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**Celebrating TAUC's
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by Thomas S. Felton

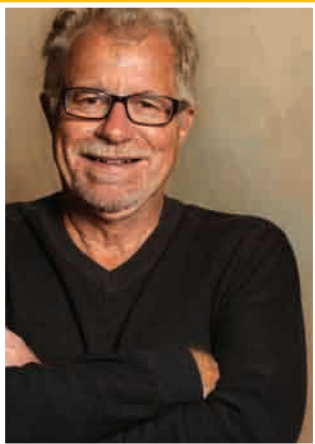
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The Power of Communication



by **THOMAS S. FELTON**
TAUC PRESIDENT
PRESIDENT, MC INDUSTRIAL

***History teaches us that
to manage change
successfully, you must have
strong communication
skills and networks
throughout your
organization.***

*The single biggest problem in communication is
the illusion that it has taken place.*

— George Bernard Shaw

SINCE MY FOURTH and final year as president of TAUC comes to a close in May at our annual Leadership Conference, this will be my last column. It is hard to believe that four years have gone by so quickly. As I reflect back on the many challenges and successes, as well as the new relationships and friendships that have been forged, the above quote from George Shaw rings true throughout just about every aspect of what we do. When I look back at the challenges I faced in my career of 30-plus years, in almost every case, lack of communication was at the heart of the problem. Likewise, open and honest communication was what allowed us to eventually overcome each challenge.

Too many times we assume that the other party knows what we are thinking or knows what we mean. At the same time, we form our own perception of why others behave the way they do or what their real intentions are. The shame of it is that many times we react or make decisions without asking some simple questions or listening to the other party. At the end of the day, when you strip away titles and organizations that we represent, we are all just people trying to do a good job at what we have been hired or elected to do.

That's what has been so great to see over the last four years in my role with TAUC. Just about everything we do is structured around

facilitating that open and honest communication between contractors, owners and labor -- giving everybody an equal voice at the table to state their opinions and listen to each other's challenges and goals. It has been amazing to watch what we can accomplish as an industry when all three parties actively and honestly participate in this process.


Our industry and the environment that we work within is more challenging today than ever before. Economic volatility, advancing technology, changing demographics in our workforce and the impact of global events on our industry have created huge challenges. As soon as you think you have it figured out, things change. Ironically, this in turn creates the need for change in all of our organizations, too. History teaches us that to manage change successfully, especially at the rate we are seeing today, you must have strong communication skills and networks throughout your organization. For our industry to not only survive, but expand and grow, we must continue to keep the lines of communication open; meet and openly discuss our challenges; and jointly develop solutions.

While I will miss serving as your president, I am extremely excited and optimistic about the future of our organization under the leadership of Jake Locklear, our new President. Jake is an extremely bright, energetic and knowledgeable individual very

capable of guiding us through the many challenges facing our industry. Along with Jake, we have an outstanding board of directors and committee chairs supporting Jake and helping to improve and grow our industry. Our organization is in very good hands.

I would like to recognize Steve Lindauer and all of the TAUC staff for the help they have given me during my tenure as president. They are all such professionals at what they do and our organization is extremely fortunate to have them. The countless hours that they spend behind the scenes preparing for our events and making sure everything is perfect when you get there is amazing. Not only do they all do a great job, but they have also become great friends.

In closing, I would like to thank all of you for the support you have given me during my tenure as president and for the many friendships I have made that will continue for many years into the future. I would also ask that if you are not currently involved as a Governing Member and participating on one of our committees, please give the idea some strong consideration. While we have made great strides and great progress, we cannot continue this progress without the active involvement of as many of our members as possible. As in most organizations like TAUC, you get out of it what you put into it. I can tell you from my personal experience, the benefits – both professionally and personally – greatly outweigh the time and effort you will put in.

Thanks again and be safe,
Tom 

Questions?

Comments?

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E-mail Executive Editor
David Acord at
dacord@tauc.org.

Let him know what you thought about this issue, or suggest an idea for a future article!



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Celebrating Ten Years of Failure

by STEVE LINDAUER, TAUC CEO

IT'S CUSTOMARY FOR trade associations to commemorate ten-year anniversaries by looking back with pride on their major accomplishments. And while there's a place for that — see Page 16 — in this issue's column I want to focus on TAUC's failures.

Over the past decade, we have failed as an organization on a regular basis, often in spectacular fashion. In fact, we have made failure our primary focus. As a leader, I confess that I fail on an almost daily basis. It's an incredibly difficult feat, and I am proud of my efforts.

How have we failed? Let me count the ways.

1. TAUC failed to follow the rules of Washington D.C. Situated a stone's throw from Capitol Hill and the federal bureaucracy, we could easily have become a part of the political establishment. This town is filled with trade associations that know how to “play the game.” But since 2007, when we officially became known as TAUC, we have chosen to follow a different and, in many ways, more difficult path. It is the same one laid out years ago by our predecessors at the National Erectors Association (NEA), especially founding CEO Joe La Rocca. They worked to carve their own niche as an influential voice for union construction and maintenance *inside* the Beltway while at the same time staying true to the work ethic and values of our members, 99.9% of whom live and work *outside* the Beltway.

There's a saying in Washington about politicians and other high officials: “They come here to do good and end up doing well.” Sadly, it's true. Many people arrive in

this town with idealistic dreams of changing the system and making things better for the working-class folks back home. But over time, they become ensconced in the culture of Washington and its lucrative charms. They lose touch with the real world outside their comfortable political bubble.

TAUC's official slogan is “The Voice for Union Construction and Maintenance.” But if I had to choose an unofficial slogan, it would probably be “Dance With the One Who Brung You.” In other words, don't forget why you're here and who you represent — the hard-working, blue-collar men and women who live in that vast area between the coasts often called “flyover country.” Some people consider that term an insult, but we'll take it as a badge of honor.

2. TAUC failed to follow the traditional role of a trade association. Many trade associations operate under a very simple philosophy: Us Versus Them. Here's how it works: if your group represents a certain industry, then you defend them no matter what they do, and relentlessly take aim at their “enemies” (usually labor). If you represent chicken farmers, then you spend an awful lot of time pointing out how unappetizing beef can be. And so on. This is how the game has been played for decades.

But at TAUC, there is no Us Versus Them mentality. There's just “Us.” And by “Us,” I mean the entire industry — contractors, labor, owner-clients, even suppliers and other industry associations. By Washington D.C. standards, this attitude isn't just different; it's downright weird, even dangerous. I can't take credit for this culture. It already

existed when I came on board in the late 1980s. Along with TAUC staff and our membership, I have tried my best to encourage and cultivate its growth over the years.

First and foremost, TAUC represents union contractors. No owners or union reps can become members. But if you attend any of our meetings, the first thing you'll notice is that there are lots of owners and union officials there, too. That's no accident. It's part of a deliberate decision to reject the traditional role of a trade association in order to create a “big tent” with relationship opportunities for all concerned.

We believe the only way contractors can succeed is by communicating and cooperating with unions and owner-clients. From day one, TAUC has positioned itself as a facilitator, bringing people together so that they can openly and honestly hash out their issues. It hasn't always been pretty — thank goodness for sound-proof conference rooms -- but it's almost always been *effective*.

3. TAUC failed to resist change. Washington, D.C. is a town that hates change, because change is scary. It threatens the power (and salaries) of thousands of bureaucrats and “insiders.” The status quo is sacred here. Go along to get along. Fear of the unknown is a feature, not a bug. Once again, though, TAUC has fallen flat on its face when it comes to following this line of thinking. Frankly, we're just not that good at it. We actually *like* change.

First and foremost, there was the decision to change our name back in 2007. But it was more than that; we were changing our very identity and purpose, too. As you'll read in the

retrospective on Page 16, the NEA started out as a group for steel erection contractors looking to build a more productive relationship with one union – the Iron Workers. Over time, though, contractors from other sectors of the industry joined the NEA, and other unions expressed a desire to work with our members, too. We had a good thing going, and naturally everyone wanted to be a part of it. Contractors and unions were finally beginning to realize that their endless bickering had to end, and the zero injury concept was just beginning to take hold in the safety world.


Rather than ignore the transformation that was occurring, the TAUC leadership – including the Board of Directors – embraced it. We decided to take the plunge and recreate ourselves as that “big tent” organization for all contractors, unions and owners, not just a

particular subset. This wasn’t as easy as it sounds. Transformation can be painful; egos can get bruised and toes are likely to get stepped on. But we saw the changes for what they were: signs that the industry was growing and evolving. Rather than stick our heads in the sand, we chose to evolve along with it.

So there you have it: a brief history of TAUC’s greatest failures. Frankly, I’m as proud of them as I am of our successes – and there have been many.

In all seriousness, I want to express my gratitude to everyone who has been a part of this journey over the past decade. First and foremost, I want to thank our members, especially those who have committed their time to serve as Governing Members, on our Board and in the various Committees; our partners in the labor and owner communities, who go the extra mile (and more) by

carving time out of their schedules to participate in our meetings and events; and TAUC staff members past and present, all of whom have helped push the association – and our industry – forward.

One thing’s for sure: we’ve shown Washington, D.C. that it’s possible to succeed – and thrive – by rejecting the “business as usual” mindset. Here’s hoping we don’t forget that lesson as we begin our second decade. 



Steve Lindauer is the CEO of The Association of Union Constructors and also serves as Impartial Secretary and CEO of the National Maintenance Agreements Policy Committee, Inc. (NMAPC).



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Ten Years of Growing

by MARK BRESLIN

SINCE TAUC IS celebrating its tenth anniversary this year, let's travel back in time a decade to give us some perspective. Just before TAUC came into existence in 2006...

- The Steelers won the Super Bowl
- Facebook opened to anyone over 13 years of age with a valid e-mail
- *The Departed* won the Oscar for Best Picture
- The Wii was the most popular Christmas gift
- Dick Cheney shot his friend in the face
- *American Idol* was the # 1 TV show

Seems like a while ago, huh?

Along with the growth and success of TAUC, a lot has changed in our industry in the last ten years. I would like to discuss three major shifts that I think will form the foundation for where our business goes in the next five to 10 years.

1. The Market Share Denial B.S. is Over

In 2006, as officials at the National Erectors Association began making plans to transform into TAUC, many labor leaders across the U.S. and Canada still refused to confront the reality of market conditions. They wouldn't address the elephant in the room – not with their contractor partners, their staffs or, most importantly, their members. This strategic error allowed rank-and-file members to continue thinking they didn't have a direct responsibility for the success of the contractors they worked for – or their unions. In reality, the era of entitlement was fading rapidly, along with the idea that the unions could simply count on the market to take care of them.

Today, the reality of our market is clearly understood by nearly everyone. If you don't "get it," it's because you don't want to get it. Most union workers are clearly aware of the market challenges, and in fact many of them had to work non-union jobs during the recession. Reality has come home at last. This does not yet directly translate to a great willingness to embrace change – but that is coming. The labor-management choice of price versus market share is upon us now, and at least (almost) everyone sees the playing field clearly.

2. Integration of Technology (For Good or Bad)

The average person looks at their smart phone 124 times a day. Ten years ago, not so much (and it was a Blackberry

then, not an iPhone). Since then, technology has become an essential part of the business – and its importance will continue to grow.

Technology has led to seismic changes in tools, communications, mobile streaming, drones, BIM, Integrated Project Management (IPM), information storage. Foremen all have iPads. We've arrived. Around the corner is virtual reality training (Oculus Rift), onsite 3-D printing, and a lot more. This is also going to drive a movement away from offices and to mobile employment with a new generation wanting to be freed from their cubicles or job trailers, but still tethered 24-7 to their smartphones.

Labor and management need to ask themselves how leveraging technology on the development, deployment and training sides might be a competitive advantage in the future. A skilled workforce (and organizational leaders) of the future will need to be, to a significant degree, tech-savvy.

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3. It's About the People, Not the Work


Finally, the most important trend that has emerged over the past decade is the evolution of a “people-based culture.”

Ask any contractor what his or her biggest concern is today and they will tell you it's finding workers and supervisors with the right skills, attitude and orientation to thrive in construction. For the last ten years I talked to hundreds of thousands of people, and in almost every instance I tried to emphasize the coming demographic changes that would turn our industry upside down. Now those changes are happening. What does this look like?

Contractors are now more than ever providing training and support internally for their foremen and craft workers. Contractors understand the value of a good workplace culture

versus the “just a paycheck with over-time as the reward” mindset. They are asking themselves what they can do to retain people rather than looking at workers as merely interchangeable parts. Meanwhile, unions are trying to figure out how to increase apprentice intake to meet market demand – in some cases, that means needing 200-300% more workers than they currently have. The Boomer retirement wave is here – it's happening all around us. The Millennial workforce development challenge is here, too. In ten more years, the workforce will be entirely different and those ahead of the curve on talent will be the most successful.

As well, a new group of Generation X leaders for both companies and unions has arisen – with new ideas, a fresh perspective and an appetite for change. This, in my view, is the most exciting trend in the next decade.

The last ten years have been eventful for me, too. I've flown a million miles and spoken to more than 300,000 people...and I have a lot more gray hair. But it's not the gradual passage of time that concerns me. I want to ensure that while we strive to grow – both within TAUC and the industry as a whole – we also increase our ability to implement positive change. Let's commit to the next ten years together – contractors, owners and labor – with a unity of purpose. 

Mark Breslin is a strategist and author of several books, including most recently, The



Five Minute Foreman: Mastering the People Side of Construction. Visit his website at www.breslin.biz or contact him at (925) 705-7662.

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NMA I.Q.—Where Cutting-Edge Tech and Tripartite Cooperation Meet

The NMA I.Q. eLearning Resource Center offers comprehensive training and information on the industry's flagship project labor agreement

ON FEBRUARY 22, 2016, after more than two years of development, the National Maintenance Agreements Policy Committee, Inc. (NMAPC) launched NMA I.Q., a groundbreaking online education and training resource available at www.nmaiq.org.

NMA I.Q. is a game changer. The web-based resource uses cutting-edge technology to educate users about the National Maintenance Agreements (NMA), the most widely used series of project labor agreements in the union construction and industrial maintenance industry.

“Virtually any question about the NMA that begins with ‘how’ or ‘why,’ NMA I.Q. has the answer,” said Steve Lindauer, Impartial Secretary and CEO of the NMAPC.

All the Answers

NMA I.Q. is designed for newcomers and industry veterans alike, and equally useful to all members of the tripartite community – contractors, building trades unions and owner-clients. It offers easy-to-follow online tutorials and short videos on virtually every aspect of the NMA, from a “How does it work?” general overview to detailed instructions and explanations on more technical aspects of the Agreements. No prior experience with the NMA is required; just go to www.nmaiq.org and start exploring.

“The purpose of NMA I.Q. is to make the NMAPC Program as

transparent as possible and eliminate many of the misconceptions that exist about our industry as a whole,” said Bob Hoover, Vice President of Matrix North American Construction and Vice President/Management Co-Chair of the NMAPC.

“Virtually any question about the NMA that begins with ‘how’ or ‘why,’ NMA I.Q. has the answer.”

– Steve Lindauer

In addition to demystifying how the NMA works, NMA I.Q.’s free online format means the information is available 24/7 to anyone with a computer, tablet or smartphone. In particular, young people interested in careers in union construction and maintenance can learn about the NMA at their own pace and schedule. “Organizations that have the ability to not only preserve institutional knowledge, but also pass it along to future generations in a practical and open manner, will be successful,” Hoover said.

What Can NMA I.Q. Do For You?

NMA I.Q. (www.nmaiq.org) truly has to be seen to be believed – but

here’s a quick overview of the incredible amount of information available for free to everyone. You don’t even need to register or create an account – just click on a subject and start learning!

Preview & Overview: For those new to the NMA, the best place to start is with the opening sections, which provide a quick, clear introduction to the NMAPC Program, its history, and how contractors, labor and owners interact with the Agreements on a daily basis.

The NMA: The lion’s share of content on NMA I.Q. focuses on the NMAs and the contractual terms and conditions contained within the Agreements. There are separate summaries and tutorial videos for *all 29 articles in the main Agreement!* Subcontracting, grievances, wages, work hours per day, management clause – if it’s in the NMA, you’ll find it on NMA I.Q.

The Book of Decisions: NMA I.Q. also includes all of the NMAPC’s Policy Decisions formally known as the Book of Decisions. These documents provide more detailed directions on how specific circumstances should be addressed in the field. You don’t have to worry about downloading the most recent PDF or finding someone with an updated hard copy – the entire text of the Book of Decisions is now available online 24/7!

Basic NMA Processes: NMA I.Q. also leads users step-by-step through basic procedures like becoming signatory to the Agreement; filing



eLearning Resource Center

www.nmai.org

Site Extension Requests (SERs); designating Yellow Card projects and sites; and officially invoking the Agreement on a location-by-location basis.

Creativity & Cooperation

The NMAPC spent more than two years developing NMA I.Q. But it wasn't alone; from the outset, our developers and executives worked closely with the NMAPC Owner Advisory Committee (OAC), a select group of owner representatives from across the United States' industrial-manufacturing landscape. These owners are the "end users" of the union construction and maintenance services

offered by signatory contractors and their building trades partners. The NMAPC's number-one goal was to ensure that the final product accounted for the needs of the owner-client community. From day one, the OAC was a driving force behind the creation of NMA I.Q. In fact, it probably would never have been created in the first place had it not been for the bond of cooperation and trust that exists between the OAC and the NMAPC.

Out of the Shadows

"Although we have been enormously successful over the years, the NMAPC Program is still one of the best-kept secrets in the

industry," said Michael Pleasant, Assistant General President of the United Association of Plumbers & Pipefitters and President/Labor Co-Chair of the NMAPC. "For instance, very few people outside of the organization know that on average, more than 59 million work hours are performed using the NMA in any given year. In addition to being a great education and training resource, NMA I.Q. will also serve as a powerful marketing and promotional tool as we in the building trades, in cooperation with our contractor partners, seek to grow our market share and convince more owner-clients to use the NMA."

Continued on next page



“The NMAPC has been breaking down barriers since it was created more than four decades ago,” Lindauer added. “Our goal has always been to bring contractors, unions and owner-clients closer together by replacing confusion and mistrust with

cooperation and honesty. Now, with NMA I.Q., we’re breaking down a different set of barriers – those that separate the people in our industry, and the public as a whole, from the information they need to use and understand the NMA. We’ve gotten

rid of the gatekeepers. The knowledge is available to anyone who wants to learn. It’s an exciting new era, and everyone at the NMAPC is proud to be part of it.”

Check out NMA I.Q. today at www.nmaiq.org. 

What Owners Are Saying About NMA I.Q.

“The NMA I.Q. will benefit the industry as a whole by significantly increasing its visibility in the 21st century. The NMA I.Q. replaces traditional classroom training and places the NMA at the finger-tips of our personnel to help them better manage construction in the field and the associated construction contracts”.

— *John Phillips, Major Projects Procurement Manager, BP*

“Working for an organization that at any one time can have more than twenty facilities with major capital improvements under way, I expect the NMA I.Q. to flatten the learning curve for GM’s project management teams and their successful contractors across the U.S. Unlike other industrial sectors, projects in the automotive industry often involve a multitude of contractors executing many specialized scopes of work, and having a tool like the NMA I.Q. that is available 24/7 to answer questions about the NMA will allow the tripartite to take full advantage of the power of the NMA.”

— *David Wilker, Senior Manager, Vehicle Systems Automation Execution, General Motors*

“Two of our Northwest Indiana facilities recently installed a contractor time-tracking software system which uses, in part, the Terms and Conditions of the NMA to pay a contractor’s

employees correctly. We intend to utilize the NMA I.Q. e-Learning Resource Center as a quick, easy reference for our supervisors in the field who are responsible for approving time for our contractors and who may not be familiar with those T & C’s. We believe NMA I.Q. will be beneficial for our procurement personnel to help them develop a better understanding of the agreements in order to use them more effectively for cost savings and contractor selection.”

— *Michael Mahaffey, Manager - Maintenance Administration, ArcelorMittal Burns Harbor*

“I have been involved with the NMAPC in some way or another since 1986, and this innovative tool appears to be a way for managers at our power plants to have easy access to the NMA and the Book of Decisions. It should enable them to review and confirm what they believe to be the appropriate way to manage work performed under the NMA without trying to find their Agreement Book and then calling to confirm an interpretation. Having this tool is just another of the many creative ways to support the Unions, Contractors, and Owners who rely on the NMA as their primary maintenance Project Labor Agreement.”

— *Thomas P. Householder, Managing Director - Labor Relations, American Electric Power*

TAUC Welcomes New Governing, Affiliate Members

TAUC is pleased to welcome our newest Governing Members:

Solid Platforms, Inc. has been providing quality scaffold systems since 1990. Its customers represent some of the largest and foremost corporations in the Refinery, Steel Producing, Power Generation, Petrochemical, Pharmaceutical, Educational, Healthcare, Gaming, Industrial and Commercial business sectors.

CR Meyer is an industrial general contractor with eight responsive field offices strategically located across the United States. It is consistently ranked in the top 10 contractors in the pulp and paper industry by *Engineering News Record* and number 173 overall in the publication's Top 400 Contractors for 2014. Established in 1888 by Charles Rudolph Meyer in Oshkosh, WI, CR Meyer has grown to directly employ 800 to 1,000 skilled union tradespeople across nine market sectors. CR Meyer employs boilermakers, carpenters, concrete finishers, laborers, ironworkers,

masons, millwrights, pile drivers and pipefitters. CR Meyer's engineers, architects and project managers creatively partner with customers to most rigorous quality, budgetary and timeline objectives.

About Governing Membership: Governing Members go the extra mile by taking a more involved role in the association. They have the opportunity to chair TAUC's committees, subcommittees and task forces, and have full voting privileges at association meetings. Learn more at www.tauc.org/membership.

TAUC is also pleased to welcome our latest Affiliate Members:

Mid-State Occupational Health Services, Inc. offers comprehensive health services to employers. Working with more than 2,000 employers in the Northeast, Mid-State Occupational Health Services has the experience to ensure compliance, enhance employee health and safety, and provide quality services in an effective manner.

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VEC, Inc. was founded in 1975 as Valley Electrical Consolidated. Valley Electrical started as a family-owned business providing electrical contracting services to the Ohio region's many factories, production lines, steel mills and GM's new Lordstown, Ohio plant. By the mid-1990s, Valley had expanded into new markets, adding diverse capabilities and gaining experience, cultivating expertise and respect as it grew.

Diversified Technical Services, Inc. is a construction and safety management and administrative support services company based out of Boonville, IN.

About Affiliate Membership: TAUC Affiliate members optimize the visibility of their organization through networking, sponsorship and advertising opportunities many of which are not available to groups outside the association. These companies provide services, products, equipment and information to construction contractors and operate in a manner consistent with our commitment to the union construction industry. Learn more at www.tauc.org/membership.



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Celebrating TAUC's First Decade – and the Evolution of Union Construction & Maintenance

by DAVID ACORD

THIS YEAR, THE Association of Union Constructors (TAUC) celebrates its ten-year anniversary. But perhaps “anniversary” isn’t the right word – “evolution” or “transformation” might be more accurate.

Although TAUC is technically ten years old, its history goes all the way back to 1969, when its predecessor organization, the National Erectors Association (NEA), was formed. Originally, the NEA was designed to help union contractors in the steel erection industry work more closely with the Iron Workers union and the owner-clients both groups served. But as the organization became more successful over the years, union contractors from other business sectors began to gravitate toward the NEA – and so did other building trades unions. The tent began to grow larger.

Why? The founders of the NEA wanted to improve relationships in the steel erection community -- “their own backyard,” so to speak. They didn’t set out to change the entire industry. But good ideas have a way of spreading and growing, regardless of their creators’ intentions. And so, in 2000, after thirty years, the NEA implemented its first name change. It became known as NEA – The Association of Union

Constructors to more accurately reflect the growing diversity of its members. The organization had a new mission: to become the number one association in the construction industry for union contractors of all types and all sizes.

Seven years later, in 2007, change was once again in the air (sensing a pattern yet?). The organization dropped “NEA” from its title and on January 1, 2007, officially became known as The Association of Union Constructors. But the shift was more than cosmetic; our identity had transformed to the point that it was time to respectfully lay the NEA label to rest once and for all. We were now an association truly by, and for, the *entire* union construction and maintenance industry, not just a single sector.

Forging Alliances

The first years of the new TAUC era were focused on building alliances and strengthening the tripartite relationship between contractors, labor and owner-clients. In May 2007, the first-ever Leadership Conference was held in Tucson, Arizona; appropriately enough, the theme was “Dawn of a New Day.” Our commitment to tripartite cooperation was cemented even further at the 2008 Leadership

Conference, when we held the first-ever General Presidents Panel, featuring the leaders of five building trades unions. Several years later, at the 2015 conference, we would set the bar even higher with the “Gathering of Leaders” event, with *nine* union leaders on stage for a no-holds-barred conversation.

Another important milestone occurred at the 2008 conference: TAUC formally entered into a strategic alliance with the National Association of Construction Boilermaker Employers (NACBE). The two groups had already built a solid foundation over the years by focusing on safety and health-related issues. In 2009, TAUC signed a similar strategic alliance agreement with the North American Contractors Association (NACA).

Safety First – Always

Although embracing change became a mantra for TAUC in those early years, the organization also stayed true to the core principles and values first put into place by our founders in 1969. Nowhere has that been more evident than in the realm of safety.

The transition to TAUC occurred around the same time as the industry was waking up to the possibility – and

Changing our name to TAUC in 2007 was just the latest in a series of evolutionary leaps for the organization. Below is a sampling of earlier logos dating back to the founding of the National Erectors Association in 1969.



TAUC: The First Ten Years

2007

- Association officially changes name to TAUC
- Bill Brown of Ben-Hur Construction completes term as first TAUC president; succeeded by Bob Hoover of Aker Kvaerner Songer
- First-ever TAUC Leadership Conference held in Tucson

2008

- First-ever General Presidents Panel held at Leadership Conference; five union leaders participate
- TAUC and NACBE sign historic strategic alliance agreement
- TAUC hosts summer safety-labor forum in Detroit, "Michigan Drives Union Construction"

2009

- TAUC signs agreement with Zero Injury Institute
- TAUC renames Craftperson Award to honor the late James J. Willis
- Robert Santillo of McCarl's elected TAUC president
- TAUC hosts summer safety-labor forum, "Pennsylvania Powers Union Construction" – U.S. Steel CEO John Surma keynotes
- TAUC and NACA sign strategic alliance agreement

2010

- TAUC and Office of Indian Energy & Economic Development sign cooperative agreement to help provide career opportunities for Native Alaskans and Native Americans in the construction industry
- TAUC and NMAPC produce "Importance of Safety" video, featuring 13 union leaders

2011

- TAUC joins NCCMP Retirement Security Review Commission to address multiemployer pension reforms
- Joseph La Rocca, former NEA Executive Director and NMAPC Impartial Secretary, receives TAUC Spirit of Union Construction Award
- TAUC member William Hering appointed to serve two-year term on OSHA's Advisory Committee on Construction Safety & Health

2012

- TAUC creates the Next Generation of Craftpersons Task Force to recruit new generation of workers
- Tom Felton of MC Industrial elected TAUC president
- TAUC presents \$100,000 check to Helmets to Hardhats

2013

- TAUC partners with Metabo and McCarl's to produce grinder safety video
- TAUC Safety Committee Chair Kathleen Dobson chosen to lead OSHA-NAWIC Task Force on Women in Construction

2014

- TAUC, Iron Workers send joint letter to Congress urging passage of multiemployer pension reform
- TAUC Summer Summit held in Cincinnati, Ohio
- "Solutions Not Bailout" pension reform proposal released; TAUC endorses

2015

- "Gathering of Leaders" at TAUC Leadership Conference brings together 9 building trades presidents
- TAUC forms new Government Affairs Committee
- TAUC engages Summit Strategies Government Affairs LLC to increase Capitol Hill lobbying efforts
- TAUC joins Beyond the Runway Coalition to strengthen aviation infrastructure
- TAUC joins forces with four contractor associations to form the Construction Employers of America (CEA)

power – of the zero injury philosophy (something our sister organization, the NMAPC, embraced wholeheartedly by creating the Zero Injury Safety Awards). In 2009, TAUC penned an agreement with the Zero Injury Institute, co-founded by the “father” of zero injury, Emmitt Nelson, giving TAUC Governing Members special discounts on training programs. It was a small but important way we could help spread the zero injury message.

TAUC also carried on the proud NEA tradition of the Thomas J. Reynolds Awards for Excellence in Construction Safety and Health. Established in 1983, they recognize member contractors who achieve a Days Away, Restricted or Transferred (DART) Rate of 25% or more below the national industry average in a calendar year. In the first nine years of the TAUC era, more than 694 million work hours were recognized under the awards program.

In 2010, TAUC and NMAPC teamed up to produce “The Importance of Safety.” The video featured the leaders of 13 international unions explaining why safety should always be the highest priority on any jobsite. The video was posted on our website and also distributed via DVD. In 2013, TAUC again ventured into the video realm, collaborating with Metabo and McCarl’s on a training film on grinder safety that was distributed to workplaces across the country.

In 2011, longtime TAUC member William Hering of SM Electric Co. (now Matrix NAC) was appointed to serve a two-year term on OSHA’s Advisory Committee on Construction Safety and Health.

Today, TAUC is active in the ANSI A10 Accredited Standards Committee, Drug Free Workplace Alliance, NIOSH National Occupational Research Agenda (NORA) Construction Sector Council, National Safety Council and American Society of Safety Engineers.

Rewriting the Playbook

A recurring theme at TAUC over the past ten years has been its determination to tackle the toughest issues facing our industry. Take the manpower crisis. With Baby Boomers retiring by the thousands, unions and contractors are scrambling to find a new generation of workers. In 2012, the TAUC Labor Committee created the Next Generation of Craftpersons Task Force. Its purpose: to determine how to best identify and recruit the next wave of workers. The Task Force forged an alliance with several building trades unions and created the We Build USA website (www.webuildusa.org), aimed at marketing careers in the union construction industry to the younger generation. The website provides information about each trade’s apprenticeship program.

In 2015, TAUC launched a landmark new study, produced in conjunction with the Construction Labor Research Council (CLRC), on the current state of the union construction and maintenance labor supply throughout the United States. The first-of-its-kind study utilized a rigorous scientific methodology to analyze nearly 1,000 responses to a 10-question survey sent to a cross-section of contractors, union representatives and owner-clients. The large sample size and carefully worded questions combined to make it one of the most useful union craft labor supply reports ever produced. Building on this success, in early 2016 TAUC again surveyed the industry, and the results will soon be available on www.tauc.org.


Multiemployer pension reform was another huge problem that TAUC faced head-on. We joined with The Partnership for Multiemployer Retirement Security, an amalgam of business and labor organizations pushing for needed changes to the existing pension system. We also came out in support of the Solutions Not Bailout proposal issued in 2014 by the NCCMP’s Retirement Security Review Commission. The late Jim Walker, head

of TAUC’s LEO Committee, served as one of TAUC’s representatives on the Commission and was instrumental in crafting the proposal. The passage of the Multiemployer Pension Reform Act (MPRA) in 2014 was an incredible example of tripartite cooperation in action – and we continue to push for important changes to existing plan rules.

The pension reform battle highlighted the importance of having a strong and highly visible presence on Capitol Hill. In 2015 TAUC formed the ten-member Government Affairs Committee, chaired by Jake Locklear, president of Atlantic Plant Maintenance. The association also engaged Summit Strategies Government Affairs LLC to provide additional guidance and insight on the major policy and regulatory issues impacting the industry – and ensure our members have a voice inside the corridors of power.

Also in 2015, TAUC joined the Beyond the Runway Coalition through Airports United, a collaborative effort advocating for federal policies that strengthen our nation’s aviation infrastructure to meet the needs of today and the challenges of tomorrow. In addition, TAUC joined forces with four other premier national union contractor associations to form the Construction Employers of America (CEA) to coordinate action on construction, workforce, and labor issues facing their industries.

The Road Ahead

As we look ahead to the next ten years, we not only anticipate further changes to our association and our business— we welcome them. A decade ago, few could have predicted how strong the tripartite relationship would become, or the bold efforts by labor to meet the new realities of the marketplace (see the special article by the Boilermakers on the following page). Ten years from now, we are confident our members will once again look back with pride on all that has been accomplished. 



Boilermaker Code Focuses on Culture Shift

by DALE “SKIPPER” BRANSCUM, NATIONAL ADMINISTRATOR, MOST

LATE LAST YEAR, the Boilermakers union, through its MOST safety and training trust, launched a program designed to fundamentally change the culture of the organization in the construction industry. The Boilermaker Code is our union’s commitment to elevating the attitudes and behaviors of Boilermakers to the highest level possible.

Of course, codes of excellence are nothing new; organizations of all types use them, and they can and do have a positive impact.

But when Boilermakers International President Newton B. Jones expressed his vision of a new code, it quickly became clear that

the program would not only encourage the highest values of our trade, it would also dig deep into the roots of negative behavior from the past. This meant going back in time, to the 1970s and 1980s in particular, when union construction workers dominated the industry and, too often, behaved in arrogant and unprofessional ways.

To do this right, President Jones commissioned a documentary-style video to explore not only various types of negative behavior, but more importantly, the cost of such behavior: to the contractor trying to earn a profit, to the owner trying to complete a project on schedule and on budget, and to the Boilermaker whose



Boilermakers receive code of conduct training during a Kiewit IGCC project for TVA at Paradise, Ky.



MOST National Administrator Dale “Skipper” Branscum conducts Boilermaker Code training.

ability to get future work depends on a solid reputation.

The decision to develop a code of excellence was welcomed by owners and contractors. Our partners in the owner community, especially, had encouraged the initiative at various tripartite meetings with the union.

Making the “Red Ass” Film

President Jones didn’t want to sugar-coat the parts of our history that we’d just as soon forget. He made it clear from the start that the story would be told by those who experienced it firsthand, and if the language got a little rough, well, at least it would be authentic — and nothing our field construction members hadn’t heard before.

Over a period of some 15 months, a professional film crew and Boilermaker staff traveled across the United States and Canada interviewing veteran Boilermakers, including retirees, as well as contractors and owners. Many of those interviewed had lived through or even participated in job walk-offs and other negative acts, sometimes without much provocation — a frame of mind back then known as getting “the red ass.”

Those being filmed were told to be frank about their experiences and memories, and they were. They were also frank about the high cost to the Boilermakers union in lost market share, when owners and contractors

had had enough of misbehavior on the job.

Today that film, which won a Silver Telly award in 2015, is a central part of our one-day Boilermaker Code training program. It sets the stage for a 10-part presentation focusing on negative behavior such as late starts and early quits, job-hopping and absenteeism.

For each such behavior, the trainers (drawn primarily from a pool of highly-respected retired business managers) discuss the consequences in terms of lost work opportunities and lost revenue. Realistic dollar estimates are examined for owners whose jobs are delayed, contractors whose eventual costs exceed their bids, and members who are not invited back. Trainers stress to their classes that the penalty to Boilermakers involves not only lost wages, but it also means lost contributions to pension and health and welfare funds.

Designing the Code and Creed

To develop the Boilermaker Code and Creed, President Jones reached out to dozens of leaders in the Boilermakers union and to industry partners. A decision was made that each element of the code would be represented by one of the letters in the word, “boilermakers” to ensure familiarity and to remind members about what it means to be a union Boilermaker. For example, B stands for Brotherhood, R for responsibility and O for opportunity.

An accompanying 19-line creed builds on the code with statements that can be read at union meetings and other events, including training sessions.

A few examples:

“I am a guest at job sites and conduct myself accordingly.”

“I will show up on time, ready to work.”

“I will give quality work for quality pay.”

“I will be responsible and accountable for my actions.”

The code and creed are reproduced on banners, t-shirts and other items for distribution to local lodges and for

use as signage at conferences. A new logo with the tagline “Live the Code” reinforces the messaging.

But recognizing that initial enthusiasm for a program of this nature can dissipate over time, President Jones reasoned that much more is required to make the code and creed part of the very fabric of our organization and to instill in each member its guiding principles.

To achieve that, the union, through the MOST trust, will require that every construction Boilermaker complete the one-day training in order to be eligible for an out-of-work list. Any member committing a serious infraction that violates the code will be required to take remedial training.

Evaluation and Feedback

The Boilermaker Code program is still in its infancy. However, early feedback points to a positive reception by our members — both apprentices and

journeymen — and the contractor and owner communities.

Last fall, signatory contractor Kiewit, in an unprecedented, proactive move, brought 80 Boilermakers off the job, with pay, to attend a half-day training session at the TVA Paradise, Ky., IGCC project. Kiewit Operations Manager Glenn Miltenberger and TVA Senior Program Manager for Industrial Relations Jerry Payton both participated in the training discussion.

KCP&L/Hawthorn Maintenance Superintendent Joe Hegendeffler called the program “revolutionary in how the message is delivered and staged to change the culture of the Boilermaker craft as a whole.”

At a recent training session in Virginia, one journeyman Boilermaker summed up his impression of the Boilermaker Code as follows: “This class was a good thing for me to attend, because it showed me my attitude was wrong. I got to thinking about money I’ve missed out on with the pension

and maybe put other hands in a bind for me not being there when I should have been there, much less [the cost to] the contractor on the job.”

Looking to the future, our union leadership is confident that President Jones’ vision — that the Boilermaker Code reside not only on a piece of paper but also in the hearts and minds of every Boilermaker — will be fulfilled. And we Boilermakers, and our industry partners, will be much the better for it.

Dale “Skipper” Branscum is the National Administrator for MOST (Mobilization, Optimization, Stabilization and Training), a pioneering labor-management trust created in 1989 to identify industry challenges and develop innovative solutions. Branscum was the lead developer of the 10-part Boilermaker Code training curriculum while serving as Director of Construction Division Services.

More information about the Boilermaker Code and Creed can be found at <http://boilermakercode.com>.



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Our Continued Resolve

by JAKE LOCKLEAR

“For myself I am an optimist - it does not seem to be much use to be anything else.”

— Winston S. Churchill

AS THE PRESIDENTIAL race heats up and Congress continues to be mired in partisan gridlock, I am optimistic in terms of what TAUC will do to have a positive impact for our members, in particular from a government affairs perspective.

Your fellow contractors and local employer association representatives who sit on TAUC’s Government Affairs Committee have remained engaged in monitoring and (when possible) lobbying for the top three pressing industry issues we have identified: multiemployer pension reform, environmental regulations, and the Affordable Care Act’s 40% “Cadillac Tax.”

There has been some movement on some of these items since my last column. The “Cadillac Tax,” for example, was delayed for two additional years. Originally scheduled to go into effect in 2018, it has now been pushed back until 2020. The Supreme Court has also put President Obama’s Clean Power Plan on hold until the various court cases against it have been resolved. Before the delay, states had until this September to submit their compliance plans to the Environmental Protection Agency. Now, it’s likely that the ultimate fate of the Clean Power Plan won’t be known until 2017.

On the multiemployer pension reform front, the Senate Finance Committee held a hearing on March 1st that predominantly focused on the Multiemployer Pension Reform Act (MPRA) of 2014 and not the benefits of composite plans. The House Ways and Means Committee is still in the process of scheduling their


own hearing in the coming weeks and months to continue the debate on the remaining items on the industry’s “to do” list. As most everyone knows by now, the Multiemployer Pension Reform Act (MPRA) that passed in December 2014 effectively included two-thirds of the National Coordinating Committee for Multiemployer Plans’ (NCCMP) “Solutions Not Bailouts” proposal. We are now working hard to have Congress approve the final pieces of the pension reform puzzle.

In December, members of TAUC’s Government Affairs Committee traveled to Capitol Hill and met with their respective elected officials to discuss one of those remaining pieces: giving multiemployer pension plans the flexibility to address their long-term viability through the use of so-called “composite plans.” We emphasized that composite plans provide a voluntary way for companies to bridge the gap between both defined benefit and defined contribution plans, combining the lifetime income payments of defined benefit plans with the predictable cost structure of defined contribution plans.

Recognizing there are headwinds, we are hopeful that Congress will authorize the use of composite plans by multiemployer pension plans in 2016. Legislation has still not been introduced to authorize composite plans. TAUC and its association partners are working to communicate the urgent need to finalize pension reform. This will be a key focus in the 2016 Quality Construction Alliance (QCA) National Issues Conference taking place in Washington, D.C. May 10-12.

Meanwhile, we are keeping an eye on an important – and controversial – aspect of the MPRA that passed back in 2014: a mechanism that allows trustees of multiemployer pension plans, in certain instances, to implement pension cuts in order to ensure the long-term survival of the plans. Three plans have thus far submitted applications to the U.S. Treasury Department seeking approval to take advantage of these new tools. The Teamsters Central States Pension Plan is the largest of the three; how Treasury officials and others within the Federal Government handle their requests will provide a test on the true impact of MPRA.

TAUC remains committed to tracking these and other important issues impacting the businesses of union contractors. I would highly encourage any TAUC member who is interested in these issues to attend the QCA National Issues Conference. More information on the conference can be found at www.qualityconstructionalliance.org.

If there are issues that you feel we should be addressing, please don’t hesitate to reach out to myself or Todd Mustard. The more people who participate in raising awareness, the more our association – and our industry as a whole – will benefit. We cannot do this alone and gratefully request your support. 



Jake Locklear is President and CEO of APM (Atlantic Plant Maintenance) and serves as chair of the TAUC Government Affairs Committee.

Change the Narrative

by JACOB SNYDER

TAUC IS CELEBRATING its 10-year anniversary this year. As we reflect on all of the things that have changed over the course of the last decade, we should also point out a situation that has, unfortunately, stayed the same: the need for skilled craftspeople to make up the next generation of construction workers.

In fact, that need is increasing at an alarming rate. According to the Census Bureau, construction spending is up over 10% from December 2014 to December 2015, and is expected to continue to rise. Combine that with the fact that the Baby Boomer generation is starting to retire at an increased rate, and fewer millennials are interested in construction than previous generations, and you have the makings of a serious and wide-ranging manpower problem.

While we can't control the rate of increased spending or the amount of retirees, we can influence the recruitment of the next generation. However, the primary issue we face is that for at least one generation, we have been telling our children to go to college and get a degree, and have been unwilling to acknowledge other possibilities as anything but "second class." This has even been true of those who have made careers in the construction industry, where vocational education is more common than four-year college degrees. The time has come to change that narrative, and as union contractors we have a compelling case to make.

According to a May 2015 *Wall Street Journal* article, the average college graduate in the class of 2015 will have over \$35,000 in student loan debt. That is the highest amount in history. It should be an easy sell to both parents and young people that

instead of paying for college and taking on a huge amount of debt, they can enter a skilled apprenticeship program for free and earn money on the job while taking classes and gaining experience.


However, as most of us have probably discovered, the "earn while you learn" concept is often not a big enough sales pitch. There are two more important items to consider as we sell the union construction industry. One, you can make more money in construction than in most professions; and two, construction offers a career path with fast growth potential.

First, the money. An April 2015 *Time* magazine article reported that the average salary for a business school graduate was about \$49,000 and the average for a liberal arts graduate was about \$36,000. If you look at the hourly rate for an electrician in Cincinnati it is \$27.03, meaning a full time electrician (without overtime) would earn about \$54,000 per year as a first-year journeyman. When you combine the better salary with no debt and an increasing demand for the skill set, it ought to be easy to recruit more millennials.

Second, the career path. I think we often fail to tell the narrative about where a person can go beyond being a journeyman. This narrative will be an important part of successful recruitment going forward as the biggest questions that millennials are

asking are "When can I get a promotion?" and "How do I move up?"

Think about the options available: foreman, general foreman, scheduler, field engineer, construction manager, project manager, estimator, safety manager, operations manager, and the list goes on. I know inside my company we have many individuals in senior positions that began as craftworkers. According to *U.S. News and World Report*, in 2014, the average estimator made about \$70,000 and the average construction manager made about \$100,000, and most of us know these numbers are higher in the industrial union sector of the industry.

Think of all of the benefits above: free training, no debt, great pay, and a clear career path. And we didn't even mention the world class benefits that being a union craftworker provides. So, as the market grows and we consider potential manpower demands, we need to find a way to change the narrative from "college is the only way" so that we can attract the best and brightest of the next generation. 



Jacob Snyder is the TAUC Labor Committee Chairman and Director of Safety and Labor Relations for Enerfab Power & Industrial, Inc.

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Reflecting Back – and Looking Ahead

by BILL KROEGER

AS MY TERM as Chair of TAUC's Local Employer Organization (LEO) Committee winds down, I realize that time has flown by very quickly. I took over in 2013 after the untimely passing of Mr. Jim Walker, CEO of the Great Lakes Fabricators and Erectors Association (GLFEA).

In addition to his work with TAUC, Jim also labored tirelessly on the Retirement Security Review Commission's "Solutions Not Bailouts" proposal. Many of the ideas in this proposal – a comprehensive plan to help business and labor safeguard multiemployer retirement security, while at the same time protecting taxpayers and spurring economic growth – were included in the landmark Multiemployer Pension Reform Act that passed Congress in 2014.

Jim left behind a big void on the LEO Committee. He deserves a great deal of credit for the growth and success we have seen over the past few years, because he helped plant the seeds. The influx of new LEO members has reenergized our efforts to make a difference in the industry. In my last column as LEO chair, I'd like to update you on these various efforts.

Government Affairs: As most of you know, TAUC recently joined forces with Jim Kolb of Summit Strategies to lobby Congress more effectively on issues of vital importance to our industry. TAUC also relaunched the Government Affairs Committee, and five LEO members stepped up and agreed to serve on it. Patrick Baker, Tim Linville, Bill Ligetti, Josh Schafelberger, and Clinton Suggs have all "gone the extra mile" by taking time out of their busy schedules to actively lobby on Capitol Hill. It is good to know

we have so many active LEO members who want to make a difference. Thank you, gentlemen, for your help and support.


Workforce Recruitment: Future workforce recruitment is a constant uphill battle. The challenges range from convincing high school counselors that not all kids are college material to convincing millennials that construction is a rewarding career path with good benefits and debt-free, "earn while you learn" training programs. We have a lot to offer, and we're doing all we can to get the word out. Our very own TAUC website, www.webuildusa.org, is a prime example of our recruitment efforts targeted toward millennials.

Best Practices: At our last LEO meeting, we discussed creating a set of "LEO Best Practices" or "LEO Expectations" so contractors know what to expect when working in our local jurisdictions – and how we can help. LEOs provide a variety of services; depending on the organization and region, we offer local educational programs, training opportunities, advocacy for union workforce, workforce recruitment and safety training. We can also negotiate local agreements, appoint trustees to Taft-Hartley Funds, and forge productive working relationships with the local union leadership.

Industry Advancement Funds: The LEOs that have been approved by the National Maintenance Agreements Policy Committee earn their stripes every day by providing contractors with a great deal of value in return for the modest Industry Advancement Fund (IAF) monies that are paid. And when I say "modest," I mean it: we recently surveyed our LEO members and found that the percentage of the total package

that went to Industry Funds was between 0.2% and 0.6%. Indeed, that's a very small contribution for everything we bring to the table, so we will be continuing our efforts to have our local IAFs recognized by all national labor agreements.

State Level: On the state legislative front, TAUC LEOs have been on the front lines, battling efforts to pass right-to-work laws and water down (or outright eliminate) prevailing wage statutes. We have had some successes. Unfortunately, despite our best efforts, some states have passed right-to-work laws and/or eliminated the prevailing wage. But the battle continues; recently, in Missouri, my organization – the AGC of Missouri – went to bat for two subcontractors to allow them to file and receive payments from a lien against an owner when the general contractor went out of business before paying his subcontractors. The lower courts originally ruled in favor of the owner and not allowing the lien. We filed an Amicus Brief on behalf of our contractors and hope to find out soon if the lien rights will be upheld.

In closing, I would like to thank all the LEO members for their support and attendance at our meetings. It has been a pleasure leading this group of true professionals that are so dedicated to the union construction and maintenance industry. Thank you for allowing me to be your Chair. 



Bill Kroeger is the TAUC LEO Committee Chair and Vice President of Labor Relations for the Associated General Contractors (AGC) of Missouri.

It's Not Enough to be Concerned About Safety

by **HOWARD MAVITY**

I LOVE TAUC MEMBERS. They tend to be sophisticated and serious about safety, and often genuinely work with their crafts to guarantee safe workplaces. However, there are two parallel rails in the safety world. The most important rail is the duty to ensure that employees work safely and return home in one piece. The second rail is to make sure that you comply with OSHA and related legal obligations. Unfortunately, compliance with one rail does not ensure that you've stayed on the other rail. An employer must both develop an effective safety culture and ensure compliance.

A Flurry of D.C. Activity

On Wednesday, March 23, the U.S. Department of Labor (DOL) released the long-awaited "Persuader Rule." The next day, Secretary of Labor Thomas Perez announced the even longer awaited Silica Rule. We assume we will soon see the release of OSHA's Electronic Reporting Rule, too.

Dr. David Michaels, Assistant Secretary of Labor for OSHA, views the Silica Rule as his legacy achievement now that the Illness, Injury Prevention Program (I2P2) Rule is seemingly DOA. The Agency's proposed rule would set a new permissible exposure limit (PEL) for respirable crystalline silica of 50 micrograms per cubic meter of air calculated as an eight-hour time-weighted average (TWA), down from 100 micrograms for general industry and 250 micrograms for construction and shipyards.

Our concern is that the construction industry still underestimates the effect of the new Rule. How many contractors have tested various workplace settings involving masonry and other work and have an objective evaluation of when they might exceed the current standard? Contractors may require dust masks and other precautions, but do they have an objective reason? More troublingly, what about first and second tier subcontractors? Realistically, do they have the resources to evaluate these hazards? Their omissions may affect TAUC members.

Long-Term Changes

Contractors may not recognize just how aggressively the Obama Administration is changing the OSHA landscape because so many of their current efforts mainly affect general industry. Moreover, Congress and the Administration have shamefully starved OSHA for funds. The result is that employers are not really feeling the full effect of OSHA's very aggressive changes because OSHA does not have the resources to effectively pursue their many priorities. Even if a Republican is elected, this Administration's

changes will continue as a result of judges appointed and policies initiated. If a Democrat is elected, the effect of these changes will be multiplied.

Consider the following efforts

- OSHA has and is further expanding the definition of "Enterprise." This means that OSHA will consider citations and injury records of parents, affiliates, divisions and subsidiaries in issuing citations -- and your customers may consider these same far-flung and unrelated entities in determining if you receive work.
- OSHA will aggressively place Contractors in the Severe Violators Enforcement Program (SVEP).
- OSHA is going to take the full 82% increase in penalties allowed as of August 2016.
- Groups in New York City, Philadelphia and elsewhere are determined to expand state and local criminal investigation of workplace fatalities.

Practical Responses

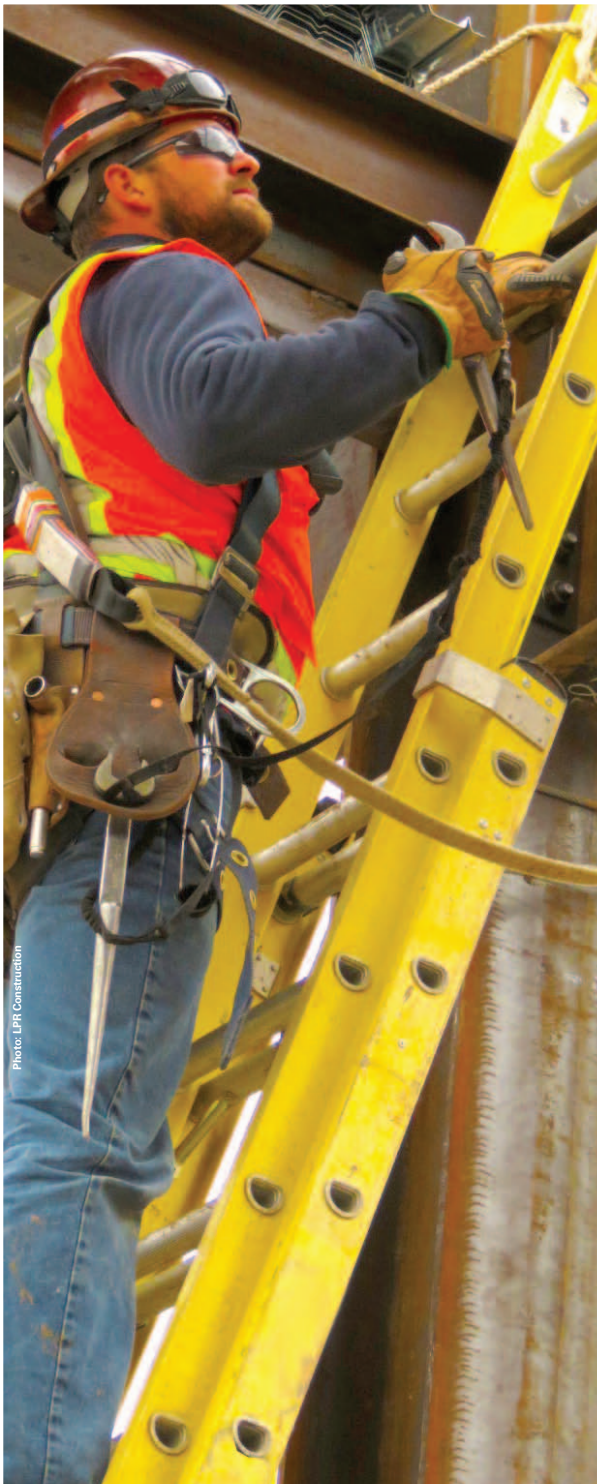
TAUC members have distinguished themselves by their commitment to safety, but these trends require even more focus

- We must devote resources to better training foremen, Superintendents and Project Management staff to recognize and respond to hazards.
- We must incentivize these supervisors to meet training, inspection and other goals and not reward them based on the number of reported injuries.
- We must develop more effective daily walkarounds and inspections and, most importantly, document these efforts.
- Unions must work with management to devise ways to get employees involved in safety.
- Improve the coordination of the sequence of work with site and job safety analysis and daily meetings before work.

Because OSHA citations can greatly affect bidding on work, contractors must improve training of supervisors and more aggressively use OSHA counsel during the actual inspection so as to minimize citations.

TAUC members are good ... but they're going to have to be even better.

Howard Mavity is a partner in the Atlanta office of Fisher & Phillips LLP. He co-chairs the firm's Workplace Safety and Catastrophe Management Practice Group. Mr. Mavity will be a featured speaker at this year's TAUC Leadership Conference, May 3-6 in Naples, Florida.



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The Shawshank Rules

by JOE LASKY, JR., CSP, CHMM

RECENTLY I WATCHED one of my favorite movies – *The Shawshank Redemption* – and was reminded of the tenacity and perseverance exemplified by the main character, Andy Dufresne. If you're unfamiliar with the movie, Andy is wrongly convicted of murder and sentenced to life in prison. I won't give away the ending, but as you can imagine, it takes nearly unimaginable strength and determination to survive in prison, particularly as an innocent man.

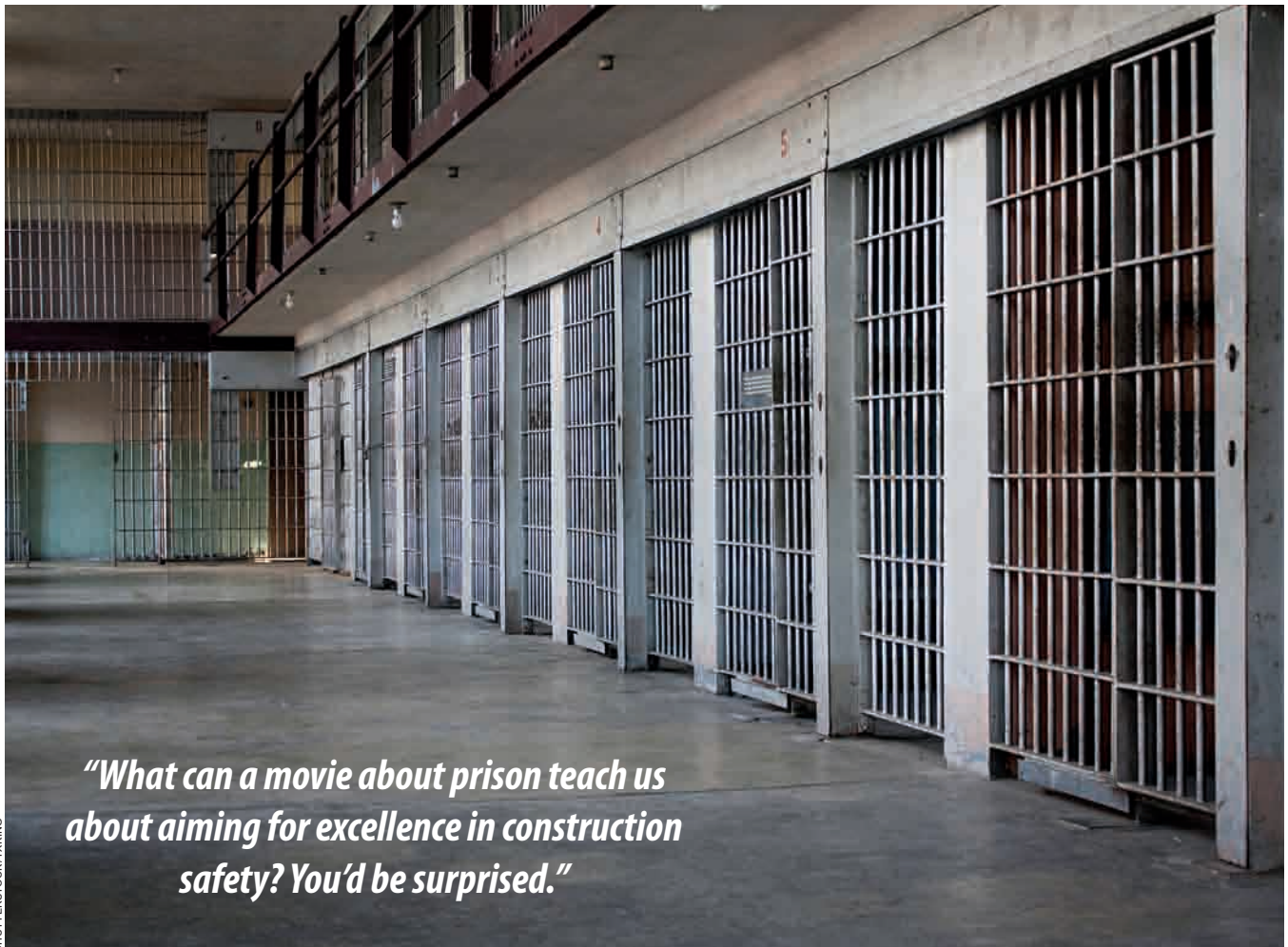
So what does a fictional movie character have to do with the real world of union construction and

maintenance? Well, believe it or not, I relate to Andy, though our circumstances are (thankfully) much different. I try to demonstrate the same level of commitment and perseverance he showed on the silver screen in my own career, as I work with customers and colleagues on creating exemplary safety outcomes every single day. Let's look a little closer at some of the parallels.

First and foremost, Andy persevered by setting a single powerful goal in the face of seemingly insurmountable odds: to improve his situation in life while remaining safe in his current environment. And despite

several discouraging distractions and setbacks, he remained focused on that goal.

At Scheck Industries, I am responsible for the JAWS (Job Aids for Working Safely) Program. Just when I think the program is set and ready to go, a new safety regulation will inevitably be issued, or changes will be made to existing policies and procedures. We're expected to react accordingly and provide new solutions on budget and on time. In many cases, that means going back and completely overhauling the entire JAWS Program to incorporate



"What can a movie about prison teach us about aiming for excellence in construction safety? You'd be surprised."

the changes; otherwise, the entire safety initiative would be worthless.

Is this process sometimes frustrating and time-consuming? Yes – but the payoffs are priceless. For example, one of our local refinery customers uses a third-party safety auditing firm to screen incoming contractors for Safety, Health and Environmental Compliance before approving work at their facilities. Recently, we discovered some changes in the OSHA Pandemic Influenza Preparedness Awareness guidelines. Because we set a goal and persevered to continuously follow national safety requirements and standards in the JAWS Program, we developed a new policy addressing Pandemic Awareness, and shared this with our customer. This effort not only resulted in Scheck receiving an “A” rating by the auditors, but also reinforced the confidence our customer has in our performance and commitment to safety.

Get Ready

The second common thread between *The Shawshank Redemption* and the real world of construction is the emphasis on the importance of preparation. Throughout the movie, Dufresne’s attempts at gaining his freedom were constantly under attack, but he kept moving forward. More importantly, he anticipated what his enemies were going to do, and prepared in advance to thwart their efforts.

Likewise, when it comes to safety, we can’t just wait until something happens and then figure out a solution. There is no room for “trial and error.” We must anticipate potential safety obstacles on worksites and then create tools, resources and innovative solutions to prevent those obstacles from injuring workers in the first place.

At every new worksite, the Scheck Industries team investigates and anticipates obstacles in advance by using our Daily Safe Work Plans with a Pre-Task Safety Analysis (DSWP/PTSA). Our Hazard Recognition Process allows us to identify any potential hazards and plan to eliminate or mitigate them, as appropriate. If the scope of the job changes, then the DSWP/PTSA must be adjusted as well, especially if new hazards arise. While not all accidents can be anticipated, hazards can be avoided with proper planning.

In the workplace, we develop Job Safety Analyses (JSAs) proactively for every task. With one of our local customers in Lemont, Illinois, we prepared three revisions to one JSA to confirm everyone’s approval before commencing work. Our Superintendent worked diligently and persevered to complete this critical task and finished the job safely and on time.

Sometimes, the most difficult step is making the decision to persevere in the first place. You can’t expect to succeed if you quit before the game even starts. I can recall the time when I was “pondering” pursuing my CSP (Certified

Safety Professional) certification several years ago. It took a few years of procrastination before I dove into the text books and starting studying. A week before the certification exam, my employer had a major fire that knocked out all telecommunication services to multiple communities. As a result, I had to work long hours with little rest, handling potential safety, health, and environmental issues at the facility. Notwithstanding my physical exhaustion, I decided to remain mentally tough and take the exam on a Saturday. You can anticipate the ending: I passed the exam, and to this day, I am very thankful I persevered. This certification, and the course work leading up to it, provided valuable professional knowledge and has added to my credibility in the safety arena.

Culture is Everything

Finally, a supportive and encouraging safety culture is vital (that’s one thing Andy certainly didn’t have in the movie!). Our safety record and achievements would not be possible without management and customers who completely support safe and healthy work environments. At one of our largest clients in Minnesota, the supervisors play an integral role as part of the audit teams, participating in audit findings and performance. This has helped encourage and motivate the craft personnel and ensure that expectable levels of safety are met on a consistent basis.

It’s no surprise that success is tied directly to perseverance. Whether you are in safety management or work in the field, you understand that in order to achieve your goals, determination is imperative. A commitment to maintaining safe worksites for all of us is not a choice, but a necessity. I encourage all of my team members – and you – to continue to anticipate obstacles, offer creative solutions, and dedicate your efforts to maintaining the safest possible work environment. As American business pioneer David Sarnoff put it, “The will to persevere is often the difference between failure and success.”

As a final piece of advice, for those of you who have not seen *The Shawshank Redemption*, you are missing out. This reviewer gives it five stars -- and not just for its lessons in perseverance!

Have a Safe Day! 



Joe Lasky is Chair of the TAUC Environmental Health and Safety Committee and Director of Corporate Safety, Health and Environment for Scheck Industries.

When Code Groups Fight, Contractors Lose

by **STEVE FELLMAN**
TAUC GENERAL COUNSEL

BUILDING CODE COMPLIANCE is a nightmare that contractors face on a daily basis. Although there have been major efforts to consolidate and harmonize building codes, to date they haven't been entirely successful. One reason is that code publishers and building code departments have realized that there is big money to be made in publishing and enforcing codes.

Furthermore, code publishers and enforcers enjoy the advantage of having a captive audience. Wherever your job site is located, you must comply with the local building codes.

As a contractor, you don't have a choice of which code you think is best. You have to comply with the code in effect in the jurisdiction where your job is located. If the code inspector visits your job site and requests that you spend an extra \$1,000 on a detail, you have little choice but to comply. Sure, you may have the right to appeal, but do you want to slow down the job for \$1,000? Even if you win, what happens the next time the building inspector shows up on the job site?

The fact that the code business has become "big business" is demonstrated by a recent lawsuit filed by


International Code Council (ICC) subsidiary ICC Evaluation Services (ICC-ES) against the International Association of Plumbing and Mechanical Officials (IAPMO). This case, *ICC Evaluation Service, LLC v. International Association of Plumbing and Mechanical Officials, Inc., et al*, Civil Action No. 1:16-cv-54 was filed on January 16, 2016 in the United States District Court for the District of Columbia.

ICC-ES publishes evaluation reports widely used by designers, manufacturers and building safety and fire prevention professionals in evaluating construction safety issues. ICC-ES sued IAPMO, claiming that IAPMO reproduced substantial portions of ICC-ES copyrighted materials and incorporated them into competing products sold under the IAPMO label. The lawsuit asks the Court to issue an injunction that would prohibit IAPMO from unauthorized copying of ICC-ES copyrighted materials and would force IAPMO to immediately discontinue promoting and selling the "imitative" products. ICC-ES also asks for compensatory and punitive damages.

The reports in question evaluate certain products used on construction projects to determine if the products meet the local building code. Both ICC-ES and IAPMO publish the same general types of reports. ICC-ES claims that IAPMO is basically stealing its copyrighted materials

and then selling such materials under the IAPMO label; furthermore, they claim that persons buying the reports in question do not have the right to use them.

IAPMO issued a press release denying all of ICC-ES's claims and reported that this is not the first dispute between the two groups. According to IAPMO, the State of Minnesota recently adopted the IAPMO Uniform Plumbing Code. In response, ICC-ES sued the Minnesota Plumbing Board alleging violation of its rights. A Minnesota Appeals court ruled in favor of IAPMO. The parties were attempting to resolve their dispute and then ICC-ES filed this suit. IAPMO contends that it made efforts to respond to ICC's concerns but that none of IAPMO's reports infringe on ICC-ES copyrighted materials.

This type of litigation does nothing but cause additional problems for contractors and safety professionals who rely on organizations such as ICC-ES and IAPMO to simplify code issues by moving to harmonize the various codes that are currently in use. Adoption of uniform building codes and harmonization of competing codes benefit code officials, designers, contractors, manufacturers and owners. There is a need for code groups to work together and cooperate, not litigate. 



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

SHUTTERSTOCK/SERAZETDINOV

Brad Giles Joins FDRsafety as Vice President



Brad Giles has been named vice president and joined the executive management team of FDRsafety, a full-service environmental, health and safety consulting firm, the company said in a recent release.

"Giles most recently served as Senior Vice President of Safety, Health & Environment for AECOM's Energy, Infrastructure & Industrial Construction Operating Group," FDRsafety added. "Giles has 40 years of industry management experience in the environmental, safety, health and security disciplines and was with AECOM's legacy companies, Morrison Knudsen, Washington Group and URS, for 35 years."

Giles is a registered professional engineer, a member of the National Safety Advisory Committee for the Associated General Contractors, and is also a Director at Large for the American Society of Safety Engineers and a member of the Academic Advisory Board for the Health and Safety Program at Murray State University. He is a Certified Safety Professional as well as the past President of the Board of Certified Safety Professionals, and a Graduate Member of the Institute of Occupational Safety and Health.

"Brad brings additional expertise in the safety, health, environmental, and security industries to FDRsafety, supplementing our world-renowned team of experts," said Fred Rine, CEO and founder of FDRsafety. "We are very excited to have him aboard."

McCarl's Hires Jeffrey Hines as Executive VP

McCarl's Inc. has hired Jeffrey Hines as Executive Vice President. Mr. Hines was most recently with Babcock & Wilcox Construction.


Day & Zimmermann NPS Names Ensminger as New VP of Labor Relations

Day & Zimmermann recently named Thomas Ensminger as the

new Vice President of Labor Relations for Day & Zimmermann NPS, a division of the company's Engineering, Construction & Maintenance Group.

"Ensminger will be responsible for the company's overall labor strategy and will provide support and counsel to both internal and external stakeholders," D&Z NPS said in a release. "A Day & Zimmermann employee for nearly three decades, Ensminger received a promotion to this role from his current position as Director of Projects."

"Tom has played a crucial role in strengthening our union relationships throughout his time at Day & Zimmermann," said Walter M. Sanders IV, President of Day & Zimmermann NPS. "I am confident that his industry experience and knowledge will enhance the quality of these relationships in the future."

"Ensminger has worked at Day & Zimmermann for 26 years, in a variety of roles," D&Z added. "In his most recent position as Director of Projects, he was responsible for firm-fixed and lump-sum contract proposals, risk analysis, implementation, and execution. In 2011 and 2012, he served as Director of Operations for the company's SOC business unit, which provides integrated security and critical infrastructure solutions for U.S. government and commercial customers." 

New Job? Recently Promoted? Let TAUC know!


People always come first in our industry. That's why it's important to stay up-to-date on news about your colleagues' job changes, promotions and/or appointments to important organizations and associations. Such information is vital to maintaining strong relationships between contractors, unions and owners and ensuring that the lines of communication remain open and clear.

If you or someone within your organization recently experienced a job change, please send TAUC the information. Here is the type of information we are looking for:

- New hires

- Job title changes, promotions & relocations
- Enhanced responsibilities
- Appointments to boards, associations, etc. (all types, not just industry-specific)
- Awards & recognition (all types, not just industry-specific)

Please email the information to TAUC Director of Communications David Acord at dacord@tauc.org.

Sharing this information helps everyone stay in touch - and it's also a great way to promote your business or organization! 



ARE YOU TAUC GM MATERIAL?

The weather is getting warm and that means one thing: baseball is back! Around the league, general managers are busy putting together what they hope will be winning teams.

Here at The Association of Union Constructors (TAUC), we have our own GMs – Governing Members, those who choose to step up and take a larger leadership role within the organization.

TAUC is very proud of our Governing Members – and we want you to consider joining this special team-within-a-team. A Governing Membership shows that you're committed – not just to TAUC, but to the union construction and maintenance industry as a whole.

Governing Members give their time and energy – and in return receive the following benefits:

- Eligible to serve on TAUC Board of Directors
- Eligible to chair TAUC Committees & Task Forces
- Have full voting privileges at TAUC meetings
- Receive special discounted rate for TAUC Leadership Conference
- Participate in all TAUC educational webinars free of charge
- Obtain labor relations assistance from TAUC staff
- Have opportunity to be considered to serve as NMAPC management representative
- Signatories to 10 or more NMAPC agreements receive a discount of up to \$3,200 per year on administrative fees

Don't delay – become a TAUC Governing Member Today!

Contact: Todd Mustard

Senior Director of Government Affairs and Member Services

(703) 524-3336 x112

tmustard@tauc.org

After 45 years, over 2.4 billion work hours, \$380 billion of work, and countless clients served, we are taking the National Maintenance Agreements to new heights.

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