3, installers placed multi-radius Torsion and Segmented Torsion Spring scalloped metal ceiling systems. The 10 different curved and flat applications across five separate

sized bays create an airy, cloud-like feel. Utilization of previously designed structural frame skylights and the removal of dark stained-glass windows brought ample natural lighting to high-traffic areas. Ceiling installation in these areas was particularly difficult, as it included locations high above active escalators and was scheduled concurrently with other trades working on the building. "Installing a ceiling nearly 100 feet in the air into 50-year-old concrete—while flooring is also installed below—can be a tricky process," noted Derrick Amerson, Owner at TP Acoustics.

The modernization of Terminal 3 Phase 1 at Phoenix Sky Harbor International Airport, completed in December of 2016, marked an important milestone in the area's development and future wellbeing. According to statistics published by the airport, Terminal 3 has experienced around a 10% increase in passenger traffic in 2017 compared to the previous year.

"We believe in this airport," said Mayor Greg Stanton during the unveiling, "...what's good for this airport is good for business in Phoenix and the State of Arizona."


Soon after the renovation was open, Knorr himself passed through the terminal on a return flight. Other than feeling pride in a cumulative job well done, he was particularly happy when he overheard another passenger take note of the new design, saying: "Now this feels like home." ■



Improve Your Leadership

10

BY MAGI GRAZIANO



Being an effective leader in today's world seems to be much more com-

plicated than in years past. In the previous century, for the vast majority of people, work was approached as a means for survival. The level of employee engagement did not dictate how long they stayed in the role. That's different today, however. People are always on the look out for more stimulating and rewarding work, as well as inspiring work environments where they can make a difference and grow personally and professionally.

Global workforce surveys report that qualified, motivated people chose to work for companies that build a strong, inspiring culture and that monitor and address both workplace culture and climate issues as they arise. If recruitment and retention of highly qualified, motivated people is one of your organization's initiatives, your Leadership IQ ought to be another—they go hand in hand.

Leaders face unprecedented challenges. They must be able to lead three completely different generations of people, all with different operating contexts and outlooks on what work is all about. Today's leaders must not only understand their competitors for customers, they must also understand their competitors for the talent. 21st century leaders must have well-honed human awareness acumen and call on it moment-by-moment to inspire, enroll and engage their employees. These leaders must understand the systemic impacts of their company 'climate' and be willing to look deeper to understand cultural norms that are impeding agility



and innovation. They must have the finesse to weave the day-to-day task work into the big picture and inspire their people to give it their all for the sake of the mission. Today's leaders need to understand people at their core like never before.

Your Leadership IQ relies on your ability to grow, learn and master new ways to lead people, and there are three tenets to consider when boosting it: Self-awareness, Executive Brain Function, and Response Agility.



SELF-AWARENESS

Self-awareness begins with the curiosity and courage to hear what works and does not work about your leadership **and** the culture that exists in the organization. Once you become aware of your competitive talent advantages and your talent barriers from the eyes of your people, you are equipped to take powerful action. Self-awareness allows you to leverage your talent and intervene when and where necessary to remove

those personality ticks that are in the way of your true leadership potential.

Culture and climate awareness opens the door for you to see what is really going on and intervene in the cultural norms and barriers that are in the way of employee engagement, innovation and synchronicity. When you are curious and courageous you begin to ask the tough questions and hear the tough answers. When you do this, you begin to see what "blind spots" may be hidden from your view

Global workforce surveys report that qualified, motivated people chose to work for companies that build a strong, inspiring culture and that monitor and address both workplace culture and climate issues as they arise.

and you learn what you do that sabotages or impedes your leadership effectiveness.

Self-Awareness is the doorway to emotional intelligence and it gives you access to real improvement as well as personal and professional development. Self-Awareness is not always easy. In almost every case with every human being there are aspects of personality or behavior that has a negative impact on others, and with an authentic look in the mirror an aware leader can begin to take responsibility for that negative impact. Being aware of our negative behaviors, alone, is insufficient. Taking responsibility for the impact of those behaviors, asking for forgiveness and working to shift those limiting ways of being is where your Leadership IQ begins. Once a leader has mastered self-awareness they optimize their ability to leverage situational awareness; which is fundamental to assessing, evaluating and intervening if need be, in the ebbs and flow of the climate and culture of their organization.



EXECUTIVE BRAIN FUNCTION

Optimizing your Executive Brain function is a secret weapon of Leadership IQ. The PFC, *prefrontal cortex*, is where the executive brain operates; it is like the controls in a cockpit. This is the part of our brain where strategic thinking, collaboration, reasoning and creativity come from. The problem is most leaders learn over time to depend and lean on one hemisphere and become complacent in allowing that hemisphere to run the show. This limits the airplane's ability to navigate through storms and soar to new heights.

The left hemisphere of our brain is where our organization, categorizing, reasoning,



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and strategizing come from. It is in the right hemisphere where brainstorming, innovation, collaboration, and relationship abilities are housed. When a leader is aware of their goals and visions as well as in control (conscious) of their thoughts, responses, and well-being—and the leader leverages both hemispheres of their executive brain through right/left hemisphere integration—their Leadership IQ and effectiveness skyrockets. When a leader is utilizing all of their capacities, they see things they might not see and are more equipped to respond to climate and culture barriers and infringements.



RESPONSE AGILITY

Response Agility is the ability to respond in an appropriate, controlled manner—regardless of the current stress or breakdown the leader is facing. Being agile with response and reaction is key to effective leadership. Flat line reaction is not appropriate for all situations. Screaming and yelling is not appropriate for any situation. Anger and frustration might be needed at times, and curiosity and collaboration may be needed at other times.

Agility in your response means that you have trained yourself to think before reacting. Effective leaders ask themselves, “What is needed now?” This has everything to do with situational awareness and appropriate reaction. When stress hits the fan at work, a leader who has a handle on how they respond, and can coach others in this manner, is a leader who is positively contributing to a healthy company climate and culture. Response Agility takes discipline, awareness, new habit formation and commitment and is a core component of Leadership IQ.

Being a mission-driven leader who inspires people to give their best in service of a compelling vision is a key element of today’s most successful leaders. They know that most people they hire are not coming to work simply for a paycheck; these leaders have a keen awareness that many people they hire are coming to work to fulfill their individual purpose in a way that supports the organizational purpose. Today’s highly effective leaders understand how to inspire spirit de corps and leverage their communications with people to do so. They utilize their people

intelligence to tie work responsibilities and tasks to the overall intention for and strategy of the business. Lastly these leaders understand the difference between climate and culture and have the aptitude to know how and when to intervene in both.

Learning the fundamentals of how people operate and how to inspire them is the easy part. Mastering those skills is your Leadership IQ. Turning your leadership IQ

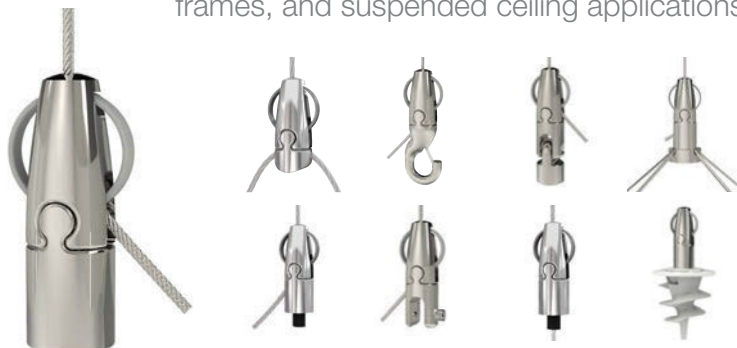
into your competitive talent advantage is the number one way to impact recruitment and retention of the best people. ■

Magi Graziano, as seen on NBC, is the CEO of Conscious Hiring® and Development, a speaker, employee recruitment and engagement expert and author of *The Wealth of Talent*. For more information on Magi please visit www.KeenAlignment.com.



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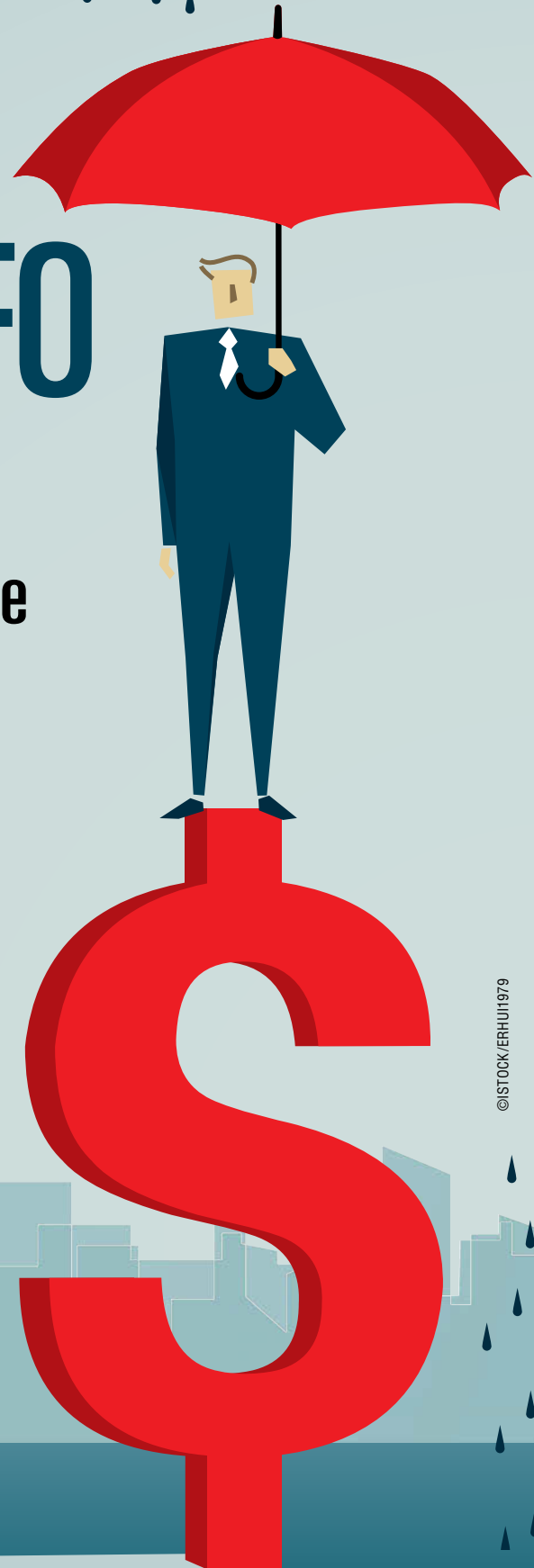
Don't Ignore Your CFO

Why more internal collaboration can keep contractors out of trouble

BY THOMAS C. SCHLEIFER, PHD

It's a frightening truth. Construction company failures are often unpredictable and, in most cases, the accounting people saw it coming. The chief financial officer of a business often plays multiple roles, including steward of the company's assets and strategist in the use of funds and credit. After 30 years researching the causes of construction-business failures and participating in the resolution of hundreds of distressed firms, I came to the conclusion that there was another role played by the CFO: ignored.

The problem: When a construction CFO sounds the alarm, no one may be listening. Some CFOs are isolated or considered a necessary but unimportant function of the business. In discussing the issue with contractors, I've been told: "They don't know anything about construction."



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And a common response from the CFO is: “And you don’t know anything about accounting or finance.”

A construction company has three primary functional areas: get the work, do the work and account for the work. All three are critical to success. After you get the work, you still have to do it efficiently, and if you don’t accurately account for the first two functions you won’t be in business very long—in which case the first two won’t really matter. Therefore, accounting for the work is just as important as getting and doing the work. However, too few managers respect the accounting function as the critical element it is to the firm’s success.

Construction-business failures don’t happen overnight, but are years in the making and definitely foreseeable. In hundreds of the failed companies I worked on, the CFOs warned management: “We have some serious financial issues” or problems or exposures. Management’s reactions often were: “You don’t understand” or “You don’t know what you are talking about. It’s just that one bad job” or that unreasonable owner or that unbuildable design. These contractors saw the problem as an “event” when it was actually a “symptom.” In some cases, the accounting people believed the excuses for a while, but when the issues persisted they would sound the alarm a second and third time, which sometimes resulted in the rejections becoming more forceful.

In more than half of the construction failures I dealt with, the CFO or in-house accountant told me: “I knew there was a problem” or “I knew we were in trouble” or something like that. My response was always the same: “Why didn’t you tell them?” The answers were: “I did, but they wouldn’t listen,” or something similar. In one case the answer was, “The CFO I replaced told them and got fired.”

In the majority of failed companies the CFO was not on the organization’s executive committee—or even

included in senior management team meetings. This is not uncommon in small and mid-size firms, but was also true in all the large company failures I handled.

In our industry, the accounting function is not given the status and significance it should have. One reason is that people who take the unbelievably difficult exams to become a certified public accountant and those who study accounting and finance generally have different personalities than other types of construction executives, managers and entrepreneurs. This complicates communication between them, because they don’t always converse the same way or use similar words. Not surprisingly, the construction executives, managers and entrepreneurs have less patience than the CFO or accounting staff.

Construction professionals need to remember that numbers don’t lie: They tell the entire financial story. The financial problems revealed by the numbers can’t be waved aside with a “Yes, but,” and they cannot be explained away. Words don’t change mathematics. The failures that I saw weren’t caused by mistakes in accounting, just mistakes in the reaction to the accounting and numbers.

Our industry continues to become more complex, which amplifies risk. To profit, we need to do the work more efficiently than ever, and we can’t know accurately or timely if that is happening without greater attention to, and respect for, the accounting functions of our businesses and the people who carry them out. There is a lot of industry talk about collaboration between the parties involved in the projects. We need more collaboration internally, too. ■

Thomas C. Schleifer, PhD, has operated a general contracting company, served as a consultant to the surety industry and been a professor at Arizona State University. He is currently a consultant and author and he welcomes comments about CFOs in construction sent to tschleifer@q.com.

Social Media IN EMPLOYMENT UPDATE

BY TONY STERGIO

Social media is everywhere, making it impossible to escape texts, emails, Facebook, Twitter, Snapchat, Instagram, and the like. It's changed our world, especially our employment relationships, and this article summarizes a few ways in which employers must mind social media and social media policies in the workplace.



EMPLOYEE SOCIAL MEDIA RESTRICTIONS

Employers can always restrict employees' access to the Internet, social media or any particular website during working

hours. Employers can also restrict their employees' use of their work email, as well as their use of cellphones/devices during working hours (personal or company-supplied). Restrictions such as these are important for productivity and safety (i.e. no texting in work areas to avoid falls, accidents, etc.). The important thing to keep in mind is that such policies, like all employment policies, should be applied uniformly.



SOCIAL MEDIA IN THE INTERVIEW PROCESS

How potential employees portray themselves during a formal interview might be



very different from how they present themselves via social media. Therefore, it could be beneficial for an employer to look at an applicant's social media pages during the interview process. Some employers go so far as to require applicants to provide social media passwords so that the employer may review "private" content during the hiring process. This practice is illegal in Maryland, and other states such as California and Illinois are considering such laws. There is currently no such law in Texas.

While an employee's social media account can give an employer insight into

personality and attitude, it also may show information that employers may not consider when making hiring decisions, such as:

- Pregnancy;
- Religion;
- Sexual orientation/preferences;
- Disability/association with a disabled person.

If employers choose to look at applicants' social media accounts, it must be careful not to consider information found related with these and other protected characteristics when making hiring decisions. One solution is to have a "gatekeeper" who is not directly involved in making hiring decisions review an applicant's social media accounts. That gatekeeper can then pass on permissible, relevant information to the decision-makers and hold back information related to protected characteristics.



DISCIPLINING EXISTING EMPLOYEES FOR WHAT THEY POST ON SOCIAL MEDIA

Employers cannot always discipline an employee for posting negative comments about the company or their boss on social media. The National Labor Relations Board routinely holds that disciplining employees for work-related comments on social media may violate the National Labor Relations Act (whether a workplace is unionized or not). The NLRB says certain posts may be "concerted activity" related to workplace issues, which cannot be the basis of employee discipline.

The NLRB, for example, has issued numerous complaints against employers who terminated employees for criticizing supervisors on social media. One specific case concerns an ambulance service that was investigating an employee for rude and unprofessional conduct. Later, the employee posted on Facebook: "Love how the company allows a 17 (psychiatric patient) to become a supervisor." The employee also called her supervisor several derogatory names. The employee was fired as a result of the social media posts, but the NLRB found that the employee's posting was concerted activity and the employer could not properly terminate the employee for these postings.

In another case, a Walmart employee posted a tirade about a supervisor, which included a Spanish language slur and the statement that "this tyranny doesn't end." Walmart terminated this employee. The NLRB, in this case, concluded the posting was "an individual gripe" and not concerted activity. The NLRB, therefore, upheld the employee's termination.

As you can see from the above, it is difficult, if not impossible, to determine which postings are protected and which are not. Employers, therefore, need to proceed cautiously, and with the advice of counsel, before taking any action based upon social media postings.



SOCIAL MEDIA POLICIES

The NLRB has also asserted that certain employer social media policies violate NLRA. Violative policy provisions include:

- Policies restricting release of employees' wages and benefits;
- Prohibiting all offensive, demeaning, abusive or inappropriate remarks;
- Prohibiting employee comments on any employer legal matters;
- Prohibiting any use of employer logos or trademarks.

The NLRB, on the other hand, has asserted that these social media policies were lawful:

- Policies that address confidentiality of trade secrets and confidential information;
- Require that employees must be honest and accurate when posting information, and that any mistakes corrected quickly;
- Require employees express only their personal opinion, do not represent the company, and include a disclaimer as such;
- Prohibit statements that could be viewed as malicious, obscene, threatening or intimidating to other employees—harassment/bullying.

Again, it is difficult to know where the NLRB will draw the line with respect to an employer's social media policies. Further complicating this matter is the fact that in the coming months the NLRB will be issuing its first ruling in years with a Republican member majority (due to President Trump's latest appointments). This may result in more employer-friendly decisions by the NLRB concerning social media issues. ■



DON'T GET HACKED

Time to Get Serious About Password Safety

Top tips for locking down your online security

We all know hiding your house key under the doormat is a terrible idea, but we do it anyway because it's a convenient backup. When it comes to safeguarding passwords, especially in a family setting, people often choose convenience over safety.

As families manage their digital information and online accounts, many end up opting for that less secure key-under-the-doormat solution. People are already sharing passwords, and their methods of sharing are not always the best. Some 41 percent of adults with online accounts admit to sharing passwords with friends and family, according to an Americans and Cybersecurity survey by Pew Research Center. Yet, 90.8 percent of respondents say they know that having strong passwords helps them better protect their families.

Consider the number of security breaches that continue to make national news:

- In 2016, we learned the Yahoo data breach compromised 1 billion accounts.
- In that same month, we learned 167 million email addresses and passwords were stolen from LinkedIn.
- In September 2017, a security breach at Equifax was reported, exposing Social Security numbers and other personal data of 143 million users, which is nearly half the U.S. population.

Now more than ever, it's clear how important it is to protect our personal information online. According to a Verizon 2017 Data Breach Investigations Report, 81 percent of data breaches involve weak, reused or stolen credentials. That's significantly higher than the 63 percent it was in 2016.

"If you were to dig into the reasons behind these repeated, overly simple, shared passwords, it's actually pretty understandable as to how this happens," according to LastPass Senior Director of Product, Steve Schult. "The average person has some 200-plus logins. If you were to give each its own strong, unique password, that's way too many for one person to keep track of and remember, let alone all the other family members that might also use some of those accounts."

But there's no need to trade security for the convenience of digital access. With a password manager designed for individual or family use, you can create those strong passwords for all the accounts you and your family use, and store them within a secure vault that's accessed by a single master password only you know. These digital lockboxes protect your information under multiple layers of security, making it impossible for digital thieves to hack and access.

If you're debating whether to make the switch to a digital password manager, here's a few ways it can improve your family's online security and help stop the struggle with passwords.

Create rock-solid passwords: Most password managers offer a secure password generator that allows you to set and create a long, strong and unique password for every online account. You can create a password up to 100 characters long, including numbers and symbols. Another way to do it is by using the "passphrase" approach, meaning string together words that create a phrase. Be sure to steer clear of birthdays, anniversaries, street names and other specific personal details that can be found through a simple social media search.

Secure more than just passwords: There's an endless number of passwords and sensitive information you can store in your password manager, including banking logins, passport and license numbers, shopping accounts, email and social media passwords and more. By storing all of this information in your secure vault, you'll always have access to the information whenever and wherever you may need it.

Safely share passwords with team members: One benefit of a password manager is that it lets you safely and conveniently store passwords and valuable documents in folders for flexible sharing with others if needed.

Plan for the digital afterlife: When there's a death or serious emergency, it turns out that state and federal laws, along with service agreements, can block your family from getting access to your online accounts. With a password manager that allows emergency access, family members can get into your password vault and have access to whatever they need. ■



THE Benefits of a Safety Monitoring Program

BY STEVE MILLER

Vince Lombardi, legendary coach of the Green Bay Packers, once said, "Practice does not make perfect. Only perfect practice makes perfect." When it comes to safety on a construction jobsite, the same maxim holds true. No matter how much experience a worker has, being new on a jobsite can unnecessarily put that worker at risk for injury.

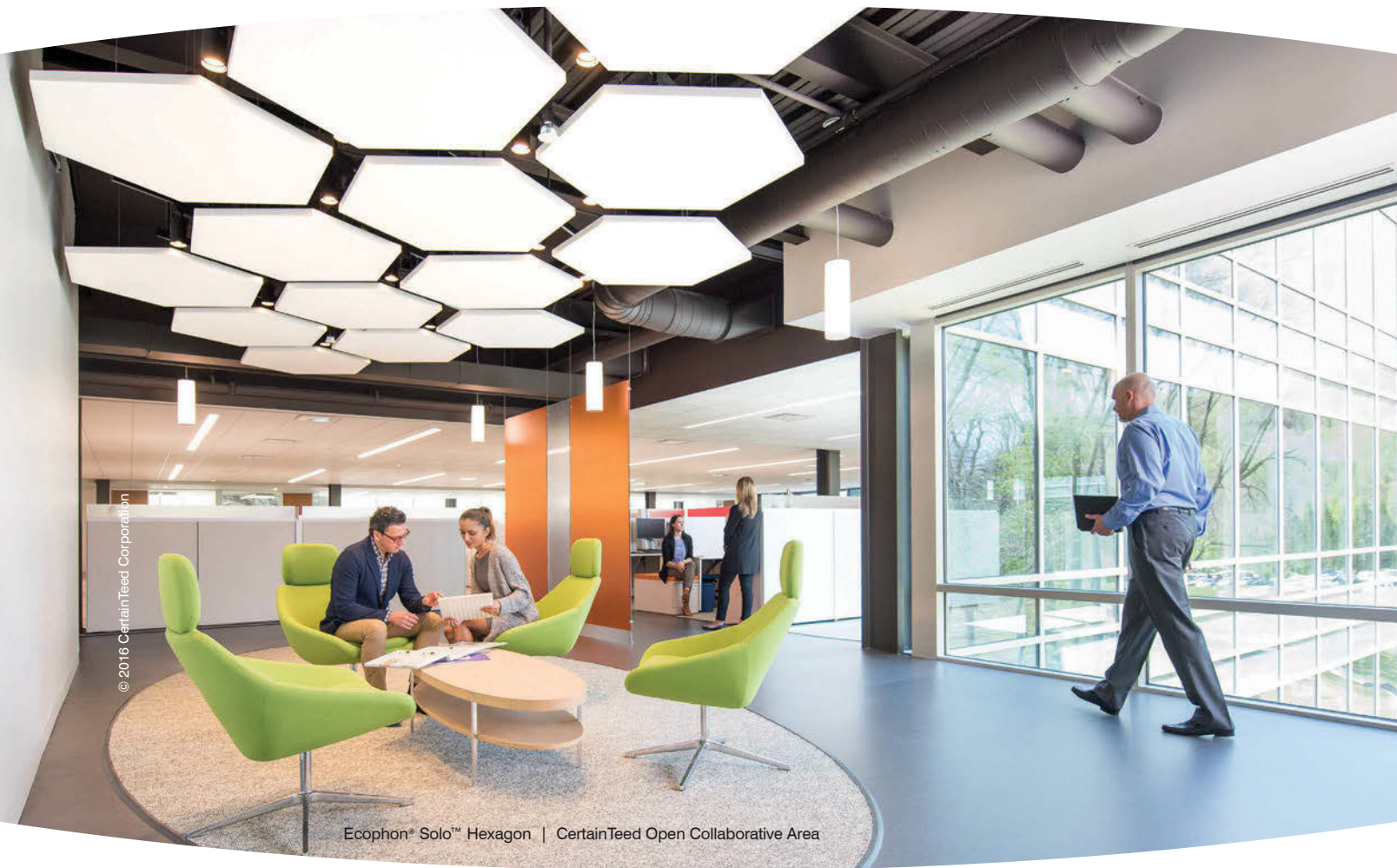
Building for success depends on creating and executing a formal safety mentoring program. This practical concept teams up anyone who is new to a jobsite with someone who's been on the site for a while and agrees to serve as a trusted coach and mentor. A formal safety mentoring program not only reduces the risk of safety incidents but can also add value to the project for the contractor. In addition to reinforcing its commitment to the safety of everyone working on the job, productivity improves with less downtime



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Building for success depends on creating and executing a formal safety mentoring program. This practical concept teams up anyone who is new to a jobsite with someone who's been on the site for a while and agrees to serve as a trusted coach and mentor. A formal safety mentoring program not only reduces the risk of safety incidents but can also add value to the project for the contractor.

caused by injuries. Working safely ensures a project stays on track and overall business goals are achieved.

The reasons make sense. In addition to every construction project having its own unique set of challenges, joining a new jobsite generally means getting used to working with new crews, supervisors and project managers, as well as different routines, technologies and methodologies. It takes time for anyone, from the novice apprentice to the most seasoned journeyman, to become acclimated.

KEY ELEMENTS OF A SAFETY MENTORING PROGRAM

A program should require workers to complete the company's regular safety training and agree to the written terms of the on the job safety training. Having a dedicated staff of full-time safety professionals to develop and execute the program can ensure the program is actively managed and workers and trade partners are held accountable.

The on-the-job training program should specify the program's length of time (e.g., 90 days), expectations of the worker and mentor both, as well as conditions under which the training period may be extended for a longer period of time. In addition, pre-planning may determine that on-the-job training needs to be customized in certain situations to ensure safety each and every step of the way.

Having a clear set of safety priorities that can be measured also will help guide the program's success. The focus might include reducing the incidence of falls, soft tissue injuries, danger zone situations, electrical injuries or other safety situations. Identifying mentors who will agree to be responsible for

a new worker is essential. Not every experienced worker is a good mentor, and it is the company's responsibility to be selective in choosing and assigning the right teammates to work on the same crew.

Mentors must not only agree to constantly monitor and assess the new worker's performance, but they must also regularly meet with the new worker and submit written evaluations to the company.

For the new worker, a visual identifier is essential while participating in on-the-job safety training. McCarthy's program requires them to wear a large fluorescent green triangle sticker on the back of their hardhat that includes their starting date.

In addition to enhancing safety, the visual symbol can also help establish a better work environment. Experienced workers can easily identify and reach out to new workers to share advice on everything from particular details of the job to the best local restaurants. This can be particularly important for workers who are joining an out-of-town jobsite. Strengthening relationships among coworkers ultimately contributes to safety performance.

Defining who qualifies as a "new" worker can be tricky. The program may identify "new" as anyone who joins a new jobsite, regardless of the years of experience. It may also apply to anyone who returns to a jobsite after having been away for 30 days or more for any reason. Although not everyone may be pleased with these rigid requirements, it will be accepted if it is uniformly enforced.

SAFETY ABOVE AND BEYOND

While it is easy to evaluate tangible safety practices, such as whether an individual is wearing safety gloves, other aspects can be

more elusive, yet just as critical for all workers. For example, being absent-minded for a just a few seconds can end up causing an injury to oneself or a coworker. It is important to identify ways to constantly remind all workers to keep focused, to look out for others, to think before they act, and to use appropriate personal protective equipment (PPE).

ASSESSING THE NEED

Whether your company decides to adopt a safety mentoring program in addition to its regular safety training program is an individual decision. Determining the need for a formal safety mentoring program should begin by comparing your company's safety record against the length of time on a jobsite for individual employees who have reported an incident.

It is estimated that 35 to 40 percent of safety incidents occurred within the first three months of a worker being assigned to a new jobsite, regardless of the worker's level of experience, skill or tenure with the company. The statistic held true for the company's own team as well as their subcontractors and craft trade workers. Now, thanks to the safety mentoring program, only 15 to 20 percent of injuries are from new employees within the first three months, which represents a significant reduction.

Outstanding commercial construction safety performance isn't a fluke. Everyone needs to be on the same page for a commercial construction safety program to work. Partnering with OSHA through its Strategic Partnership Program (OSPP) can create opportunities to work cooperatively to address critical safety and health issues. This is a different approach that can prove to be an effective tool for reducing injuries in the workplace. ■



Workplace

It's Good for Mind, Body and Business

How to get the conversation started...
and create a caring culture within your company

BY KRISTIN F. ELSON

Health and wellness aren't topics that typically top the meeting agendas at most plumbing, heating and cooling companies, but there's no denying that any productive, reputable, profitable business relies on its employees running at full strength.

And companies in the *construction* industry have even *more* reason to make wellness a priority. Alarming, construction is the number one industry for the number of suicides and the number two industry in suicide rates. Why? According to the Construction Industry Alliance for Suicide Prevention (CIASP), employees working in construction are particularly vulnerable to a "perfect storm" of risk. Some of those risk factors include:

- A "tough guy" culture of fearlessness.
- Exposure to physical strain or psychological trauma.
- Prevalence of alcohol and substance abuse.
- Fragmented community and isolation, resulting from contract work or seasonal employment.
- Chronic pain from years of hard, physical and manual labor.
- Sleep disruption due to construction work schedules and rotating shifts.

"Many times, these workers don't have a consistent environment with normalcy and routine," says CIASP Chairman Michelle Walker. "So we need to build in protective factors so those realities have the least impact on a person's mental health as possible."

Wellness

WELLNESS PROGRAMS: WHERE TO BEGIN?

"The key is making a wellness program part of regular activities so it doesn't seem like a standalone thing," says Walker, who also oversees the wellness programs at Specialized Services Company, an underground construction company in Arizona. "Lump mental wellness in with fall protection; feature articles in your company newsletter; make wellness a part of company meetings...try to shift that whole culture and destigmatize everything," she adds.

The CIASP website—www.preventconstructionsuicide.com—is a great place to start. Established by the Construction Financial Management Association, the CIASP has been instrumental in helping those in the construction industry shatter the mental health stigma and create caring cultures in their companies. Business owners, supervisors will find countless tools on this site, including:

- Flyers and posters to put up in your workplace.
- Free and confidential emotional support lines.
- Mental health screenings.
- Newsletter article ideas and samples.
- Toolbox talks.
- Free webinars.

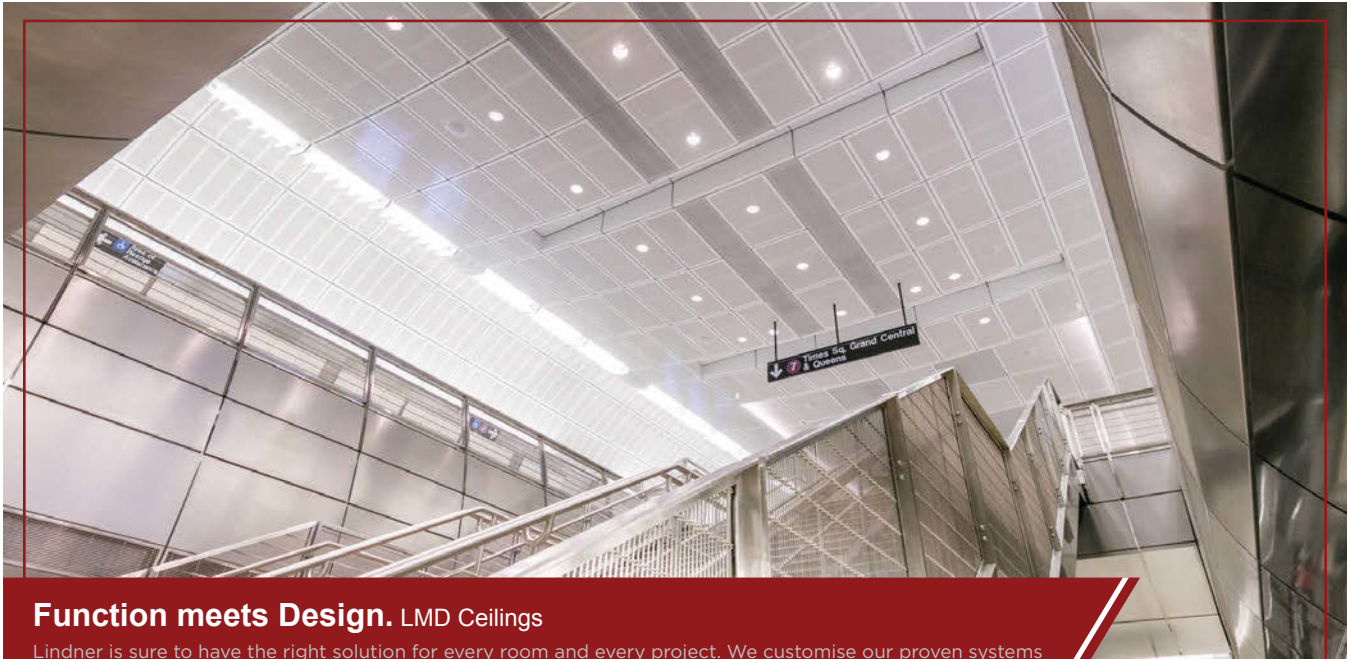
Walker is quick to convey that a wellness program doesn't have to be "a big, costly, formal program." Sure, some companies can afford to treat their employees to an annual getaway or buy everyone a Fitbit, "but don't do nothing because you can't do everything," she says.

Walker adds another good starting point is your group health care benefits broker...or your benefits provider themselves. "It's in the insurance companies' best interest to help with overall health," she says, adding that they are more than equipped and willing to share tools and resources.

"Also, if your company has an Employee Assistance Program (EAP), they have great resources," Walker adds. Again, the CIASP website includes information about how EAP services can be extended in cost-effective ways to smaller employers that are often hit harder when an employee is experiencing overwhelming distress.



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From a mental health perspective, Walker advises contacting your community mental health associations that can be found through the National Alliance on Mental Illness (NAMI) or American Foundation for Suicide Prevention (AFSP) directories. "They're happy to come out and talk to people and make their services known," she says, "and your employees may be more comfortable going to them rather than straight to you as their employer; it feels more confidential, so it's good if you establish that relationship first."

Also, she adds, make crisis lines such as National Suicide Prevention Lifeline (1-800-273-TALK) and the Crisis Text Line (text HOME to 741741) known and available to employees.

A person with depression will miss 4.8 days of work in a three-month period, and—in the same period—have 11.5 days where they're at work but not performing at capacity.

—World Health Economic Forum



MIND, BODY, LIFE: THEY ALL GO TOGETHER

While society has taken great strides in reducing judgmental thinking when it comes to mental illness, there still remains a stigma, especially among construction workers, who pride themselves on "being tough."

To overcome resistance to a mental health wellness program, Walker recommends:

- Create a program where mental health goes hand-in-hand with physical health. Incorporate mental health initiatives with ones focused on physical activities (such as a fitness program or company sports team) and on nutrition. "Plus, physical activity can help with mild mental health issues, so they really go so well together in being mutually beneficial," she says.
- Require a culture of acceptance. "Mental illness is a physical illness," says Walker. "No employee would hesitate to say 'I'm short of breath; I need to go to the cardiologist.' We need to put mental illness on the same playing field as any sort of physical illness." Of course, she adds, business owners must communicate that they're "not going to tolerate harassment" toward people who are, for example, depressed. "Announce to the company that this is part of the company culture," she says.
- Make sure that leadership has buy-in. Walk the walk, and emphasize the importance of health and wellness. Subordinates are more likely to follow an employer's lead if they are making health and wellness a top priority for themselves.
- Focus on the overall employee. "Show that you care about the person and their overall well-being," says Walker. Again, don't isolate "mental health" in a wellness program. "Incorporate life-coping skills...stress management, pain management, financial skills...things that lead to overall personal well-being."

GOOD FOR BUSINESS

Construction work can be tough on the body, and that can lead to a vicious cycle of problems: pain killers, for example, can lead to opioid abuse, creating threats to health, safety and addiction issues, says Walker. When you make wellness—including physical health—a priority, however, you're benefitting your company in multiple ways, not only lowering the risk of such abuse, but lowering overall safety risks, such as falls, which continue to top OSHA's list of the most common causes of serious work-related injuries and deaths.

Of course, when your workers suffer, so does productivity. In fact, depression results in 200 million lost workdays in the United States every year, according to the Centers for Disease Control. And, according to the World Health Economic Forum, a person with depression will miss 4.8 days of work in a three-month period, and—in the same period—have 11.5 days where they're at work but not performing at capacity.

Running a business is busy work, and running a workplace wellness program takes even more time. It's time and effort well spent, however, when the result is a happier, healthier family of employees and a better bottom line for your company. ■

CISCA's **Emerging Leaders Program** will bring into focus all aspects of our association and will provide a pathway to CISCA's task forces, councils, and board. The goal is to provide the Emerging Leaders in the industry the tools and opportunities necessary to succeed.

The program is designed for future leaders to network and build relationships through every level of our industry. They will develop a better understanding of the FOUR (4) Key Partners in our association:



Manufacturers
Distributors
Independent
Representatives
Contractors



Networking and successful business relationships provide the building blocks to better understand the interaction and interdependence of all four Partners, as well as the thought processes, goals, limitations, and expectations of each. But that's just one of the facets of the Emerging Leaders Program.

In addition to studying educational topics, participants will meet other leaders in the industry who have similar interests and goals. They will develop a peer group where they can reach out for answers to industry questions and get another approach to an idea or concern.

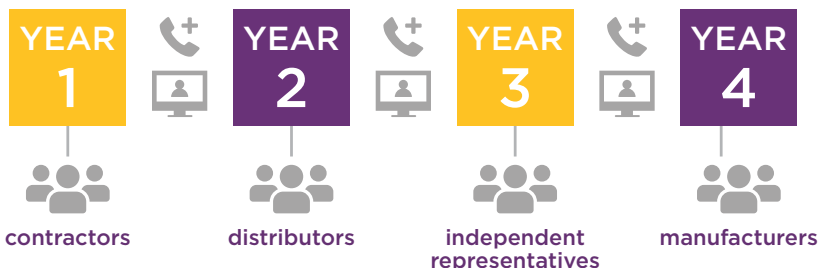
Emerging Leaders will meet in person twice a year for three days. At least one of these meetings will be at the location of a manufacturer and the content of the meeting will focus on networking and education.

Each year the program will focus on one of the four partners. After four years, the program will repeat.

This allows our members to join at any time during the four-year cycle; but all attendees must commit to completing the four-year course.

At the end of four years Emerging Leaders will graduate with a sound knowledge of the role and works of Manufacturers, Distributors, Independent Representatives, and Contractors as they fit into the interior construction industry.

In addition to the formal bi-annual meetings, there will be conference calls or webinars to keep the group connected, educated and on track.



application

Name _____

Company* _____

Company Address _____

City _____ State _____ Zip _____

Applicant phone number _____

Applicant email _____

**Company must be a member of CISCA*

PROGRAM AGREEMENT

The Emerging Leaders (EL) Program is based on a 4-year cycle and participants agree to participate in all 4 years.

There will be TWO (2) in-person EL meetings each year. The first will tentatively be scheduled for May 14, 2018 at Rulon International's facility and the second will likely coincide with the CISCA Fall Conference.

The host of the May meeting may, at their discretion, subsidize some of the costs of the expenses for these meetings.

The attendees will be responsible for the remainder of the other costs (travel, hotels, etc. as required). CISCA will help facilitate these arrangements and invoice for the costs.

I have read, understand, and agree to all of the program details above.

Signature _____

Date _____

Return this form to:
CISCA
1010 Jorie Blvd., Suite 30
Oak Brook, IL 60523
Fax 866-560-8537
cisca@cisca.org



The Emerging Leaders are the future of the industry and CISCA and we desperately need your ideas, opinions and vitality. Please help in taking our industry to the next level! Share your thoughts with us at cisca@cisca.org.

The "Battle of the Forms"

The Dangers of Forming a Contract Through Purchase Orders and Invoices

BY LAURYN E. PARKS,
MOMKUS MCCLUSKEY, LLC

Instead of drafting a written contract for each transaction, many companies conduct business through the exchange of purchase orders and invoices. A buyer will send a purchase order to the manufacturer, and the manufacturer will signal its acceptance of the order by issuing its invoice to the buyer. Generally, the exchange of a purchase order and invoice creates a contract.

But many manufacturers and buyers use purchase orders and invoices with pre-printed "boilerplate" terms printed in small type on the reverse side of the document. What happens if the boilerplate terms on the purchase order and invoice conflict? Which terms will control?

For example, the buyer in our scenario sends a purchase order which includes a boilerplate indemnity clause. This term requires the manufacturer to indemnify and reimburse the buyer for any damages or loss caused by a defect in the product or the product's non-performance. The manufacturer receives the purchase order and accepts by sending an invoice with a boilerplate term that expressly disclaims



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any obligation to indemnify the buyer for any damage caused by the product.

Under general contract principles, a contract would not have been formed in this situation. At common law, a contract is only formed when the offer and acceptance have the same, or “mirror,” terms and conditions.¹ If the acceptance document (here, the invoice) has different terms than the offer (the purchase order), then a contract is not formed and the invoice serves as a counter-offer.

However, forcing everyone to stop and negotiate every term of the agreement each time goods are ordered would cause commerce to come to a screeching halt. Recognizing this, the Uniform Commercial Code has developed a system for determining when a contract is in effect and what terms will govern.²

Section 2 of the Uniform Commercial Code (the “UCC”) governs the sale of goods between commercial parties.³ Section 2-207 provides that any “definite or seasonable expression of acceptance” will form a contract regardless of whether it contains different terms from the offer—unless acceptance is expressly made conditional

on assent to the additional or different terms. So, under the UCC, an invoice with different terms still forms a contract as long as it is clear that the invoice is meant to accept the purchase order. Alternatively, performing under the purchase order by manufacturing and shipping the product also counts as acceptance, thereby forming the contract.

But what about the conflicting terms? Would the buyer’s indemnity clause apply in such a case? Probably not.

Under the UCC, any additional or different terms would only become part of the contract if they are not material or if they are accepted. With regards to material non-accepted changes, the majority view in the United States is that those provisions fall out and are replaced by UCC gap-fillers.⁴ Because the indemnity clause does not appear in both the purchase order and invoice, and there is no indemnification “gap filler” provision in the UCC, the indemnity term would not be part of the contract.⁵

Many businesses are not familiar with the boilerplate terms on their own purchase documents. Even more businesses do not carefully look at the terms printed in tiny

type on the purchase orders or invoices that they receive. But scrutinizing these terms is advisable—especially when dealing with a significant order. It is also advisable to include a term in your invoice or purchase order which states that your terms govern and that any conflicting or different terms proposed by the other party are automatically rejected unless expressly accepted. Including such a term does not guarantee that your terms will govern, but it will reduce the chance that you will be forced to abide by the other party’s terms. ■

REFERENCE

1. *Finnin v. Bob Lindsay, Inc.*, 366 Ill.App.3d 546, 548, 852 N.E.2d 446 (Ill. 3rd Dist. 2006).
2. Each state has enacted its own version of the Uniform Commercial Code which tracks closely, or exactly, to the UCC’s language.
3. Note that contracts between individuals or contracts for the sale of services (rather than goods) would not fall under the Uniform Commercial Code. Those contracts are still governed by the “mirror image” rule which requires that the terms of the offer and acceptance be identical in order for a contract to be formed.
4. *See Northrop Corp v. Litronic Industries*, 29 F.3d 1173, 1174 (7th Cir. 1994)
5. *See* Uniform Commercial Code Section 2-207(3).



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