

ENHANCING AND ADVANCING UNION CONSTRUCTION

# THE CONSTRUCTION USER

A publication of The Association of Union Constructors | [www.tauc.org](http://www.tauc.org) | Summer 09

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#### ABOUT TAUC

**THE ASSOCIATION OF** Union Constructors is the premier national trade association representing the 21st Century union construction industry. TAUC consists of more than 2,500 union contractors, local union contractor associations and vendors in the industrial maintenance and construction field. We demonstrate union construction is the best option because it is safer and more productive, and it provides a higher-quality and cost-competitive product.

#### OUR MISSION

**OUR MISSION IS** to act as an advocate for union contractors, advancing the cause through an educated and action-driven membership. We aim to enhance labor-management cooperation, workplace safety & health and collaboration among construction users with the greater goal of making union contractors more competitive in the marketplace.

#### ADAPTATION IN THE 21ST CENTURY

**THE ASSOCIATION OF** Union Constructors evolved from the National Erectors Association, which was founded in 1969 by the leading union steel erectors in the construction industry. Over the years, membership grew to include all types of union contractors, and, consequently, the name and structure of the association was changed to The Association of Union Constructors in 2007. The new association reflects the changing face of the construction industry and more accurately reflects the growing diversity of TAUC members.

# Don't waste this crisis

by **STEPHEN R. LINDAUER**

TAUC Chief Executive Officer

**ISRAELI PRIME MINISTER** Benjamin Netanyahu was recently quoted in *Trends Magazine* as advising executives at the World Economic Forum to "never waste a good crisis." The *Trends* article portrayed a crisis as an opportunity to rethink our business, our products and services and the ways in which we deliver value to our customers. It said it is more difficult to make changes when the economy is strong and an organization's position is solid, because leaders tend to become complacent and even the most innovative thinkers are discouraged from tinkering with a formula that appears to be working.

You know the old saying: If it isn't broke, don't fix it.

Unfortunately most organizations tend to assume radical change is unnecessary and business as usual will resume soon. Experts in decision-making call this *anchoring*. I think it is safe to conclude that many of the changes currently taking place will not be temporary.

Many people look at a crisis as something to get through, until they can go back to business as usual. But, best-selling author Bill George has suggested "a crisis offers the best opportunity to change the game in your favor, with new products or services to gain market share."

If you feel you have a stake in the union construction industry, you should consider the following:

- Have the stakeholders in our industry been forthright in *creating* change, or are we content with reacting?
- Are we willing to acknowledge the union construction industry has long been, and continues to experience, its own downward spiral or crisis, based on loss of signatory contractors, union membership and, of course, loss of market share to non-union competition?
- Can we truly work together as management and labor leaders in the spirit of trust and engage in genuine free thought in order to reexamine our collective vision, while recognizing that we may be embarking on a long journey requiring many steps to get there? And, if so, *how* can we jointly take that first meaningful step?
- Do we, as management and labor, even have a collective vision that we agree on for the sake of the future of our industry?
- Do we really understand each others' needs, and our customers' needs, while recognizing that we all may have to sacrifice certain wants to achieve mutually beneficial results?
- Are we willing to work to change the way management and labor interact at a higher level, and create an environment within which we can all dare to let our guards down and articulate what we really think, but, perhaps, have not had the confidence to express at the perceived risk of saying something stupid?

One thing is clear: without principled leadership by both management and labor, we will continue to be focused more on survival than on revitalization.

Let's begin our journey by acknowledging that our past is what it was, our present is what it is and our future is what we choose it to be. ■

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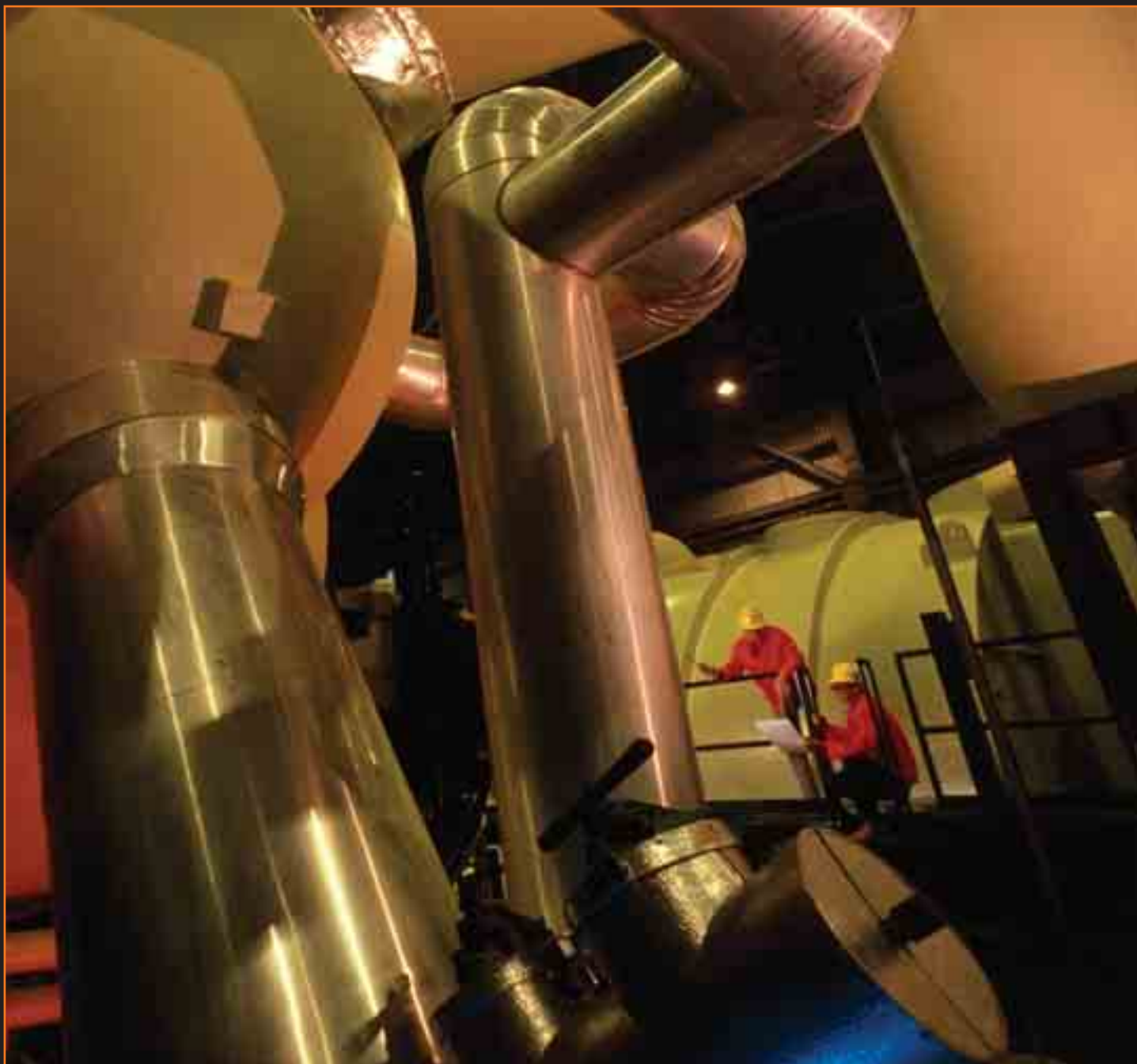
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# Why I serve

**THE ROAD I TRAVELED** to be writing you today as president of The Association of Union Constructors has been full of hard work and determination. The principles that have guided me along this path have been honesty, integrity and ethics. These same principles will continue to guide me as your leader for the next two years. Like my predecessor, I take the challenge seriously and pray that, with the proper vision and cooperation, difficult challenges can be turned into exceptional opportunities.

The title of this article is *Why I serve* because I believe it is important that each of our 2,500 members know the reason a busy man would choose to devote time to an organization such as TAUC. The short answer: because it is needed.

As a former high school football coach, I've never seen a situation on the gridiron where players waited around for someone else to scoop up a fumbled football. Once the ball was loose, every player

scrambled to secure it for the team. I view leadership of TAUC in a similar vein. It's imperative that the organization continue to evolve so we can help increase the union sector of the construction industry. I'm willing to pounce on that opportunity so we can be poised for success in the long term.

We're entering an era of radical change in our industry; one in which union contractors need to adjust their strategies in order to reclaim dominant market position. Serving as your leader, my goal is to find the solutions to the problems that have plagued us and put an end to the trend of declining market share for union construction. My plan is three-fold.

First, we need to understand our competition better. Our Labor, Safety and Government Affairs Committees will develop action plans, based on well-defined research, to expedite solutions to our current market position.

Second, we must come together as a tripartite group of owners, trades and contractors to define our problems and find our solutions.

Third, as TAUC members, we need to better communicate our competitive advantage to our customers and demonstrate to them that we are a value-added solution to their maintenance and construction needs.

We must address — upfront — the issues of cost, jurisdiction and labor agreements, all of which can impede working relationships with the owner.

In summary, I serve because I believe together we *can* make a differ-

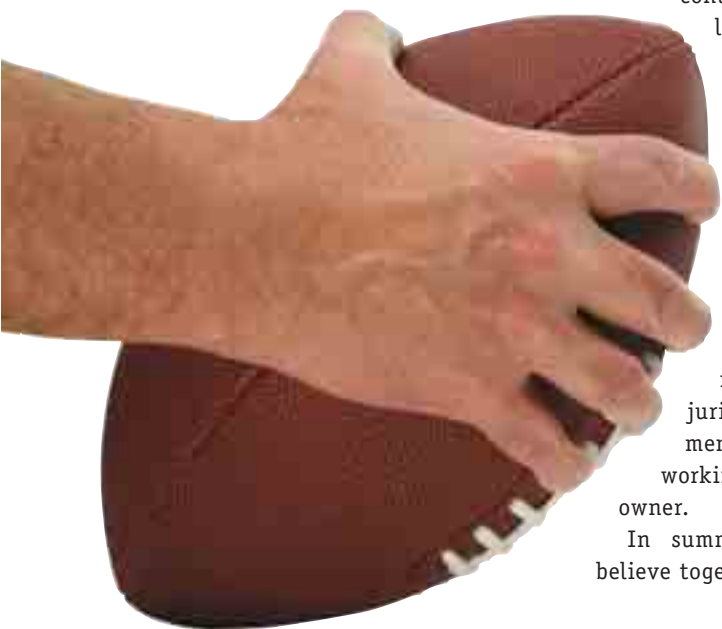


by **ROBERT SANTILLO**  
TAUC President

If you believe positive changes in the way we, as union contractors, conduct business need to be made, please aid me in that effort by becoming more active.

ence. Our motives are pure: increase business opportunities for union contractors. Our tactics are transparent: use our national agreement to secure those opportunities and greet our labor colleagues as equal partners, not entities to be feared. Our message is consistent: TAUC members add safety and value to construction projects, and we can prove it.

If you believe positive changes need to be made in the way union contractors conduct business, please aid me in that effort by being more active. The great football coach George Allen used to say that 11 men working together cannot be defeated. As it relates to construction, I believe 2,500 union contractors working together to change our industry cannot be defeated. ■





# Draft your **emergency action plan** *today*

by WAYNE CREASAP  
*Staff Contributor*

**A RECENT LOOK** on the Occupational Safety and Health Administration's Web site ([www.osha.gov](http://www.osha.gov)) revealed there were few citations for the emergency action plan standard between 2007 and 2008, however, that does not mean it should be taken lightly or ignored.

It is easy for us to get busy with a project and forget what needs to be done in emergency situations. Not only do we fall into this trap as an industry, OSHA compliance officers occasionally miss these plans when conducting a construction jobsite inspection. It's not surprising, then, to note that this standard is regularly cited after an incident has occurred; especially if the escape of employees on the job was impeded as a result of a lack of a plan or insufficient notice and postings.

According to 29 CFR Part 1926.35, employers are responsible for providing a site emergency action plan. I would encourage you to take some time to evaluate your company's emergency action plan and see what needs to be updated. While the guidance I am about to provide is abbreviated, it will certainly serve as a good starting point for you to begin building a plan.

Although the standard exempts employers with 10 or fewer employees from the requirement of having the program in writing (it can be communicated orally), I would still encourage those employers to put it in writing as it is often difficult to prove the program exists without a written document.

Your plan should incorporate the following items:

- emergency escape procedures and emergency escape route assignments;
- procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
- procedures to account for all employees after emergency evacuation has been completed;
- rescue and medical duties for those employees who are to perform them;
- preferred means of reporting fires and other emergencies; and,
- names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

## EVACUATION

Probably one of the biggest pitfalls when it comes to emergency action plans is housekeeping.

Not only is this a way for OSHA to determine how well safety is managed on the job (if you can't keep the jobsite clean, what other safety measures aren't you following?), it's an easy citation for daily access and egress as well as emergency escape.

Even though we may have a single day each week designated as "clean-up day," we may need to have multiple clean-up days if debris is blocking escape routes; especially items accumulating in hallways or blocking exits.

Ideally, plans should include two different escape routes in case the primary route is blocked. Preplan exits as the work progresses and consider factors like the size of the building, the number of people and arrangement of the jobsite.

Additionally, if the employee alarm system is used for alerting fire brigade members and other purposes, a distinctive signal should be used for each purpose.

## TRAINING

I can't emphasize enough the importance of training and practice. Training and education are important to let employees know what is expected of them in an emergency, but practice can be a lifesaver. A simple fire drill or practice scenario can identify simple or serious flaws in your program that can be corrected instead of learning on the fly when mayhem ensues. Some safety professionals have set off smoke bombs to simulate an emergency scenario and have found bigger problems with their ventilation systems – problems that, if they had waited until a real emergency, would have been life-threatening.

Also, go back and review the plan as the project changes. Designated meeting areas and escape routes can change constantly with the progress of the project. Areas that were once safe may now have become a pit or confined space, or have a crane sitting on them. These changes need to be communicated with employees and may require additional drills to ensure proper and safe execution of the emergency action plan.

## COMMUNICATION WITH THE NEWS MEDIA

Are you and your employees prepared to deal with the news when you *are* the news?

Your company's image will be dissected on the evening news. Potential customers and the general public will base their opinion of your organization on how well you communicate with the news media during the stressful times of an emergency incident. Do not risk your company's reputation and future with unprepared comments or untrained employees speaking to the cameras.

Sample disaster communications plans are available online through many organizations in our industry. The following are a few resources you might find helpful:

- The Ironworkers Management Progressive Action

Cooperation Trust developed a very useful tool called "Crisis Communications Plan for Iron Worker Local Unions." While the publication's title is specific to Ironworkers, its content would be appropriate for any union contractor.

- Janine Shea, a leading authority on crisis management in the construction industry, has written several books on the subject.
- Bruce Hennes, with Hennes Communications, can also assist with crisis communications. He even has a free electronic newsletter featuring current trends in crisis communications.

## RELATIONSHIPS WITH LOCAL EMERGENCY RESPONDERS

Take the time to develop relationships with your local emergency responders. Find out what they can and cannot do – before you need them.

Do you know if they are equipped and trained to perform a confined space rescue? What about trench rescue? Or, simply picking someone off a wall or side of a tank after being saved by their personal fall arrest system?

Preplanning on your part will help push the odds in your favor if it will be an actual rescue or, sadly, a body recovery. If they don't have the equipment and you still need to have it as part of your plan, you may even be able to purchase equipment and have them come in and help with training.

This allows your employees to work with the rescue services to better understand roles and responsibilities in the event of an actual emergency.

Training such as this helps eliminate confusion on how to operate a specific piece of equipment, saving valuable time in rescue situations, and helps your employees better understand the roles of first responders in emergency scenarios.

By taking this interactive approach, you are establishing yourself as a leader in the community; earning respect and support at times when you may need it most.

Regardless of the size of your company, take time to develop and implement a site emergency action plan. Employees need to know where to go and what to do in the event of an emergency, emergency responders need to know how many potential victims they might have to search for and the news media will be looking for accurate facts. Prepared union contractors will have an Employee Assistance Program in place to help employees and their families deal with the situation.

Industrial business owners work with you because you, as a union contractor, employ the safest work crews on the market. Live up to your customers' expectations, and your moral obligation to your employees, and draft your emergency action plan today. ■



Wayne Creasap is the director of safety and health at The Association of Union Constructors. He can be reached via e-mail at [wcreasap@tauc.org](mailto:wcreasap@tauc.org) or telephone at 703.524.3336 x123.

# Is the National Maintenance Agreement too successful?

by JASON M. HOOD  
Staff Contributor

**MORE AND MORE** owners, contractors and even local building trades councils are requesting the National Maintenance Agreement (NMA) for projects other than maintenance, and, unfortunately, good news travels fast.

You've heard the old saying, "Be careful what you ask for. You just might get it." Well, in the early 1970s, members of the National Erectors Association, the organizational predecessor to today's The Association of Union Constructors found themselves faced with a construction industry unfriendly to unions, where it was not uncommon for union contractors to consistently lose repair and rehabilitation bids to non-union contractors or in-plant union forces.

In an effort to turn the "industrial tide" toward the success of union maintenance and construction, the association formed an exploratory committee to review the feasibility of negotiating national agreements with several international

building trades unions. What resulted were the formation of the National Maintenance Agreement Policy Committee and the creation of the NMA, which is utilized today by more than 2,500 union contractors who employ members of 14 participating international building trades unions.

Many factors contributed to the successful evolution of the NMA, but the agreement's ability to resolve the issues that plagued union construction played a major part. Under the agreement, unwarranted work stoppages were minimized, stifling work practices and poor scheduling were eliminated, and featherbedding became a thing of the past.

For almost 40 years, an impartial and dedicated staff successfully administered and monitored the NMA, with one goal in mind: the advancement of union construction. As a result, the NMA has become the agreement-of-choice for many.

The NMA's success did not come as a surprise to those who proposed its creation. However, increasing interest in the use of the NMA for projects other than maintenance proved to be a little unexpected and, amazingly, has become a cause for concern by some within the industry.

I believe it's safe to say the originators of the NMA did not anticipate such a development, but, then again, neither did James Wright, the inventor of silly putty. You see, during World War II, the Japanese invaded many rubber-producing companies, cutting off the supply of rubber to the United States and significantly affecting American manufacturers' ability to produce tires and boots, items necessary for the war effort. Wright was commissioned to develop a synthetic rubber compound to replace the hard-to-come-by rubber, and the rest is silly putty history.

I share this bit of trivia to demonstrate how products that are created for one intended use can sometimes turn out to be just as a powerful in another capacity. The NMA is such a product. Owners, contractors and even local unions want it because it meets their needs, whether it's a maintenance project or otherwise.


With that said, whether or not the NMA is too successful isn't really the question. The essential questions that labor and management stakeholders in the industry need to ask themselves are why is the NMA is being used to fill a perceived void and what other viable solutions can be determined in order to keep union construction moving forward? ■



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# Create your competitive edge with construction ergonomics

by SCOTT SCHNEIDER  
Special Contributor



**DID YOU KNOW** that sprains and strains, also called musculoskeletal injuries, are the most common construction injuries? In 2007, more than 44,000 construction workers lost time due to sprains and strains; almost a third of all lost work time injuries. These injuries resulted in a median of eight days out of work (meaning, half were out more than eight days and half less).

While many workers recover quickly and are soon back on the job, the effects of these injuries can accumulate over years, resulting in disability and forcing early retirement. Aside from the unnecessary pain and suffering, with the shortage of skilled workers and the difficulty in recruitment, the industry cannot afford to lose experienced workers to these injuries.

Many contractors and workers believe construction is simply hard work, and

nothing can really be done to change it. Yet, a lot of research and practical experience say otherwise. We can “work smarter, not harder” by planning our jobs better and thinking about how we can alleviate the most difficult work. The goal should be to match the job to the worker, not the other way around.

The past few years have seen a number of positive developments:

- National Institute for Occupational Safety and Health published *Simple Solutions for Ergonomics in Construction*.
- American Society of Safety Engineers published the ANSI A10.40 standard on reducing musculoskeletal problems in construction; and,
- Laborers’ Health and Safety Fund of North America put up a Web site with links to resources around the world on construction ergonomics.

With the new Administration planning to renew efforts to address ergonomics, we can expect more activity at OSHA in the coming years.

Here are some tips to consider in addressing this problem on your jobsites:

- **Plan site logistics with ergonomics in mind.** Make sure materials are delivered when they are needed and where they are going to be used. Also, make sure materials are stored in a way that makes them easily accessible (e.g., not just dumped on the ground). Ensure clear level paths for moving materials and the ready availability of carts and dollies.
- **Minimize the number of tasks that need to be completed at ground or ceiling level.** Can the work be moved to waist height by providing work tables, or can workers be moved up closer to the work with an aerial lift?
- **Consult with experienced workers.** They can help identify the most

difficult jobs on the site and offer ideas on ways these jobs can be made easier.

- **Provide risk identification training to all workers.** Teach them not just how to lift correctly, but also, whenever possible, give them freedom to make changes in how the work is done for the sake of safety. Many of the trades have ergonomic training programs for their members (including the SmartMark training from the Building and Construction Trades Department). Make sure workers, including new workers or apprentices, feel free to speak up and ask for help if something is too heavy or too difficult to do.
- **Provide protective equipment.** Knee pads and shoulder pads can reduce contact stresses. Back belts have not proven to be protective and should not be required.
- **Choose hand tools with better designs.** The best tools are lighter, more comfortable, easier to grip, require less force to operate, have well-designed triggers and transfer less vibration to the operator.
- **Incorporate ergonomic issues into any job hazard analyses on your worksites.**

Ergonomics means thinking carefully about the job and how it can be done better and more efficiently while preventing injuries. Such improvements will help both workers and the company’s bottom line. Contractors will find that this is their new competitive edge. ■



Scott Schneider is director of occupational safety and health at the Laborers’ Health and Safety Fund of North America, based out of Washington, D.C.

# Reclaiming the lost industry standard of appearance

by MARK BRESLIN  
*Special Contributor*

**SOMEONE HAS TO SAY IT:** Our industry has clearly, totally and completely failed to set a standard for professional appearance on the jobsite.

Unpopular as it might be, and a perceived infringement on some people's personal statement of identity, the problem is obvious and must be dealt with.

This problem is not just obvious to anyone who visits most union construction jobsites. You can bet every owner and end-user has noticed, as well. It detracts from our market image of high value. It erodes the perception of what is a professional craftsperson. It reinforces the stereotypes of construction as a career direction for losers. It allows the individual, rather than the industry, to determine acceptable standards. It negatively affects worker self-esteem and identity. It is indulgent, unprofessional and unacceptable.

As a society, we have become more self-directed and narcissistic, believing, somehow, we are entitled to appear as we wish, whenever and wherever we go. In any given year, I will speak to tens of thousands of apprentices of every craft. Though many come with an eye to their appearance, many others come with a wholly different idea of what it means to look like a professional union craftsperson.

It is not unusual for me to now see:

- guys wearing hoodies indoors for the duration of a professional presentation;
- sunglasses indoors;
- baseball caps on backward or sideways, some with extended brims;
- jeans hanging between the belt-line and knees;
- shirts with slogans, logos or profanity;
- ripped or filthy clothes;
- notable jewelry worn outside of clothes;
- notable tattoos on neck and other clearly visible areas; and,
- facial and ear piercing of a dramatic nature.

Our industry has let this all get way out of hand.

It is my strong belief that self-identity starts with self-appearance. I don't want my banker in a Tommy Bahama shirt at work. I don't want a cop to show up at my house in a pair of flip-flops. No-one has to tell these guys what the standard is; they know it is part of the job. Why don't our guys?

Now is the time to revise our standards for professional appearance so every apprentice and journeyman understands what is acceptable, what is not and, perhaps most importantly, why?

It is my view that every apprentice in the United States and Canada should have either a uniform shirt or a strict dress code. I have been to numerous places around the country where it is a requirement that apprentices wear a blue denim short-sleeved shirt or similar that bears a union logo. I have been to at least one place where every craftworker in the local must wear white overalls or they cannot be dispatched.

In these places, the union members gripe about it. But, also in these places, the union members look professional. You can clearly tell them apart from their non-union counterparts.

I believe that when they put on something that makes them look good, and similar to their peers and contemporaries, their attitude is positively affected, and, thus, their self-identity.

I was quite surprised by a man who came up to me after a recent presentation I made to 300 union apprentices. He walked up and held out his



hand, palm up. In his palm were two large metal stud earrings and a ring that had most recently been in his lip. He had taken them all off.

"Mr. Breslin, I get it," he said. "I am a professional and I know I'm accountable. Until I heard you put that on me, I never thought about it."

It is that simple connection of professionalism with appearance that makes this seemingly small issue so important. If a union worker is going to make \$10-\$20 more per hour than the non-union counterpart, then she or he better look, act and perform better 100 percent of the time.

Management and labor need to confront this erosion of professionalism head-on. Give me every apprentice in the United States and Canada and let me put a basic shirt on him every day with a union logo and the words "High Performance, High Value Craftperson." Let's just see what that does not only for the image of our industry, but also the self-image of that union member.

If you know me, you've heard it before. "We have to reach their hearts and heads before their hands." The smallest things, even appearance, matter in this regard. ■



*Mark Breslin is a strategist and author specializing in labor-management challenges. He is the author of Survival of the Fittest, Organize or Die and Million Dollar Blue Collar.*



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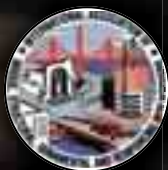
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## TAUC members lobby for union contractor-friendly policies

**THE SPECIALTY CONSTRUCTION** Industry 2009 National Issues Conference brought TAUC members from around the country to Washington, D.C. from May 11-13.

Conference attendees lobbied Congress on a full slate of business issues including worker misclassification, the 3 percent withholding tax repeal and federal contract procurement reform. School construction, energy efficiency and sustainable building and multiemployer pension issues were also touched upon.

"TAUC and its members are committed to pressing for legislation that benefits our industry and country," TAUC Chief Executive Officer Stephen Lindauer said. "There are many challenges in Congress today that require our members' involvement and attention."

TAUC and the Quality Construction Alliance have worked diligently with Senate lawmakers in drafting a new worker misclassification reform proposal, which is one of our top priorities. This could be our year to pass long-overdue policy changes and prevent further degradation of workforce and competitive standards resulting from worker misclassification abuse. The alliance vigorously supports urgently-needed action by Congress to repeal Section 530 of the 1978 Revenue Act, which is overly permissive in providing a safe harbor for misclassification of workers as independent contractors instead of employees. Unscrupulous employers who wish to avoid costs associated with hiring employees should not be rewarded for their abuses.

Repeal of the 3 percent withholding tax was another focus of this year's conference. The tax requires federal, state and local governments withhold funds for goods and services as a safeguard against possible business tax evasion.

"Contractors can't be expected to foot the bill for the federal government's need to close the tax gap," Lindauer said. The 3 percent withholding tax that goes into effect in 2011 would be devastating to TAUC contractors, eating into their budgets and making it more difficult to run a jobsite.

TAUC local employer organization member James Walker, of Great Lakes Fabricators & Erectors Association, questioned the pension plan panel.

This year's Quality Construction Alliance legislative conference was a joint initiative between TAUC and its industry partners, including the International Council of Employers of Bricklayers and Allied Crafts, the Mechanical Contractors Association of America, and the Sheet Metal and Air Conditioning Contractors National Association.

This conference only takes place once a year. As a TAUC member, we implore you to ensure your voice is heard on Capitol Hill and back home, so Congress will act in the best interest for our industry and country. Call Todd Mustard at 703.524.3336 x112 today, and find out how you can get involved.



## Creating a competitive disadvantage for union contractors

Worker misclassification as independent contractors instead of employees is a serious issue in the construction industry, particularly for union contractors.

This type of misclassification does not occur when employment relationships are set under workforce collective bargaining agreements. When non-union employees are misclassified as independent contractors, they can be excluded from coverage under key laws designed to protect workers and give them access to employer-provided health insurance and pension plans. The difference in overhead costs creates a competitive disadvantage for the union contractors who are providing better benefits for their employees.

The rate of misclassification continues to grow, according to Government Accountability Office, with recent estimates showing misclassification increasing 25 percent between 2000 and 2005, and now affecting 7.4 percent of the workforce nationally. In 2005, there were some 10.3 million workers classified as independent contractors. That year, independent contractors had an average age of 46 years, were almost twice as likely to be male than female and almost two-thirds had some college or higher education.



Lawmakers such as Rep. Diane Watson, a Democrat from California, addressed TAUC members and other industry representatives.



Nearly 140 people attended the conference.

PHOTO BY JOHN KETCHAM

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# McCarron signals return to Building Trades

**AFTER COUNTLESS REQUESTS** by our membership, The Association of Union Constructors was pleased to have Douglas McCarron serve as keynote speaker of TAUC Leadership Conference 2009 on May 7. After McCarron delivered prepared remarks about the state of the United Brotherhood of Carpenters, he opened the floor to questions from the audience.

In one of the opening exchanges, a representative of an industrial business owner (who operates in more than a dozen states) said it causes conflicts on job sites when Carpenters are not welcome in pre-job conferences that are held with the Building Trades.

"That is a customer service problem. There is no doubt about that," McCarron responded. He said that he is working with Mark Ayers to address that issue.

During the exchange, McCarron disclosed to TAUC members that he sees an opportunity for the Carpenters to return to the Building and Construction Trades Department in the near future.

"Let me say the likelihood went up quite a bit with Ayers. We've got to see," McCarron told the room of more than 130 union contractors, industrial business owners and labor representatives. "Don't get me wrong, we're not ready to jump back in. But, if [Ayers'] agenda works out, we're going to see what happens a year or two down the line. He seems to get it."

Stephen Lindauer, chief executive officer of The Association of Union Constructors, said he is thrilled McCarron chose TAUC Leadership Conference 2009 as the forum within which to make such an announcement.

"It is the association's position that we are for a unified Building Trades," Lindauer said. "And, we are pleased Doug was so candid with our contractors in sharing his optimism about the future."

Additionally, McCarron speculated that there may be positive synergies between some of the crafts, and said he believes there could be room for his group to consolidate with the Plasterers and Cement Masons, and/or the Boilermakers.

"It's essential that we get the crafts down to maybe six or seven," McCarron told the audience. "There's a bit of talk about mergers. I reiterate Mark Ayers has talent. Maybe it will be easier to work under Mark."



## Mirgliotta honored with Spirit of Union Construction Award

**THE ASSOCIATION OF** Union Constructors presented James Mirgliotta, executive vice president of Forest City Erectors, Inc., with the Spirit of Union Construction Award at TAUC Leadership Conference 2009 on May 7.

Mirgliotta was recognized for his positive leadership in the association and industry, which has been characterized by honesty, integrity and professionalism. Forest City Erectors, a TAUC governing member, is a woman-owned business based out of Twinsburg, Ohio.

The award is given annually to individuals who have dedicated their lives and careers to the advancement of the union construction industry.

Previous recipients included Steven Fellman (2007), TAUC general counsel, and Timothy Reddington (2008), senior vice president of Day & Zimmermann NPS, Inc., a TAUC governing member.



Left to right: Robert Santillo, James Mirgliotta

PHOTO BY TOM HINCKLEY

## Excellence in construction safety and health celebrated at annual conference

**ASSOCIATION MEMBERS WERE** recognized for excellence in construction safety and health at the Thomas J. Reynolds Awards Luncheon on May 6, which was held in conjunction with TAUC Leadership Conference 2009 in Orlando, Florida.

Fluor Constructors International was recognized for the most hours worked without a days away, restricted or transferred case in this award cycle: more than **3.2 million** hours.

The average Lost Time Incident Rate of these TAUC members was an astounding **.5** for 2008, well under the BLS National Average of **2.1**. All winners achieved a Lost Time Frequency of 0.

This year's awards presentation was generously sponsored by Nooter Construction Company (regular member), Pioneer Pipe (governing member) and Solid Platforms (regular member).

The Thomas J. Reynolds Awards for Excellence in Construction Safety and Health were created more than two decades ago to recognize and commend the exceptional efforts made by TAUC members to prevent the occurrence of serious injury on the jobsite.



PHOTO BY TOM HINCKLEY

# Thomas J. Reynolds Awards

## Recognizing Excellence in Construction Safety and Health

### CATEGORY ONE

*More than 1 million hours worked*

Fluor Constructors International

*More than 3.2 million hours*

Nooter Construction Co.

*More than 2.2 million hours*

AZCO, Inc.

*More than 1 million hours*

### CATEGORY TWO

*500,000 – 1 million hours worked*

Scheck Mechanical

### CATEGORY THREE

*100,000 – 499,999 hours worked*

Bruce and Merilees

Dearborn Mid-West Conveyor Co.

Helmkamp Construction Co.

Howell & Howell Contractors, Inc.

Kelley Steel Erectors

Mecon Industries

Power Piping Co.

Scheck Mechanical Wisconsin Corp.

### CATEGORY FOUR

*Less than 100,000 hours worked*

Anderson Industrial Construction Co.

Scheck Technical Services

### CERTIFICATES OF ACHIEVEMENT

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Alberici Constructors, Inc.

Atlantic Plant Maintenance, Inc.

Ben Hur Construction Co.

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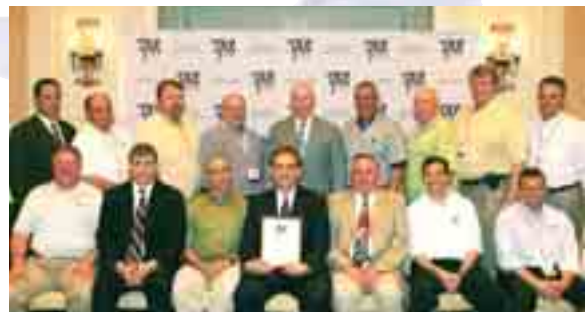
Left to right: Stephen Lindauer, Richard Carter (Fluor Constructors International), Robert Santillo.

PHOTO BY TOM HINCKLEY



Left to right: Stephen Lindauer, Peter Cimino (Nooter Construction Co.), Robert Santillo.

PHOTO BY TOM HINCKLEY



Thomas J. Reynolds Certificate of Achievement Recipients

PHOTO BY TOM HINCKLEY

## Contractors name Gruno 'Craftperson of the Year'



PHOTO BY TOM HINCKLEY

*Garth Gruno accepts the James J. Willis Craftperson of the Year Award at TAUC Leadership Conference 2009. From left, pictured are: Robert Santillo, Timothy Willis, Garth Gruno, Joseph Hunt, Walter Wise; Mary Jane Willis and Patricia Chudzik.*

**THE ASSOCIATION OF** Union Constructors named Garth Gruno Craftperson of the Year at TAUC Leadership Conference 2009 on May 7.

Gruno is a member of Ironworker Local No. 25, and was honored for his work with Midwest Steel, for Barton Malow Company, on the University of Michigan C.S. Mott Children's and Women's Replacement Hospital.

TAUC President Robert W. Santillo said Gruno exemplifies the virtues of union construction at its best.

"People like you make it a pleasure for us to be union contractors, and give us reason to believe that the best days for union construction are yet to come," said Santillo at the award ceremony.

Also recognized at the ceremony were first runner-up Chad Naes and second runner-up Dino Benedict.

Naes, a member of Ironworker Local No. 396, was honored for his work with MC Industrial, for ConocoPhillips Company, on the ConocoPhillips Wood River Waste Water Treatment Plant Expansion.

Benedict, a member of Ironworker Local No. 25, was honored for his work with Midwest Steel, for Walbridge-Barton Malow, on the Detroit Metro Airport North Terminal Expansion.

The James J. Willis Craftperson of the Year Award

recognizes outstanding labor-management cooperation and quality craftsmanship in the construction industry. Nominations are evaluated against five criteria:

1. Schedule and Budget;
2. Productivity;
3. Cost Savings Innovation;
4. Safety and Health; and
5. Outstanding Craftsmanship

Projects must be completed in the calendar year of the award, and nominations are forwarded to our judges' panel to be evaluated and ranked in each category.

This year, the members of the Willis Award judges' panel were:

- Alan Black, Construction and Turnaround Services;
- Charles "Bud" Burns, J.J. White; and,
- William Ligetti, Ironworker Employers Association of Western Pennsylvania.

This was the first year this award was given out under the name of the 'James J. Willis Craftperson of the Year Award,' and the association was pleased to have the family of James J. Willis, Sr. in attendance to celebrate the occasion.

Nominations for the 2010 Willis Award will open January 1, 2010.

## Union contractors raise \$1K for diabetes research



PHOTO BY TOM HINCKLEY

*Project Type Zero is a charity initiative supporting the Diabetes Research Institute.*

**ASSOCIATION MEMBERS EMBRACED** the opportunity to raise funds for diabetes research by donating \$1,000 at TAUC Leadership Conference 2009. Union contractors recognize diabetes is a serious threat to the men and women who work in our industry, and are committed to battling that threat in any way possible.

"We are pleased to have this opportunity to support our partners in labor in their support of a worthy cause," said Stephen Lindauer, TAUC chief executive officer.

Project Type Zero is a charity initiative spearheaded by the Building and Construction Trades Department, which benefits the Diabetes Research Institute.



PHOTO BY TOM HINCKLEY

*Stephen Lindauer thanks the crowd for giving generously.*



## Zero Injury Safety Awards Gala to be held Oct. 29

**THE 2009 NMAPC** Zero Injury Safety Awards Gala is scheduled to be held Thursday, Oct. 29, at the National Air and Space Museum in Washington, D.C.

You can register for the Gala online by visiting [www.NMAPC.org](http://www.NMAPC.org). Hotel reservations should be made by contacting the St. Regis Washington Hotel directly at 866.716.8116 and requesting to be booked under the NMAPC room block.

If you would like to sponsor the Gala, please contact Mike Dorsey by Sept. 1 at 703.524.3336 x122.

## Santillo elected TAUC president



PHOTO BY TOM HINCKLEY

**ROBERT W. SANTILLO**, president of McCarl's, Inc., was elected president of The Association of Union Constructors at TAUC Leadership Conference 2009 on May 6.

In his acceptance speech, Santillo called on union contractors to work with industrial business owners and labor leaders to create a new set of action plans for business in this modern world.

"We have entered a challenging era . . . an era in which union construction needs to rise from the ashes of a reduced market share and reclaim its dominant position in the market," Santillo said. "If we act strategically, this could be the beginning of a millennial era of union maintenance and construction."

Santillo has been an active member of the association for more than 20 years, and has served in a variety of capacities on the board of directors. He has more than 30 years of experience in the mechanical contracting, maintenance and fabrication fields.

Santillo holds an undergraduate degree from Clarion University, and an MBA from Duquesne University. He is also a graduate of the Small Company Management program at Harvard University.

## Eight new directors elected to board

**TAUC MEMBERS ELECTED** eight new directors to the board at TAUC Leadership Conference 2009 on May 6.

The following individuals were elected to a two-year term (2009-2011):

- **Gary Bohn**, Kiewit Power Constructors Company;
- **Robert Bowen**, Bowen Engineering Corporation;
- **Tony Downey**, Day & Zimmermann NPS;
- **Jake Hardy**, NAES Power Contractors;
- **Steve Johnson**, GEM Industrial;
- **William Ligetti**, Ironworker Employers Association of Western Pennsylvania;
- **Ted Sharp**, APCoPower; and,
- **Eric Waterman**, Ironworker Management Progressive Action Cooperative Trust.

Newly-elected President Robert Santillo said he is looking forward to working with the new board to continue building on the momentum Immediate Past President Robert Hoover generated.

"We need to expedite solutions to our current position in the market," Santillo said. "I am looking forward to seeing this highly-proficient board make significant advances on the firm foundation my skilled predecessor created."



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## TAUC Leadership Conference 2009 covers hot-button issues

**THIS YEAR, THE** Association of Union Constructors was pleased to present speakers covering some of the most urgent issues in our industry. TAUC members and supporters heard about the economy, pension plan security and union consolidation, as well as crane certification, best practices in safety and other updates from our partners in labor.

### GENERAL PRESIDENT

**JOSEPH Hunt** opened the conference with updates from the Ironworkers.



### PENSION LAWYER

**BRIAN Haynes** gave practical guidance on what TAUC members can do to withstand the pressures that are building in the current pension system.



**JOHN "JACK" BUETTNER**, director of field operations at the Federal Mediation and Conciliation Service, explained to TAUC contractors that his organization can provide mediation assistance free of charge.



**CONOCO PHILLIPS HEALTH**, Safety and Environmental Manager Robert Loveless discussed safety expectations from the owner's perspective.



**JOEL OLIVA**, of the regulatory affairs office of the National Commission for the Certification of Crane Operators, discussed how his organization may be the right solution for union contractors in their efforts to meet new regulatory standards.



**DAVID SARKUS**, MS, CSP, talked about leading from the heart. He told the audience that jobsites would be a lot safer if people would just love each other a little more.



**ROBERT KUTTNER**, AUTHOR of *Obama's Challenge: America's Economic Crisis and the Power of a Transformative Presidency*, commented on how President Obama's economic recovery plans may pan out, and advised the audience that we may see an upturn begin by 2010.



### CARPENTERS GENERAL PRESIDENT

Douglas McCarron discussed how his organization has been undergoing a radical transformation over the last decade in an effort to adapt to modern industry demands. "We were no longer a reliable partner for the industry, and the choice was clear – change or die," McCarron said. "We chose change."



## Contractors: *The Construction User* is waiting to hear from you!

**UNION CONTRACTORS (AND** contractor employees): Have you been promoted? Did you join a new company? Are you retiring? Let us know. *The Construction User* would like to share the good news with thousands of individuals, nation-wide, in your industry.

Please contact Lisa Tanger, executive editor, via e-mail at [ltanger@tauc.org](mailto:ltanger@tauc.org) or telephone at 703.524.3336 x124. At a minimum, please tell us:

- Your first and last name (as you would like it published)
- Your former company or educational institution (if applicable)
- Your current company
- Your former title
- Your new title
- Date of the change

### Snyder joins Enerfab as labor relations specialist



**JACOB SNYDER, FORMER** director of industrial relations for The Association of Union Constructors, has joined Enerfab Corporation as a labor relations specialist. Enerfab is a TAUC governing member in Cincinnati, Ohio.

### Sohacki joins TAG as project manager/estimator



**ROB SOHACKI, AN** 18-year veteran of the construction industry, was recently hired by The American Group of Constructors (TAG). A Purdue University Calumet graduate (construction management) with eight years of previous project management experience, Sohacki's responsibilities will include the planning, oversight and coordination of work performed by TAG's Commercial Group. Sohacki is also pursuing certification as a Leadership in Energy and Environmental Design Accredited Professional.

### Joyce named TAG project manager



**TIM JOYCE HAS** been promoted to project manager of the Stud Welding Group at The American Group of Constructors (TAG). He previously served as a superintendent. His responsibilities include the planning, oversight and resource coordination for all stud work performed by the Group. Established in August 2006, TAG's Stud Welding Group serves customers in the boiler/power generation and waste-to-energy industries throughout the United States and Canada. TAG is a TAUC governing member based in Hammond, Ind.

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## Mergers: \$65.2M or less, antitrust authorities probably don't care

by **STEVEN J. FELLMAN**

*Special Contributor*

**RECENTLY THE FEDERAL** Trade Commission announced revised thresholds for reporting acquisitions and mergers under the Hart Scott Rodino Act. This is the statute that requires companies that are merging or acquiring other companies give the Federal Trade Commission or the Department of Justice Antitrust Division notice prior to the time the transaction is to close, in order to permit the antitrust agencies to review the merger or acquisition and determine if the proposed transaction will be anticompetitive.

The FTC recently announced that, effective Feb. 9, 2009, there will be new minimum thresholds for reporting mergers and acquisitions. If a merger or acquisition falls under these thresholds, the parties can consummate the transaction without reporting to the commission and the Department of Justice, and without waiting for approval.

Under the new thresholds, acquisitions where the acquiring company gains or holds more than an aggregate amount of \$260.7 million of the voting securities or assets of the acquired company must be reported to the federal authorities, with certain exceptions.

Under what is known as the "size of person test," if a transaction is valued at more than \$65.2 million but less than \$260.7 million, the transaction must be reported if one party has sales or assets in excess of \$130.3 million and the other party has sales or assets in excess of \$13 million. However, if neither party has sales or assets of \$130.3 million, and the transaction is valued at less than \$65.2 million, it need not be reported.

If you are about to consummate a reportable transaction, you should be aware not only that you have to file a report prior to consummating the transaction, but also that you are going to have to pay a sizeable filing fee. The

fee is \$45,000 for transactions valued at less than \$130.3 million, \$125,000 for transactions valued at \$130.3 million to \$651.7 million and \$280,000 for transactions exceeding \$651.7 million.

For the construction industry, this means that larger companies can acquire companies with sales or assets of \$13 million or less with no antitrust scrutiny prior to the transaction and, as a practical matter, little danger of antitrust challenge once the transaction is completed. It means that a mid-size company, with sales/assets of less than \$130.3 million need not report mergers or acquisitions with a value of less than \$65.2 million. ■



*Steve Fellman is president of GKG Law in Washington, D.C. He is also general counsel to The Association of Union Constructors.*

# Implementing the interactive approach

by **TONY DOWNEY**  
Member Contributor

**EACH OF US** is the sum of our parts.

For the last 10 years, I have attended the association's Safety and Health Committee meetings on a regular basis. I listened to many dedicated safety practitioners share their knowledge in an effort to make our industry a safer place to work and build a career. At those meetings, information has been dispersed, best practices have been described, knowledge of safe work practices has been espoused and varied experiences have been shared.

I listened, commented, presented, shared and, most importantly, I learned. I learned about our industry. I learned about current issues facing contractors. I learned about regulatory issues. I learned new methods and materials to use in promoting safe work practices. But, most importantly, I learned about people. I learned about people from people like Ted Sheppard, Bernie Weir, Bill Treharne, Henry Mykich, Eric Waterman, Steve Rank and Bill Hering, just to name a few. These people, along with many others, have influenced what I do and how I do it. My involvement with the TAUC Safety and Health Committee has helped shape my efforts and, therefore, my company.

The TAUC Safety and Health Committee is about people. The participating members of this committee work for betterment of our industry and all the women and men who work in it. The participating members are people just like you and me, who have a passion for

safety and often use that passion to drive the safety culture in their companies.

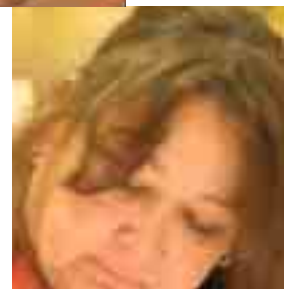
The TAUC Safety and Health Committee can only succeed if member companies support the participation of their safety professionals in the process. What these people bring to the committee, and in turn deliver to their companies, are invaluable, immeasurable and often unappreciated. These people are you and me.

Every so often, there is a paradigm shift in processes. I believe we are in the throes of such a shift in safety. The days of reactive and proactive approaches to safe work performance are behind us. We are entering the time of interactive safety approaches to safety success. The old adage that "the heat is in the tools" directly applies to safe work. As we continue our drive to achieve a ZERO injury workplace, the active engagement of each and every employee in the process is imperative. The engagement of every employee on our worksites is the "silver bullet" to injury-free work performance.

I ask you to join all of the active members of the TAUC Safety and Health Committee in implementing the interactive approach to safety. ■



*Tony Downey is the director of safety for Day & Zimmermann NPS, Inc. and chairman of the TAUC Safety and Health Committee. Day & Zimmermann is a TAUC governing member based out of Lancaster, Pa.*





## TAUC ABOUT LABOR

# Fixing the craft reciprocity system

**I'VE BEEN** A union contractor for a long time and I've seen times when we were flush with work and I've seen times when there was no work to be had. Unfortunately, and this should not be news to anyone reading this article, we're in the "no work" time right now. But that will change.

I'll bet that if you thought really hard, you would remember a time — during the last boom — when you were talking with a colleague and said something like this: "Why the heck didn't the unions prepare for this during the last slump so we wouldn't have these craft shortages now?" Give or take some profanity, that sounds pretty accurate, doesn't it? After all, attracting, storing and distributing skilled labor is the sole responsibility of the local unions, isn't it?

I've got a slightly different idea. Since we are all union contractors, why

by **CHARLES A. BURNS III**  
*Member Contributor*



don't we do something to prepare for the great boom ahead? We are the bosses, right? We should take the lead, right?

The fact remains that while certain areas of the country were tapped out on manpower the last time around, there were areas that had good hands available. Therefore, we should lay the foundation now for a craft reciprocity system that allows workers from anywhere in the United States to work on any union project, anywhere, without fear that he or she will never see their health and welfare or pension contributions from the hours worked on that site.

A universal reciprocal agreement, like the one developed by TAUC, would allow a craft person to work all over the country and ensure that pension and health and welfare payments would revert back to home locals. Given the current condition of many pension funds, I realize the notion of remitting funds to a home local

may be viewed as counterproductive in some circles. However, TAUC believes it is a moral imperative that tradesmen and women should not lose their benefits simply because they are forced to travel to find more work.

Each of us who has been in this business for decades has seen economic slowdowns. We pray for those who have suffered in the wake of this one. But, we know that a boom looms somewhere out in the distance, and we, as the union sector, must be prepared to staff the work opportunities ahead.

Let's never again have a discussion about what we 'should have done' to prepare. ■



*Charles A. Burns is the executive vice president for J.J. White, Inc. and chairman of the TAUC Labor Committee. J.J. White is a TAUC governing member based out of Philadelphia.*

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Safety Awards**  
Washington, D.C.

**DECEMBER 9, 2009**  
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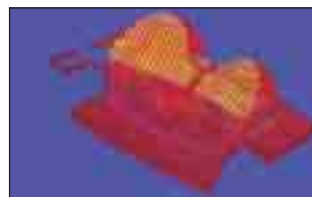
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