

THE CONSTRUCTION USER

A publication of The Association of Union Constructors | www.tauc.org | Spring 07

VALUES, ETHICS AND SAFETY

The **HARD** truth
behind the
**ZERO INJURY
CONCEPT**

TAUC 2007 INAUGURAL LEADERSHIP CONFERENCE: "DAWN OF A NEW DAY"
HOW TO MANAGE WORKERS' COMPENSATION COSTS
UNDERSTANDING THE PENSION PROTECTION ACT OF 2006
DEMOCRATIC CONTROL OF CONGRESS: GOOD OR BAD NEWS?





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NOW'S THE TIME TO THROW CAUTION TO THE WIND

THIS IS THE FIRST ISSUE of *The Construction User* as the official publication of The Association of Union Constructors (TAUC), but it is also my last as president of this association. As such, it offers me a unique opportunity to throw caution to the wind and express to you why TAUC is so important to this industry, and what must be done to stop the hemorrhaging of market share to our competition.

We, as union contractors, must stop passing the buck, stop being complacent, and start asking tough questions of ourselves and our partners in labor. As management, we have a duty to our companies and industry to take charge in correcting what is glaringly apparent as obstacles to increasing union construction market share. The “code of excellence” programs that have come out of the International Brotherhood of Electrical Workers and other unions is a great start from our partners in labor, but there are things that must be done by management as well.



For one, we can no longer simply send poor performers or what the unions have described as “the 10 percenters,” back to the union halls to be sent out again to other jobsites to cause the same problems again. Sometimes termination for just cause is necessary, and must be done to get rid of the bad apples that poison the whole bunch. Taking action to correct a problem that undermines the performance of both labor and management makes sense and should not result in a strained relationship. Union halls need to support their union contractors when firing a 10 percenter. Considering how public perception of organized labor is teeming with negative, unfair and unwarranted stereotypes, I feel it should be a priority to eliminate anyone or anything that perpetuates these stereotypes. Any performance that is mediocre or less should be deemed unacceptable for both labor and management, if we truly want to be labeled as the “best in the business!”

Another area that would help us win back market share is to emphasize union strengths, the most important of which is the professional training that union members receive. If labor can make a concerted effort to only send out craftsmen who are work-ready, this will go a long way in reinforcing the professional image of organized labor versus the open shop. We consider work-ready to be drug tested, appropriately skilled and certified, properly safety trained and have a good attitude. It is up to us as management through TAUC to sit down with our partners in labor to find out how we can collectively get to work-ready status.

Today, all sides of the table recognize that more can be done to alleviate unnecessary jurisdictional disputes. The recent Mechanical Allied Crafts’ (MAC) adoption of a “Jurisdictional Warranty,” is an extremely encouraging step in the right direction. TAUC intends to take this issue head-on to help minimize these time consuming burdens that should be taken care of during pre-job meetings in an effort to make this issue “invisible” to our owner/clients.

And finally, what may be the single biggest obstacle to recapturing market share is the lack of managerial training of foremen and supervisors in this industry. Managerial leadership is vital to running a successful business and many foremen and supervisors are ill prepared to handle their new responsibilities. This is not their fault. Labor and management need to make an investment in people with ability and give them the tools they need to get the job done when the boots hit the ground on the job site. To that end, TAUC will make it a high priority to provide education and training solutions to meet this need.

It has been an honor and a pleasure to witness the epilogue of the NEA and to lead the launch of our new organization – The Association of Union Constructors (TAUC), and to join the impressive list of industry leaders who have preceded me as president of our association. I wish our incoming president, Bob Hoover, the very best of luck in all his endeavors. I am positive that under his stewardship, TAUC will achieve new heights in its mission to enhance and advance the construction industry for the betterment of our clients, our contractors, and our colleagues in labor.

— William W. Brown, *TAUC President*

Let's Review: Problems BA-A-AD. Union GO-O-OD.

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for more information.



VALUES, ETHICS AND SAFETY

THE HARD TRUTH BEHIND THE ZERO INJURY CONCEPT

BY EMMITT J. NELSON, PE, NAC



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VALUES AND ETHICS are hot topics these days. Ethical violations of top corporate executives are common features in our daily news, as are editorials expressing public furor at the individuals and organizations guilty of such insensitive and immoral acts.

Yet they continue. What is the problem? Why is it so ramped? Does this problem extend into our industry? Does it apply to employee safety?

If employers value their employees and their safety, is it ethical to ignore a safety initiative that can eliminate injury? Is ignoring the zero injury concept ethical to the shareholders when it has been proven that eliminating injury yields an annual return on investment (ROI) of at least 300 percent?

What is the appropriate role today of union leaders who are aware of the potential of a zero injury job site? Can they ignore the zero injury concept and

still properly and morally represent their members?

It seems true in too many top leaders today that “legalism” has found parity with “ethics.” All too often we hear the “yet-to-be-proven guilty” speak of their ethical uprightness by defending themselves with the oft used phrase, “Everything I did was legal; therefore I am an ethical person.” If such is not a true statement, what are the reasons to think otherwise? Sometimes, one can even hear what I call “self deification,” found in statements such as, “If I had thought it was wrong I would not have done it.” Such a comment only reveals the paucity of ethics knowledge on the part of the speaker. In short, they do not have a clue as to the definition and effective use of “ethics and values.”

Is ignoring the zero injury concept ethical to the shareholders when it has been proven that eliminating injury yields an annual return on investment (ROI) of at least 300 percent?

The phrase, “Safety is a core value,” is now commonly found in corporate mission statements, and this is a positive trend. However, there are shadows of doubt suggesting that this phrase does not necessarily equate to a change in the hearts and minds of employers or employees.

This doubt has its basis in tradition. Can the addition of a new term change working traditions so long in the making? Some even argue that certain practices are so ingrained that nothing can change them. Doubters often turn a blind eye to the facts, especially when the facts do not support their views. It is not hard to find examples in our industry that prove the validity of the core value concept.

In my view, the following are good definitions of the words that make up the term “core value.” “Core” means that “deep center of our being” where one finds our ingrained values. “Values” means those principles used in decision-making that give moral guidance to the individual. Thus, to many, a “core value” is becoming known as that which will not be violated under any circumstance. A bedrock predetermined decision outcome can be predicted when “safety is a core value.”

That outcome is demonstrated by the corporate leaders who say, “We will allow nothing to be more important than safety; because safety resides in our moral core. As such, ‘safety’ is one of the descriptors we use to define ourselves. In



view of this we cannot but be safe, for safe becomes our basic nature. When safety is our core value, we cannot, except by force of will, be otherwise.”

Having said all the above, what are we doing that is different than what we have always done? Do we now have a new safety ethic? The answer: “Some have it, some do not.” The answer lies in the embracing of research-proven safety leadership known as the Zero Injury Concept.

To learn how your organization can change the way it views workplace safety

and how you can productively incorporate values and ethics into your operations, join me at TAUC’s Inaugural Leadership Conference, April 17-21, and become part of the zero injury movement. ■

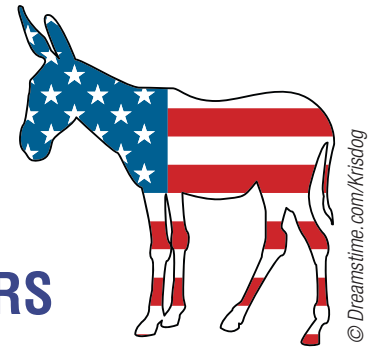


Emmitt J. Nelson, PE, NAC, is the president of Nelson Consulting, Inc., “The Zero Injury Company.”

FOR DETAILS...

Emmitt Nelson will be presenting his findings concerning the Zero Injury Safety Leadership Concept at the **TAUC Inaugural Leadership Conference** in Arizona, April 17-21.

Hear Nelson dig into this popular subject and provide suggestions on what leaders can do to help create zero injury environments. Learn to become a believer and user of the Zero Injury Safety Leadership Concept that is the basis of TAUC’s Zero Injury Safety Awards (ZISA) program.



DEMOCRATS TAKE CONTROL OF HOUSE AND SENATE

GOOD NEWS, BAD NEWS FOR CONTRACTORS

BY STEVEN JOHN FELLMAN

THE NOVEMBER 2006 elections were a significant defeat for President Bush. With the Democrats now in firm control of both the House and the Senate, we can expect that the main activity on the Hill and in the White House during the next two years will be preparing for the Presidential election of 2008.

The Democrats will open the 2007 Session by pushing for some easy victories to show they represent the blue collar worker and middle class America. You can expect an increase in the federal minimum wage and Congressional support for increased regulatory activity by agencies such as EPA and OSHA. Organized labor has indicated that it will push for additional support of the Family Medical Leave Act and for pension reform designed to shore up many of the failing multi-employer pension programs. Congress will also be looking for more funding for roads, bridges and infrastructure so that when your local Congressman or Senator gets back home, he can show his/her constituents what has been done in the Congressional District.

At the same time that the Democrats are passing legislation to make them look like "the good guys," they will be holding hearings designed to make the Republicans look like "the bad guys." And, Iraq and the president's policies concerning this war will continue to be a major stumbling block. As more Republicans move away from the president, it will become easier and easier for the Democrats to pass legislation they believe will help them get a Democrat elected as president in 2008.

Good News for Contractors

More "pork barrel" projects will probably mean more work for union contrac-

tors. Money will become available for roads and bridges and construction of various public works. Much of this work will go to union contractors. That certainly is good news. There is also the possibility that we may get some meaningful pension reform. The potential liability for some under-funded multiemployer pension programs is huge. Getting federal support to alleviate some of the current situations and limit this liability in the future will benefit all.

And Now. . . The Bad News

Increased federal regulations by EPA and OSHA will make it more expensive to work. Contractors' costs for federal regulatory compliance will increase. At the same time, an increase in public works projects must be paid for in some manner. There will be some shifting in funds away from the Department of Defense and back into the local economy. There will be some increase in federal borrowing. And yes, there will be an increase in taxes. Congress will continue an effort to close certain tax loopholes that permit wealthier individuals to minimize taxes. The tax rates on upper bracket tax payers will probably also increase.

Health Care

It will be interesting to see what, if anything, Congress does in the health care area. The Social Security System does not currently have sufficient funds to pay benefits owed to American taxpayers. As baby boomers start retiring, there will be increased burdens placed on Social Security. How will Congress address the need to make additional funds available? This problem is too big to take on before

2008. There is a growing recognition that something must be done to make health care available for all Americans. Today's health care costs are so high, that many lower income Americans have only limited access to necessary health care. Further, more and more hospitals appear unwilling to provide services to patients that cannot afford to pay. Congress recognizes this problem. However, there is no simple solution. It appears that both Social Security and universal health care are problems of such a magnitude that both Democrats and Republicans will duck any final decision until after the 2008 election.

Conclusion

The next two years will present some interesting opportunities for contractors, combined with some interesting challenges. Through associations such as TAUC, union contractors will need to vigorously advocate their positions on Capitol Hill. If union contractors and labor can work out a reasonable consensus opinion on unfunded pension liability, this may be the opportunity to get quick results before the 2008 election. We also may have an opportunity to increase the market share for union construction. ■



ABOUT THE AUTHOR: Steven John Fellman is general counsel for The Association of Union Constructors and is president of Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C.

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TAUC 2007 LEADERSHIP CONFERENCE: “DAWN OF A NEW DAY”

BY MIKE DORSEY



THE ASSOCIATION OF Union Constructors (TAUC) is proud to announce its first Leadership Conference, entitled “Dawn of a New Day,” at the luxurious Westin La Paloma Resort in Tucson, Arizona. This educational and entertaining event is taking place April 17-21, so be sure to complete your online registration soon.

The Opening Session of the conference will feature a presentation by General President Joseph Hunt of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, and will be followed by a panel discussion on the Building and Construction Trades Department’s newly formed Labor-Management Trust Committee.

We are pleased to announce that the confirmed keynote speaker for the Opening Session is Rocky Bleier, former Pittsburgh Steelers running back and three-time Super Bowl Champi-

on. Bleier’s life story – a gripping tale of courage on both the football fields of America and the battle fields of Vietnam – has held audiences in rapt attention for years. The motivational message behind it, detailing how ordinary people can become extraordinary achievers, defines success in the new American century. With the same optimism, sense of humor and steadfast determination that were his trademarks as a Pittsburgh Steelers running back, Bleier takes audiences from his early years through his professional career, and talks about the lessons he learned along the way ... lessons that can benefit us all.

On Thursday, April 19, we are delighted to have General President John Flynn of the International Union of Bricklayers and Allied Craftworkers address the TAUC membership as well as Mark Breslin, author of *Survival of the Fittest*, and Emmit Nelson, author of *The Employer Safety Guidebook to ZERO Employee Injury*. Thursday’s speakers will be followed by the TAUC Golf Tournament.

Among other items on the agenda for Friday, the awards ceremony for the Thomas J. Reynolds Safety Awards and the TAUC Craft Persons Awards will take place followed by a farewell event later in the evening.

For online registration and more information about the Leadership Conference agenda, please visit our Web site, www.tauc.org. ■

TAUC CO-SPONSORS LEGISLATIVE CONFERENCE

FOR THE EIGHTH consecutive year, The Association of Union Constructors will co-sponsor the Campaign for Quality Construction (CQC) National Issues Conference. This year’s national conference will be held at the Grand Hyatt in Washington, D.C., May 1-3, and anticipates more than 250 contractors and affiliated association executives from around the country to attend. The CQC alliance is made up of six associations: The Sheet Metal and Air Conditioning Contractors National Association (SMACNA), the National Electrical Contractors Association (NECA), the Mechanical Contractors Association of America (MCAA), the Finishing Contractors Association (FCA), the International Council of Employers of Bricklayers and Allied Craftworkers (ICE) and The Association of Union Constructors (TAUC). The conference will feature several meet-and-greet sessions with lawmakers and staff from Capital Hill, where public policy and business issues affecting the construction industry will be discussed.

Participants also will be briefed by the CQC’s Legislative Staff on the key market and business issues impacting Congressional policy. The sessions will be conducted in a panel format and will include guest speakers, as well as expert legislative policy staff. Some of the main issues will include: immigration, the three percent tax withholding provision, Internet reverse auctions, healthcare and bid shopping prequalifications.

Pat Buchanan, American politician, author, syndicated columnist and broadcaster, will deliver the keynote address on current activities in both houses of Congress.

For more information on the Campaign for Quality Construction Legislative Conference and for registration information, please contact the TAUC office at 703-524-3336 ext. 124. ■

More than 250 contractors and affiliated association executives are expected to attend the Campaign for Quality Construction National Issues Conference, May 1-3, co-sponsored by TAUC.

NMAPC CONDUCTS TRIPARTITE EXPERIMENT

BY JACOB SNYDER



THE NATIONAL MAINTENANCE Agreements Policy Committee (NMAPC) has promoted the use of tripartite cooperation in the construction industry for more than 30 years.

The concept of tripartite cooperation is simple – you get the local trades, the contractors, and the owner together in one room to discuss concerns and promote communication. If used properly, this approach can deliver the safest, most efficient, high-quality jobs in the construction industry.

Often, the administrative staff of the NMAPC is called upon to conduct seminars about the NMAPC program or to facilitate the development of local tripartite committees. These meetings have been traditionally conducted via the tripartite format. But recently, the administrative staff received a different request. Representatives of Mittal Steel, one of the NMAPC's most valued customers, made the request that the administrative staff of the NMAPC come to a Mittal Steel facility located in Burns Harbor, Indiana, to conduct three separate meetings: one with the local trades, one with the contractors that work at Mittal facilities, and one with the representatives of Mittal, to help address questions and concerns regarding the NMAPC program.

Kevin Hilton and Jacob Snyder of the NMAPC administrative staff traveled to Burns Harbor on November 8, 2006, accompanied by a subcommittee of the NMAPC comprised of: Bill Tweet of the Ironworkers International Union, Bill Courtien of the Painters International Union, Jim Michael of McCartin McAullife

Mechanical Contractor, Inc., and Bob Hoover of Aker Kvaerner Songer.

Together, this group led three separate meetings for the more than 120 in attendance, and the response was impressive. All topics regarding the NMAPC program were up for discussion. Issues brought to the table ranged from jurisdiction and dispute resolution, to "yellow card" status.

After the meetings were over, Mike Mahaffey, manager of Maintenance

Administration for Mittal Steel, stated, "I was very pleased with the turnout and the level of participation. I think that a lot of concerns were addressed here today, and I think we are moving in the right direction."

When asked about the format and the issues that were discussed, Jake Schmidt, senior division manager, Maintenance & Environmental, Mittal Steel, remarked, "It was valuable to have members of the NMAPC Labor-Management Committee in



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attendance; it lent credibility to the meetings and provided a high level of expertise.”

Members of the NMAPC Subcommittee also had good things to say about the sessions. Bill Tweet noted, “This format allowed everyone to speak freely, and that helped facilitate good discussion.” Additionally, Bob Hoover found, “Separating the three parties allowed us to get to the root of a problem or concern because the pressure of saying the wrong

thing in front of the wrong person was eliminated.”

While the NMAPC will continue to promote tripartite cooperation and push the use of local tripartite committees as a method of facilitating open communication and resolving issues on the jobsite, it was clear that it can be beneficial to separate the parties to allow them to speak more freely and to provide them with an avenue to address specific concerns regarding the NMAPC program. ■

GENERAL MOTORS LOOKS TO NMAPC DURING REVAMP PREPS

AS GENERAL MOTORS seeks to revamp its operations to accommodate changes in the highly competitive North American auto industry, it continues to look to the National Maintenance Agreements Policy Committee (NMAPC) as a competitive advantage to meet its construction and maintenance needs.

On January 15, 2007, representatives of General Motors came before the NMAPC Labor-Management Committee to request coverage of a project to make changes at its Spring Hill Assembly Plant, located in Spring Hill, Tennessee.

After hearing the presentation, the NMAPC approved coverage of the project, and designated it an NMAPC “Yellow Card” project.

Mr. Ron Yancho and Mr. Carl Gabbard of General Motors WFG provided the committee with a comprehensive presentation for the planned scope of work. They explained that there will be three areas where large changes will be made: the body shop; the paint shop; and the general assembly area. It was noted that these changes are to accommodate a conversion from the production of plastic to metal exterior body panels.

The paint shop work was scheduled to begin in January 2007, and the total cost of the project is estimated to be several hundred million dollars.

After hearing the presentation, the NMAPC approved coverage of the project, and designated it an NMAPC “Yellow Card” project. The “Yellow Card” designation provides GM with an array of advantages ranging from added protection against any job disruptions to personal assistance from the NMAPC staff in setting up a local tripartite committee or assisting GM with any aspect related to their project. ■



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COMING EVENTS

- April 17-21TAUC Inaugural Leadership Conference**
 The Westin La Paloma
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- April 17TAUC Executive Committee Meeting**
 The Westin La Paloma
 Tucson, Arizona
- April 17TAUC Local Employer Organization (LEO) Meeting**
 The Westin La Paloma
 Tucson, Arizona
- April 19TAUC Golf Tournament**
 The Westin La Paloma
 Tucson, Arizona
- April 20Open TAUC Board of Directors Meeting**
 The Westin La Paloma
 Tucson, Arizona
- May 1-3Campaign for Quality Construction**
 Legislative Alliance Conference
 Grand Hyatt Hotel
 Washington, D.C.
- May 8-9GPC/AMC Meetings**
 Hilton Head, South Carolina
- May 10North American Contractors Association Meeting**
 Hilton Head, South Carolina
- June 24-27American Society of Safety Engineers – Safety Expo 2007**
 Orlando, Florida
- July 10ANSI A-10 Meeting**
 Lansdowne, Virginia
- July 15-2023rd Annual Iron Workers Instructors Training Program**
 University of San Diego
 San Diego, California

For details on the above events, visit www.TAUC.org.

TAUC MEMBER RECOGNIZED AS ONE OF AMERICA'S SAFEST COMPANIES

ALL CONTRACTORS REALIZE that safety is an important issue, but only the best contractors are able to create a culture of safety in which safe jobs are the number one priority. One of the contractors able to create such a culture is Walbridge Aldinger.

Walbridge Aldinger was recognized in 2006 as one of America's safest companies by *Occupational Hazards Magazine*. Walbridge is one of only 10 companies to earn this honor in 2006.

In describing what makes Walbridge such a safe company, *Occupational Hazards Magazine* notes, "Walbridge Aldinger is committed to the philosophy that every employee is entitled to work under the safest conditions possible. Walbridge Aldinger is dedicated to providing employees and other valued stakeholders with a safe and healthy working environment on every project, at every level. Walbridge Aldinger's program has the total commitment of all management levels and receives top priority in its application."

The Association of Union Constructors (TAUC) would like to congratulate Walbridge Aldinger, one of its governing members, on this accomplishment. As TAUC seeks to promote a culture of safety within the union construction industry as a whole, it will look for leadership from contractors like Walbridge Aldinger that have been successful in creating a culture of safety. ■



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SURVIVAL OF AN INDUSTRY: TESTING FOR THE TRUTH

BY MARK BRESLIN

RECENTLY THERE HAS been much media attention on the risks, rewards and consequences of mountain climbing. Thus I share a personal story and its relationship to labor management risk-taking and initiative in our industry.

Mount Rainier is a 14,401 foot volcano perpetually sheathed in glacier ice. It is magnificent, awe-inspiring and unforgiving. It is the U.S. training ground for Everest. Many climbers have died. It is the toughest endurance climb in the lower 48 states. In a recent rock fall, our guide broke his nose, jaw, cheek, palate and knocked out seven teeth. Our climb started at midnight and I'm feeling the wind chill. It is 25 below zero.

It is easy to talk a good game around necessary change and personal risk. Our industry is full of people who give me their "we might, we should, we thought about it, we ought to" speeches. Labor and management's circular discussion on frustration and obstacles. Decades and markets lost. The sound of great possibilities unrealized. I'd like to shake these people. I'd like to tell them that it's not security, safety, money, power or what others think that opens us to reaching our potential; those are the external measures. Truly it is the self-respect, esteem and fulfillment that builds over time with knowing we are working toward our potential. Most organizations can behave in exactly the same way. But often it is just too easy to pretend, to others and ourselves. Thus, testing for the truth has a price; in our organizations and in the field. The price of truth comes when the talking stops and the action begins.

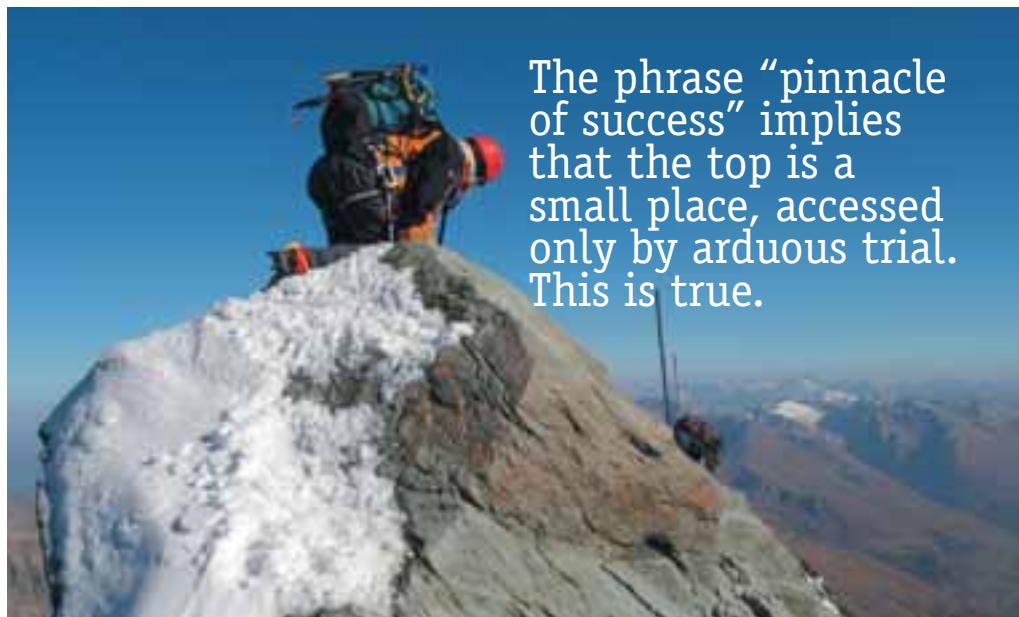
It is a blue-black night. I have a harness, helmet, ice ax, headlamp, and solitude. Nothing but thin air, a rope, and a healthy amount of fear. My world is a 2-foot circle of light and one more step. Six hours pass. A 40-degree ascent. Crampons kicking into the snow and ice with each step. Winds stagger us. Ice crystals sting. At minus 25 the body can only follow the mind.

The three-way partnership of union, contractors and rank and file have their versions of the truth, as well. "We've got full employment, we must be good." "No one's complaining, so why worry?" "We are full up with work, why would we bid that?" This type of ignorance may be short-lived bliss; supported by market conditions rather than sound strategy. None of it serves the end user. Truth be told? Simply put, if we are not absolutely

committed to our personal and professional potential, we are not only missing an essential competitive strategy, we are shorting ourselves and those around us. But how to know, if we all together don't push our perceived limits?

We reach 11,500 feet, the Ingram Glacier headwall. A thousand feet of 50-degree ice. Tiny headlamps of other teams dot the giant glowing glacier far above us. The wind shrieks and we shake with cold and fatigue. The head game of looking up at it hits home. Right there, half of the climbers quit; they simply unclip from their team ropes. Though having traveled from across the country and having spent thousands of dollars, they make a decision of perceived limits. Denying their potential without trying.

How often have we, in labor and management, done this very thing and then worked to justify the inaction?



The phrase "pinnacle of success" implies that the top is a small place, accessed only by arduous trial. This is true.

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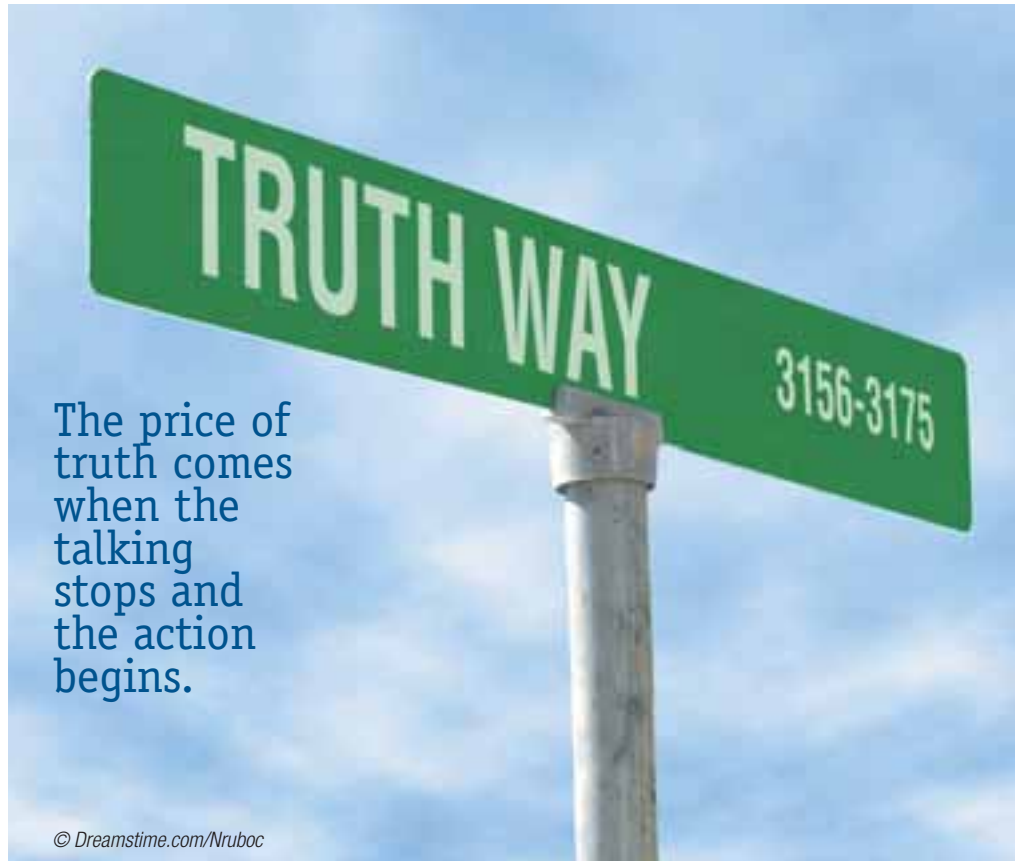
The phrase “pinnacle of success” implies that the top is a small place, accessed only by arduous trial. This is true.

On this headwall I am struggling. My glove is off for one minute to secure gear, and three fingers lose all feeling. This scares me. I bang them against my thigh each step for an hour. We stop. The team in front of us is stalled with an altitude-sick member. We cannot stop behind them or we will freeze and fail. We must abandon the established switchback trail and go past them; 300 feet, straight up 60-degree ice and around. I cannot do this, I think. Fear turns to doubt turns to the resolve of “no other option.” I make the top of the headwall, but cannot talk. I do not talk for the next four hours.

The lessons of the mountain apply to the challenges ahead for union construction. I believe that the purity of the challenge is there and that those willing to commit will see the reward. I think it will be the committed few and not the masses that will deliver our future. Change. Risk. Trial and error. Disregard of peer actions or judgment. I believe that there are enough great people in labor and management willing to test themselves for the results that will translate to benefits for the contractors, workers and end-users. I believe that it is the arduous circumstance that bonds people to achieve. Perhaps I am a lone voice, but those with a belief in “good enough” or “status quo” need to think about hanging it up for good.

Another thousand feet. We cross a crevice hundreds of feet deep on a ladder. We jump over another dark, bottomless crack. Our water bottles are frozen. Chaps stick breaks off. We do not ask how far. I just know that quitting is no longer an option.

Legitimate achievement earns respect. And that sums up my personal way of life and business. Associate with a group of committed individuals who will not quit on each other. Live for clear and measurable goals that most think unattainable, or would not even think to try. Share credit and acknowledgment of success. And plan enthusiastically for the next



objective. It is a model that presses the capacity of both the individual and the team. We all know that our greatest test, that of survival as a union construction industry, lies just ahead. Yes, survival of an industry, tradition and legacy does hang in the balance. So, as we go forward together, and in reflection of a life lived or job taken on, I'll take exhausted exhilaration or devastating failure over safe complacency every time.

I can see the summit. It seems miles away. One step every 20 seconds. Finally... reaching the top I collapse. No joy, but a sense of self-mastery. For the first time in

hours I turn to look down. I see a golden sun rising above clouds two miles below. The most beautiful thing I have ever seen. Through doubt and beyond perceived limits, the test is complete. We exchange grim smiles and agree that the climb was the hardest mental and physical challenge of our lives. Together we found that testing for the truth had a price; but by paying it, the rewards will be with us forever. ■



ABOUT THE AUTHOR: Mark Breslin is a strategist and author specializing in labor-management challenges. He is the author of the *Survival of the Fittest and Organize or Die*. He addresses more than 50,000 labor and business leaders each year in North America. More on his work and his profile are available at www.breslin.biz.

FOR DETAILS...

Mark Breslin will be hosting one of the breakout sessions during the **TAUC Inaugural Leadership Conference** in Arizona, April 17-21.

MANAGE WORKERS' COMPENSATION COSTS WITH COLLECTIVE BARGAINING

BY GENE HADERLIE

COLLECTIVELY BARGAINED Workers' Compensation (CBWC) is a proven concept available to union contractors to better control workers' compensation costs and speed up benefit delivery. CBWC is defined as "an agreement negotiated by a labor union and its signatory employers, through the collective bargaining process, that modifies the conventional system of workers' compensation benefit delivery and dispute resolution for those employees subject to the agreement." A typical CBWC program features an active union/employer partnership to promote safety, as well as an alternative claims dispute resolution system that minimizes the need for attorney involvement. The program utilizes informal mediation-like processes which substantially enhance communication to all involved parties and expedite prompt resolution.

When states began enacting workers' compensation laws in the early 1900s, their original intent was to provide for medical benefits and lost wages to injured workers, regardless of whether the worker or the employer was at fault. Prior to these laws, injured workers could only

seek redress in court; often a costly, time-consuming process for those with financial means. Others who could not afford the legal process faced bankruptcy and poverty, shifting the financial burden to one's family, the medical community and the public at large via welfare and other assistance. Under the new "no fault" workers' compensation system, workers gave up their right to sue their employer in exchange for the employer's obligation to provide medical treatment and wage replacement following an on-the-job injury. Workers enjoyed prompt delivery of medical care and needed benefits while employers were spared costly and time consuming litigation.

Over the years, the goals facilitated by this "no-fault" system have been frustrated by undue litigation and bureaucratic complexity. In addition, the legal costs in resolving claim disputes are substantial, further adding to the workers' compensation premiums along with other cost drivers such as inflationary medical costs.

Beginning in the mid-1950s, union employers and unions envisioned a ground-breaking approach to handling

conventional workers compensation via the collective bargaining agreement. It took decades for the concept to take root, and the early 1990s saw the first real test of labor and management cooperation in dealing with workers' compensation issues via collective bargaining. This early experimental program was a success, and in states where labor and management embraced the benefits of CBWC and actively supported legislation, enabling laws were passed.

At present, 10 states have legislation in place that permits CBWC. However, there are ongoing initiatives promoting legislation that allows labor and management to utilize collectively bargained workers' compensation benefit delivery throughout the country. TAUC and its members are active participants in this process.

Where alternatives to the state workers' compensation system are permitted, "collectively bargained" workers' compensation provides an option for union contractors and the unions that they participate with, enabling them to mutually gain greater control of workers' compensation costs and enhance benefit delivery for injured workers. CBWC is generally not available to non-union contractors. ■

SeaBright Insurance Co. is a leading writer of CBWC and an affiliate member of TAUC. The company supports labor and management to help promote legislation that will enable union contractors to take advantage of this alternative to workers' compensation benefits delivery.



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FOR DETAILS...

SeaBright Insurance Co. representatives will be discussing Collectively Bargained Workers' Compensation in a breakout session at the **TAUC Inaugural Leadership Conference** in Arizona, April 17-21.

TAUC HOSTS JOINT SAFETY FORUM WITH NACBE IN CHICAGO

THE ASSOCIATION OF Union Constructors (TAUC) and the National Association of Construction Boilermaker Employers (NACBE) co-hosted a Joint Safety Forum on February 22, 2007, in Chicago, Illinois. The TAUC Safety Forums are held in various locations around the country. They are conducted in an informal “roundtable” format, which encourages association members to share ideas and information on the latest issues in construction safety and health. The forums feature a series of high profile industry leaders from around the country as guest speakers.

The next joint Labor, Safety & Health Forum is tentatively scheduled for June 2007. This meeting also promises to feature a variety of construction leaders discussing current issues that impact the entire industry. For more information on this and other opportunities to address issues and discuss solutions with the “best and brightest” in construction, please contact the TAUC office. For safety-related agenda items, contact Todd Mustard, at tmustard@tauc.org. For labor-related items, contact Kevin Hilton at khilton@tauc.org. ■



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TOP 10 MOST FREQUENTLY CITED STANDARDS IN 2006

The following is a summary of the top 10 OSHA cited standards for fiscal year 2006.*

1.	Scaffolding	1926.451	9,012
2.	Hazard Communication	1910.1200	6,704
3.	Fall Protection	1926.501	6,378
4.	Respiratory Protection	1910.134	4,332
5.	Lockout/Tagout	1910.147	3,659
6.	Powered Industrial Trucks	1910.178	3,080
7.	Electrical — Wiring	1910.305	2,953
8.	Machine Guarding	1910.212	2,749
9.	Ladders	1926.1056	2,329
10.	Electrical — General	1910.303	2,178

* Source: The Occupational Safety and Health Administration (OSHA). These statistics are from federal OSHA and do not include state-plan states.

Notes on the Top 10 list:

- Ladder violations have been going up the last three years.
- OSHA specifically checks for machine guarding violations during inspections.
- OSHA is working on a new directive for lockout/tagout.
- Scaffolding is a major focus area.

THE BIGGEST CHALLENGE TO LABOR UNIONS

BY DENNIS MARTIRE

WHAT IS THE biggest challenge that American labor faces today? Outsourcing and foreign trade? Weak labor laws that don't protect workers who try to organize unions? A flood tide of workers from abroad placed in competition with domestic workers? All of these are vitally important, but I would add one often-forgotten challenge to organized labor in America: Our labor unions don't understand business.

Maybe because I worked the management side of the divide for a while – as an assistant director at Pittsburgh's Equitable Gas Distribution Division – I see some things that a lot of labor leaders miss. Union leaders have become fairly skilled at understanding and adopting the psychology of the workers they represent, but few have taken the time to understand the realities of the business world. And that leads to unrealistic expectations. There's a stereotypical union mindset that says no discipline is ever justified; that no cutbacks are ever necessary; that every worker is entitled to any accommodation he or she requests. Most of all, that mindset imagines every employer as a cartoon Scrooge McDuck sitting on sacks of money – if he ever denies workers a fat raise and generous benefits, he's motivated by pure greed. Economic factors are just a subterfuge. End of story.

Now, in a time of growing economic inequality, this picture is not entirely the product of an overactive imagination. There are plenty of CEOs drawing obscene salaries, and plenty of corporations earning unjustified windfall profits. But in my main industry, construction, we also have plenty of workers employed by union firms with thin profit margins. Demanding that firms in highly competitive markets

Offering critical functions like these and other portable benefits on a cost-efficient basis will be key to labor's success in the new millennium.



retain unreliable workers, honor antiquated jurisdiction and work rules, and pay wages and benefits fully twice what their nonunion competitors pay is a recipe for disaster – for union contractors and, ultimately, for our union and its members. When contractors have no work, our members have no jobs. That's the cold fact.

If my union can't provide better wages, benefits and job security than workers can achieve independently, there would be no reason for us to exist. But we need to find a way to deliver this that's compatible with a successful business model for the construction contractors, too. The founders of our construction unions knew this, and organized their unions not just to unite workers for collective action through strikes, but to answer a critical need of construction employers: training. Construction employment was by nature temporary, with most workers hired for a specific project and laid off upon its completion. It was not economically feasible for contractors to invest a lot of money in training employees who would soon be working for someone else. By organizing

the workforce, training them and dispatching them through hiring halls, unions helped their employers solve a basic economic problem they faced.

If unions are going to survive and prosper in the 21st century, we still need to meet the needs and expectations of workers – but we also need to find a way to serve important business needs. And we can. Often, today's business leaders wisely want to concentrate on creating value by focusing on their core competence, while outsourcing peripheral business functions like labor recruitment and health insurance administration. Enter the Laborers. Our recruitment efforts, well-funded apprenticeship and training schools, and multi-employer health and welfare funds can help address the challenges faced by the construction industry's highly transient workforce. Offering critical functions like these and other portable benefits on a cost-efficient basis will be key to labor's success in the new millennium.

Organizing workers will always be central to unions and their purpose, but for our institutions to survive, fitting a critical business need is also part of the puzzle. Unions today represent less than 10 percent of our nation's private sector workers – we can no longer simply demand that business adapt to our needs. We need to adapt to the needs of business. ■

ABOUT THE AUTHOR: As Mid-Atlantic vice president and regional manager of the Laborers' International Union of North America (LIUNA), Dennis Martire represents some 40,000 construction laborers and other workers from Pennsylvania to North Carolina.

THE PENSION PROTECTION ACT OF 2006

WHAT DOES IT MEAN TO YOU?

BY RANDY G. DEFREHN

MANY TROUBLED multiemployer-defined benefit pension plans — the 5-10 percent facing an imminent, near-term funding deficiency — found significant relief via changes to ERISA's funding rules in the Pension Protection Act of 2006 (PPA). Before the PPA, the law's potentially devastating additional contribution and excise tax requirements threatened to bankrupt large numbers of contributing employers, plunge plans into a termination spiral and toss the fates of their participants to the relatively low benefit guarantees provided by the federal government.

As you may know, however, the PPA imposes significant new funding requirements on all defined benefit plans including the vast majority of all multiemployer plans that have no projected funding problems at all and those that may have only begun to see their funded positions deteriorate. In an effort to strengthen funding for all plans and to prevent other plans from slipping from their current funded positions, the law now requires

tighter funding requirements for benefit improvements and changes in plan assumptions, and imposes a new level of funding discipline on those plans with mid- to long-term funding problems.

Many of the new rules are highly technical and will necessarily require plan trustees to rely on their professional advisors for estimates of the plans' current and future funded status. The results of these estimates, however, have direct implications for all stakeholders — plan trustees, participants, contributing employers and the bargaining parties — that go far beyond what they have experienced in the past. Depending on the extent of a plan's funding difficulties, the new law gives trustees and the bargaining parties new tools with which to respond to their new obligations.

At the upcoming TAUC Inaugural Leadership Conference, it will be explained, in practical terms, what the PPA will mean to you as a trustee, contributing employer or multiemployer plan participant. Created in 1974, the NCCMP is the only organization created and maintained for the exclusive purpose of advocating on behalf of multiemployer benefit plans, their participants and their sponsors. As executive director, DeFrehn was directly responsible for the formation and coordination of the Multiemployer Pension Plan Coalition, a group of more than 50 employer associa-

tions, labor unions, large employers and trade associations that negotiated a mutually acceptable legislative proposal reflecting the interests of all stakeholders and recognizing the notion of "shared pain." Their efforts made possible the bipartisan passage of the multiemployer provisions of the PPA.

Learn More at the Leadership Conference

Want to learn more? Some of the multiemployer benefit plan topics to be addressed at the TAUC Inaugural Leadership Conference, April 17-21, in Tucson, Arizona, include:

- The intent of the Pension Protection Act of 2006;
- How the multiemployer provisions compare with those imposed on single employer plans;
- How it will impact your fund regardless of your funding level;
- What questions should be asked and answered in the time leading up to the law's 2008 effective date;
- Why closer communications with the bargaining parties is essential;
- Why the days of negotiating a wage package and leaving the allocation of that package to the union may be a thing of the past;
- How the law may change how the parties view the length, terms and conditions of future bargaining agreements; and
- Why the solution to any long-term funding problem lies in the acceptance of shared responsibility and "shared pain" if your plan, and its stakeholders, are to realize the benefits of this new law. ■

Randy G. DeFrehn is the executive director of the National Coordinating Committee for Multiemployer Plans.

White House photo by Kimberlee Hewitt



PRESIDENT GEORGE W. BUSH signs into law H.R. 4, the Pension Protection Act of 2006, Aug. 17, 2006. Joining him onstage in the Eisenhower Executive Office Building are, from left: Secretary of Labor Elaine Chao; Rep. Buck McKeon of California; Rep. John Boehner of Ohio; Senator Blanche Lincoln, D-Ark.; Senator Michael Enzi, R-Wyo., and Rep. Bill Thomas of California.

FOR DETAILS...

Randy G. DeFrehn, the executive director of the National Coordinating Committee for Multiemployer Plans, will be discussing the multiemployer benefit plan topics at the **TAUC Inaugural Leadership Conference** in Arizona, April 17-21.

MOMENTUM BUILDS BEHIND MECHANICAL ALLIED CRAFTS ALLIANCE

IT'S AN AMBITIOUS undertaking, to say the least. But it is now moving forward at an impressive pace. The six presidents of the international unions affiliated with the Mechanical Allied Crafts (MAC) have solidified official documents and procedures designed to promote their craftsmen and job site harmony.

The MAC unions have adopted a "Jurisdictional Warranty," which includes a *Memorandum of Understanding*, *Work Assignment Procedures* and a *No Work Disruption Warranty*, which will virtually eliminate any disputes arising over job jurisdiction. "It's now down on paper in black and white and there's no turning back," said Bill Hite, general president of the United Association of Plumbers, Pipefitters & Sprinklerfitters, and president of the MAC Council. "We are serious about providing a framework that demonstrates to any customer our skilled craftsmen and women will complete their job on time, on or under budget, while providing a pleasant construction experience," Hite said.



The unions affiliated with MAC are The Electrical Workers, The Elevator Constructors, The Insulators & Asbestos Workers, The Ironworkers, The Sheet Metal Workers and The Plumbers, Pipefitters & Sprinklerfitters.

Incorporated into the work assignment procedures are pre-bid and pre-job meetings between the contractor and labor where work assignments are decided. Work assignments will be the responsibility of the contractor, but if any work-related disagreement between crafts arises, there is now a mandated mediation and arbitration process to resolve the issue in three days. "Our MAC Councils on the local level 'get it' where satisfying the customer is concerned, and we aim to make these types of problems a rarity," Hite said. "But if a dispute happens, we now have a mechanism in place to solve it quickly, hopefully away from the owner, and to move on."

Likewise, the presidents signed off on an agreement that will eliminate strikes, picketing, work stoppages and slowdowns. Violators will be fined \$50,000 per shift that is affected by these actions. Respected industry expert Tom Pagan has been hired by MAC to serve as the permanent arbitrator. "The fact is any sort of job action is extremely rare in today's environment," Hite explained. "But at the same time, if this is a step we can take to increase the comfort level of those who would like to hire a work force with the skill only our men and women can deliver, we want to give them that level of confidence," the MAC president continued.

Hite said the creation of the MAC initiative is to signal a "new era of customer commitment" within the mechanical industry. Local MAC councils are in the formation process around the country, Hite said, and the early returns from the customer community are "both exciting and very encouraging." ■



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NMAPC'S BARTNETT PASSES GAVEL TO HOOVER

BY JACOB SNYDER

THE DATE WAS March 6, 1986, and it was the beginning of a legacy that would span more than 20 years. This was the day that Jack Bartnett of Alberici Constructors first attended a meeting of the National Maintenance Agreements Policy Committee as a member. Over the years, Bartnett emerged as a leader and well-respected member of the union construction industry. Recognizing the leadership and insight that Bartnett had to offer, the management representatives of the NMAPC elected him as their chairman effective November 13, 1997, a position that Bartnett would hold for almost 10 years.

Bartnett helped guide the NMAPC program through good times and bad, but always found a way to unite the committee for the good of the industry. On January 15, 2007, at a meeting of the NMAPC, Bartnett stepped down as a member and management co-chairman of the NMAPC and passed on the gavel to Bob Hoover of Aker Kvaerner Songer.

Hoover first joined the committee as a member on September 24, 1985, while working for American Bridge, a division of U.S. Steel. Hoover eventually went to work for Aker Kvaerner Songer, where he currently serves as the vice president of human resources.

Regarding the transition, Bartnett noted, "The time has come for me to step down and enjoy my retirement, but I know that Bob is the right person to help lead the committee as the battle to regain market share for union construction wages on."

When asked about his new position, Hoover said, "There has never been a more crucial time in history for union contractors and union labor to unite in a common goal to help save and revitalize an industry that has helped build this country and provide good jobs to millions

"This is the dawn of a new day, not only for the NMAPC, but for all of union construction."



of workers. I am honored to be in a position to have an impact on the success of the union construction industry." He added, "This is the dawn of a new day, not only for the NMAPC, but for all of

union construction. It is the duty of every craft worker and every contractor to reflect on their role in revitalizing the union construction industry as we move forward in the 21st century." ■



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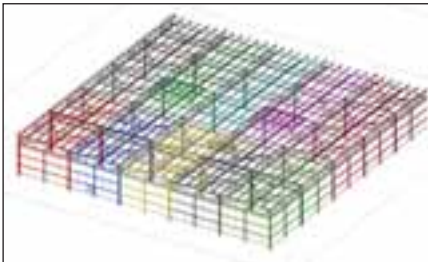


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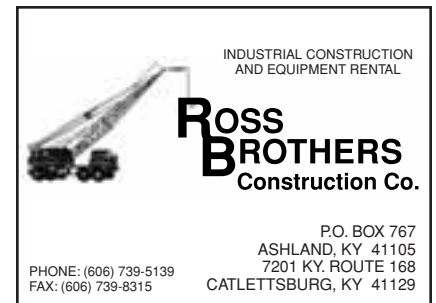
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