



The UPA Bulletin Board



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FALL 2010

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The UPA Bulletin Board is published quarterly to inform and marginally entertain its members. The Bulletin Board does not reflect official UPA policy except where specifically stated.

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It's Election Time and the Prez Makes His Pitch

Alrighty! Election time has sprung. UPAers from across the land come to Keno's and endure the mighty drumbeat of excitement that exists at a UPA election.

This should be a tough year for me to get reelected. There seems to be a groundswell of hostility out there among the UPAers and I am certain a Challenger will step forward to toss me off this throne.

So I've formed three committees to collect donations to buy my continued presence as your humble servant. CREEP, the committee to reelect the president. CRAP, the committee to reassign the president. And POOP, people opposed to ousting the president.

Your donations to any of these groups will go a long

way toward providing the funds necessary to get the dirt on any challenger and have a mud-slinging good time at Keno's Restaurant.

Of course, any donations to one of these groups will guarantee an IRS audit and possibly time in jail.

But any donation above the amount of \$250,000 will give you a chance at a U.S. Senate seat in any state that you choose. So come on, join my party.

This year I'll be entertaining a Pro-Life Stance. That is, vote for me as President for Life.

After all, it's in your best interest to do so, because I say so.

Jeff Dowding, President

In All Seriousness...

...an editorial by the Newsletter Monkey

The following are solely the opinions of the Newsletter Monkey and do not reflect the opinions of the UPA or its members.

We all love reading Jeff's articles. I always get a good chuckle. But I always end up asking myself "Is this the best we can do for President?"

Should the President of UPA be writing fictional crap about fist fights and gun play in the Keno's parking lot? Even the article to the left is just more stupidity.

We can go down the list of insane rantings. Who can forget that dopey story called "The 3rd Annual Splash, Flash and Dash" or the "Filter Rap".

Please don't get me wrong. I love a good laugh. I mean

Continued on Page 10

July Joint Board Meeting Recap

We came to order at 8:32 AM on July 31.

After introductions Secretary Triesch read the minutes from the last meeting and Treasurer Patino gave the financial report.

Jeff talked about how new IRS regulations are destined to force us to change the way chapters do business. More information

to follow.

Carlson talked about two different claims that concerned drownings. He applauded the members that got on it and filed their claims quickly.

We had a member that unfortunately cashed in on the accidental death and dismemberment policy. It

seems when the member was stretching a bungee cord over his cart it came loose and took out his eye. All I can say is YOWIE!

There was some lively discussion when a member said Pool Corp. was selling to anyone that comes through the door.

The Monkey

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For policy questions and clarifications contact the UPA Account Executive:

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818-679-3733 cell
Ron.Carlson@usi.biz

For general questions, additions and deletions, insurance certificates, additional insured certificates, address changes, contact:

Matthew Creith
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To file a claim contact:

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484-652-5027 fax

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Your UPA Insurance

Your liability insurance is issued by Fireman's Fund through USI Insurance Services. The policy covers the operations of **service, repair and maintenance of swimming pools and spas only.**

Two important exceptions to the policy are as follows:

1. You are not covered for the repair, maintenance, installation and/or removal of diving boards and slides. Bottom line: **DON'T TOUCH 'EM!**

2. Acid Wash coverage will pay up to \$25,000 to correct damage to a pool that turns out badly as the result of a member "Acid Washing" a pool and, of course, is subject to the usual \$500 deductible.

YOU WILL NOT BE COVERED IF YOU ACT AS A CONTRACTOR!

Fireman's Fund requires all chapters to meet a minimum of 9 times per year. If any chapter is not meeting this basic requirement the entire chapter will be dropped by UPA.

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Filing a Claim

When filing a claim make sure you do it in a timely fashion. If you screw up and flood some guy's house for example, **DO NOT** hope, pray or take his word for it that he will not file suit against you. Call Lauren Menefee ASAP. Waiting could cause the claim to be denied. Fireman's Fund needs to be involved from the git go.

1. **DO NOT ADMIT FAULT !** This cannot be stressed enough. You may feel obligated to cleanse your soul, but you will do yourself and your claim harm by doing so. Button your lip and let Fireman's Fund do the talking.

2. **DO NOT TALK TO ANY ATTORNEY THAT IS NOT FROM FIREMAN'S FUND!** Never ever go to a deposition without legal representation from Fireman's Fund. No matter how innocent it may seem these guys will eat you (and our policy) alive. Fireman's Fund has a whole squadron of attorneys to represent you. You have to let these guys do the talking.

3. Prepare a complete statement of all the facts immediately and call Lauren Menefee. Fireman's Fund must be brought in early so they can investigate while the evidence is fresh.

4. Inform your chapter President and Treasurer that you are filing a claim and keep them informed with the progress of the claim.

5. Make arrangements with your chapter Treasurer to give him the \$500 deductible. Your chapter is responsible for paying the deductible. If you don't pay it your chapter is on the hook. If your chapter doesn't pay it the entire chapter will have its insurance canceled.

6. If you have any problems or questions or need assistance call Matt Creith and Lauren Menefee at USI.

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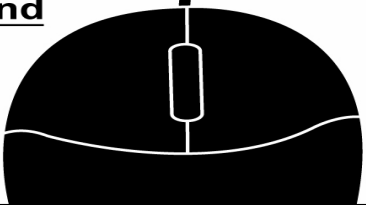
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Member and Employee Info

UPA members that have anyone including employees, family members, friends, repair people, vacation service people, etc., that are not under the **direct supervision*** of the insured member are not covered by the Fireman's Fund policy. You must see to it your help has their own Fireman's Fund policy. Matt Creith can get you set up.

***Direct Supervision** means they are working with you in your presence. Not the next house, not a phone call away.

Make Sure You Are Registered!

All members should make sure their chapter has a current roster with their name on it registered with USI. A claim being filed by a member not registered with USI will not be covered by Fireman's Fund. Check it out so you don't get left out in the cold. It's happened.

Insurance Certificates

All Insurance Certificates are mailed every July to every UPA member. If you don't get one by the end of the month call Matt Creith and she'll take care of it. Be patient though, she sends out close to 10,000 certificates every year. A pile of work like that can take time.

New Members

You should receive your Insurance Certificate within 48 hours after USI Insurance is notified by your chapter treasurer. If you do not receive your Insurance Certificate in a few days call Matt Creith at USI Insurance

Additional Insured Certificates

All you guys with commercial accounts that require additional insured certificates, let Matt Creith know if you no longer need those certificates sent out. It will save these folks a pile of unnecessary work.

Membership

Servicing swimming pools must be your **primary occupation** with repair work being secondary.

One year experience servicing swimming pools is required. Individual chapters may ask for more experience.

Go to the Chapter Contacts page and contact a chapter near you for more details.

New Chapters

New chapters may be formed and existing chapters can split off with a minimum of ten members.

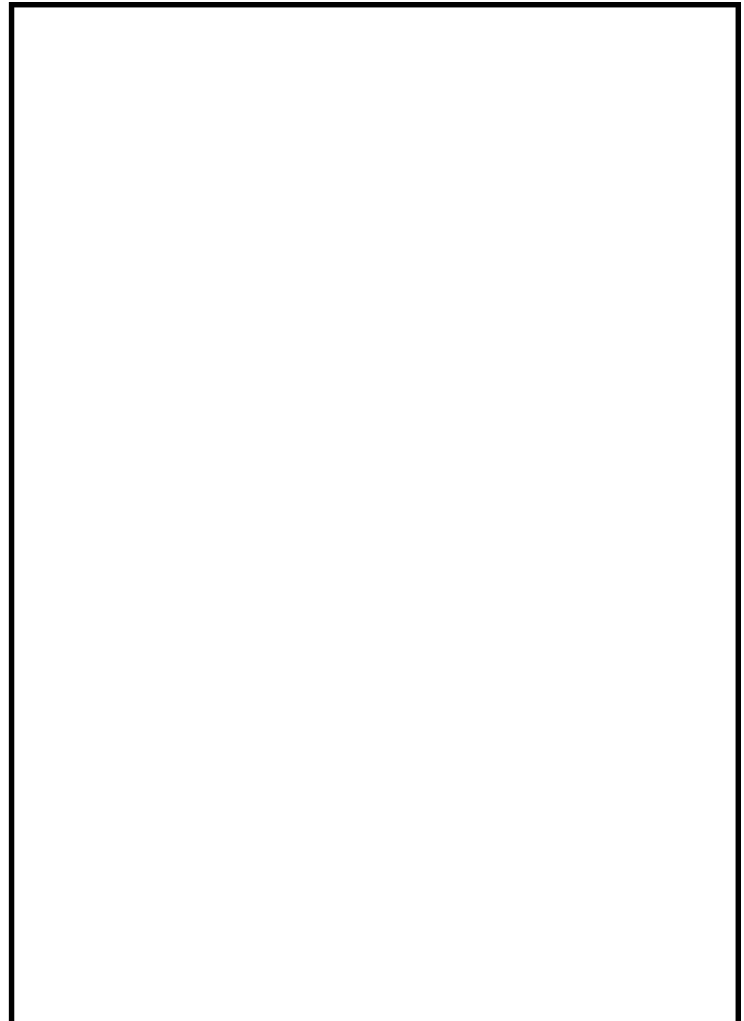
The proposed new Chapter President must make arrangements with the UPA President to appear at a UPA Joint Board meeting and request admission. Special accommodations for new chapters more than 200 miles from the Joint Board meeting place are possible.

For more details call Steve Homer.

Claims Report

Sorry, I have been so busy that I forgot to get a Claims Report. I'll double it up next time. You have my most sincere apology.

The Mentally Challenged (but honest) Monkey



Those Pesky Bubbles

I had occasion to spend a little time with Luis Perez from Leak Specialists. Luis has been sniffing out leaks in pools, spas and fountains for more than 20 years and, as you can guess, has seen a thing or two along the way.

We were talking about those nagging bubbles often seen in the strainer lids of pumps. Of course these bubbles can come from any number of suction side leaks but Luis named a couple I had never really considered.

Luis said he has seen the 3-way valves (you know Jandy, Com-pool and the like) leak around the stem of the diverter. Replacing the two little O rings on the diverter stem usually fixes it but sometimes the diverter and the screw down top show wear and you need to replace both of them to stop the bubbles.

Another spot for air to seep in is through the threaded CPVC connection on the suction side of the pump. There are a couple makers of these CPVC nipples. One has a dull finish and the other has a shiny finish. It has been Luis's experience that the shiny one lets a little air seep in and cause bubbles but, when the system is off the joint does not drip. He recommends the dull one.

Thanks Luis.

The Monkey

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Gray Mottling Discoloration of Plaster

From onBalance

Gray mottling discolorations occasionally occur in new white plaster swimming pools, and the cause of this plaster defect is being incorrectly assigned.

Gray (also spelled grey) or darkened blotchy discoloration of cement flatwork is known to be caused by several improper practices, including the addition of calcium chloride to the mix (even less than 2%), late hard troweling, and sometimes a cement material issue can lead to this problem (Concrete Slab Surface Defects: Causes, Prevention, Repair Portland Cement Association 2001).

Although some discolorations are the result of metals precipitating and depositing various color residues onto the plaster surface, these are referred to as surface staining. Usually, this type of staining can be easily and safely removed from the surface by acid washing, sanding, using

sequestering or chelating chemicals, or other stain removal products.

For this article, we are discussing a blotchy or streaky gray discoloration that develops during the first few months, a discoloration that is difficult to remove, and is often incorrectly termed as a "hydration problem" or "entrapped moisture." This type of dark discoloration should not be confused with metal or mineral staining.

NPC members, Greg Garrett and Randy Dukes, incorrectly claim that aggressive water or improper water chemistry startups causes the gray-ing discoloration (NPC Jan-Feb 2004 & Fall 2007 newsletter, Techlines 7th Edition). There is no research study that supports their theory, not the Arch Study, the NPIRC studies, nor even references in the NPC Tech manual. Sadly, these incorrect claims enable some pool plasterers to avoid responsibility for improper

practices, and place blame on to innocent service techs or pool owners.

Interestingly, to remove gray discolorations, Mr. Garrett and Mr. Dukes suggest that service techs perform a "zero alkalinity process" (a.k.a. significantly aggressive water with a Saturation Index of -4.0). If aggressive water is used to lighten gray mottling, how is it that slightly aggressive water caused white plaster to darken and turn gray, and in a blotchy, streaky, or spotting fashion in the first place?

Acidic treatments are an undesirable and improper suggestion for the service tech or pool owner to perform on a new plaster job. While the zero alkalinity process may occasionally lighten gray discolorations, it sometimes doesn't work, or the gray color returns soon afterwards. But the most unfortunate point is that the plaster sur-

My Old Neighbor Comes-a-Knockin'

Remember a while back I told you about my neighbor, the retired fireman? Wally McGowen, the absolute cheapest screw on the planet.

For those that didn't read the story my neighbor, Wally, would sucker me into working on his in-ground spa for free. This thing had the oldest equipment and the most hacked up plumbing I have ever seen. It's one of those deals where you touch one thing and three others break.

The last time I worked on that mess it was a total nightmare because everything I touched would fall apart. Wally and his wife treated me like I was scamming them. The last thing I did was to get the old blue (yes, factory blue!) Raypak heater started by wacking the gas valve really hard with the butt end of a big screwdriver.

Since then I have not only gotten the cold shoulder from the McGowens, meaning no waves or eye contact, I found out the

guy's wife has been bad mouthing me around the neighborhood! Work for free and get paid with a knife in the back.

Well guess what? The old blue Raypak finally took a dump. Big surprise. And guess who came to my front door and asked for a price on a heater? Yep, mister tight screw himself, Wally.

His first question wasn't "How are you". It was "Can you get me a used heater?". A used heater?! Is this guy kidding? Oh yeah there's a big market in used heaters. People don't get rid of heaters until they're completely trashed.

Neglecting to invite him in for a beer I said "Gee Wally, I'll bet your spa died". So he went into this big song and dance telling how the heater finally quit.

When it first stopped Wally somehow figured out how to jump the safety limit

circuit. He said it worked just fine for a while until one night he was hammered drunk. He got out of the spa and shut off the pump and went in and passed out. That genius move left the heater burning without water running through it.

A few minutes later his next door neighbor saw two palm trees in Wally's yard had caught fire.

Wally was awakened by the fire department and lucky for him no body's house was burned. My cheap ass neighbor dodged a bullet.

I yelled "Hey Wally, too damn bad. I know you've been bad mouthing me so find some other chump to slave for you! I'm through!" Man that felt good.

The Monkey

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Gray Mottling Discoloration of Plaster

From onBalance

face WILL BE ETCHED after the zero alkalinity process is performed. Interestingly, the two NPC consultants have stated (conveniently at a different time or venue) that the worse thing you can do to a plaster surface is to maintain pool water with slightly aggressive water and etch it!

But how unfortunate for the service tech and pool owner (and convenient for the plastering consultant) if the gray discoloration isn't removed by the acidic process; because it will become difficult proving that it wasn't aggressive water that caused the gray discoloration in the first place. We suggest that service techs not perform a zero alkalinity process, because if performed, the service tech will probably end up

owning that discolored plaster job, and the pool plasterer may avoid being held responsible.

Gray mottling of new plaster pools is sometimes accompanied with white spotting or soft spots (also incorrectly called spot etching or etching deterioration by the NPC). Research by independent cement laboratories have documented that white spotting and streaking is not the result of an aggressive (etched caused) condition, but is caused by improper workmanship practices and troweling techniques (such as adding lots of water while troweling) which results in localize areas of greater porosity (soft areas or spots) on the plaster surface.

Not surprisingly, Mr. Garrett and Mr. Dukes have also claimed that white spotting is caused by aggressive water. Yes, it is incredible that they claim that aggressive water causes both graying and white spots. Again, they have not produced any study that supports their position on this type of defect or discoloration. We caution service techs and pool owners not to be fooled or intimidated by these false and unproven claims, and to not accept the responsibility to attempt to remedy this plaster defect.

It would be a gesture of goodwill and unity if the NPC leadership would put a stop to this unfair victimization of innocent service techs and pool owners.

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UPA MEMBER REFERENCES

Continued from Page 1

hell, I call myself the “monkey”! Although it is pretty descriptive. A monkey could do this job. Thus the handle.

If the UPA was the most elegant and fastest race horse in the world, having a president like Jeff who engages in submitting all these wacky fantasies to the official newsletter of the UPA, is akin to putting a 500 lb. jockey on that horse.

Is it too much to ask our prez to conduct himself with some level honor and grace? Where is the dignity man?

Let's face it, all this nonsense that emanates from Jeff is unbecoming of a man in his position. I say it's time for one of you guys to step and unseat this goofball and bring some dignity back to the office of president.

Come you guys, get off your collective butts and give something back to the great UPA! We have to put an end to the 10 year era of dopeyness. Raise your hand and run for prez. God knows the job isn't that hard. For crying out loud, Jeff does it.

Your NL Monkey

Stick 'em Up!

A hooded robber burst into a Texas bank and forced the tellers to load a sack full of cash.

On his way out the door a brave Texas customer grabbed the hood and pulled it off, revealing the robber's face.

The robber shot the customer without a moment's hesitation.

He then looked around the bank and noticed one of the tellers looking straight at him. The robber instantly shot him also.

Everyone else, by now very scared, looked intently down at the floor in silence.

The robber yelled, "Well, did anyone else see my face?"

There were a few moments of utter silence in which everyone was plainly afraid to speak. Then one old man tentatively raised his hand and said, "My wife got a pretty good look at you."

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The UPA Tea Party

So the boys and girls of UPA decided to have a Tea Party.

They've been pretty hostile about the changes to our insurance and chose to meet at a Denny's in Glendale, Arizona. Angry UPA members meeting at Ground Zero for Angry former homeowners. The perfect destination.

Of course, I was not invited. I am the Establishment, and come the October Elections at Keno's, I will be overthrown.

So I went to a Halloween Superstore and bought a Roger Marshall costume (they were half off) put it on and joined the Party.

It was a noisy crowd of rowdy people ready to topple the existing order of UPA. At one point a question was asked about why no one got to read the new contract first.

Roger Marshall suggested the President might need to sign it so we could see what was in it.

Suddenly, the room grew silent, everyone staring at Roger Marshall, so he chased Daryl Bellissimo twice around the room so everyone would stop wondering if it really was Roger.

At this point, Butch Davis, having heard there was a Tea Party, brought in several large jugs of Long Island Ice Tea, and the party really got going.

People started pointing at each other and slapping each other on the back and discussing the World Series possibilities.

Finally, Daryl whips out a deck of cards and a box of poker chips, so that by the end of the Tea Party, there were shirts and skins.

Those who'd lost their shirt and those about to. I donated my Roger Marshall costume to the nearest trash receptacle, and drove home with fond memories of the UPA Tea Party.

Jeff Dowding, Chapter 7

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Opinions and observation from our insurance broker

There are very few people in business that are not aware of Workers Compensation, but many just don’t know exactly what it does or whether or not they should be carrying the coverage themselves. With this article, I would like to shine a bit of light on the subject for UPA members.

Workers Compensation coverage has two parts. One part covers “Statutory Benefits” due to an injured worker of an employer; the other covers “Employers Liability” should an employee claim an action against the employer for the employer’s negligence in causing an injury. The “Statutory” part specifically outlines the benefits an employee is entitled to by law in the event a job related injury, including medical care, disability payments when off the job from the injury, and rehabilitation costs arising from the injury. The “Employers Liability” portion defends the employer from allegations of negligence causing an employees injury, and pays damages as required if the employer is held negligent for an injury. Now, who needs to take out the coverage?

The law in virtually all States indicates that an “Employer” must, by law, provide Workers Compensation coverage to an employee. The determination of whether or not one is an employer can be a gray area, but there are some generally accepted factors that indicate one is the employee of another. The following is a list,

though not all inclusive, of the more indicative factors that can be used to show an Employer / Employee relationship:

1. One party controls the manner and means by which a given result of work is accomplished.
 2. One party has the right to terminate the relationship by which work is being accomplished.
 3. Is the person doing the work engaged in other separate types of business relative to the work being done?
 4. Is the work being done usually at the direction of a particular party to the work?
 5. If unskilled labor is being used, it is usually at the direction of a party that is knowledgeable and skilled, and this can be looked upon as creating an Employer / Employee relationship.
 6. Is one party supplying the tools for others to complete the required work?
 7. What is the length of time a person is providing services for? Longer time frames can infer an Employer / Employee relationship.
 8. What is the method of payment? Payments made based on an hourly rate rather than by the job or a piece rate tend to be looked upon as indicative of an Employer / Employee relationship.
- Is the work being done by others, done on a regular basis in the same fashion constantly?

If you work with others and feel uncomfortable due to any of the above points, and do not carry Workers Compensation coverage, you may be operating illegally. If this is the case, and someone is injured while working with you, the penalties can be financially devastating. Section 3700.5 of the California Labor Code makes operating without Workers Compensation a misdemeanor **punishable by either a fine of up to \$10,000 or imprisonment in the county jail for up to one year or both!** In California as an example, the state can issue additional penalties of up to \$100,000 against illegally uninsured employers.

If you work with others on the job, and want to be certain that you will not be faced with the potential of an uncovered Workers Compensation claim, the best solution is to purchase a minimum premium Workers Compensation policy and keep it in force at all times. This way, if you have a dispute as to whether or not you employed someone that was injured on the job, it will be the insurance company’s job to sort it all out and deal with it. At worst, you would owe the premium that would be generated above the minimum premium for the payroll generated at the rate stated in the policy purchased.

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Support the People that Support UPA!

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The Joint Board

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Chapter Contact People

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Santa Carita	#42	Kevin Burbank	661-299-5866	Burbank	#80	Tony Klm	818-913-4201

Dates for the Upcoming Joint Board Meetings

Remember, chapters within 200 miles MUST attend joint board meetings. Show up early and contribute! Come on, what the hell else are you doing that's so scary frickin' important?

The 2010 dates are:

- January 30
- April 24
- July 31
- October 30

Joint Board Meetings are held at the same place they've always been:

Keno's Restaurant
5750 E. La Palma
Anaheim, CA

Same Deal:

Breakfast at 7AM (or so)
Meeting starts at 8AM

Breakfast is \$10.

Orange juice is extra and there ain't no wheat toast.

Contact Changes

When chapters change their Chapter Contact guy, send those changes to the following people:

Matt Creith at USI and The Newsletter Monkey by phone, mail or email.

The Monkey needs a name AND a telephone number. Matt will tell you what he needs.

We're not mind readers. We won't know about your contact changes if you guys don't tell us.

The UPA Bulletin Board 

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