



# THE SPRING 2020 CONSTRUCTIONUSER

A Publication of The Association of  
Union Constructors [www.tauc.org](http://www.tauc.org)

ADVANCING UNION CONSTRUCTION AND MAINTENANCE

## LESSONS FROM THE STORM

How **COVID-19** Is  
Changing Our Industry

4 The New Normal

6 Facing the Ultimate Test

10 COVID-19 and Jobsite Culture

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ADVANCING UNION CONSTRUCTION AND MAINTENANCE

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# The New Normal: A Work in Progress



BY STEVE JOHNSON,  
PRESIDENT, GEM, INC.

**L**ike most of you, lately I've been inundated with news and research about the COVID-19 pandemic. The phrase "trying to drink from a firehose" comes to mind when I check my email each morning and scroll through all the new announcements, warnings and official statements from federal and state governments about the coronavirus. Our EHS team at GEM has been doing a fantastic job of evaluating all this information and data and coming up with new policies and procedures to ensure our workers' safety. Meanwhile, our project managers, field supervisors and labor partners are figuring out how to implement these procedures while still keeping jobsites running and meeting our clients' crucial deadlines.

In short, it's been an incredibly busy and exhausting couple of months. Hopefully, by the time you read this article in late spring, our industry (and the country) will have returned to some semblance of normalcy. And at some point, we will all pause, take a breath, look back and reflect on lessons learned. What did we do right? Where could we have performed more effectively? How can we better prepare for the next crisis based on our experience with COVID-19? In this column, I'd like to share a few thoughts along those lines as you begin thinking about implementing your own after-action reviews.

**What does the "new normal" look like?** Teleworking, webinars and virtual conferences have been around for a while, but they have risen to a new level of importance and urgency during the COVID-19 crisis. Entire offices and companies have implemented remote workplace strategies. Web-conferencing services such as Zoom and Skype have seen usage rates skyrocket. The question is, once the stay-at-home restrictions are lifted and life gets back to normal (relatively speaking), how many of these emergency policies will your company keep in place day to day? Can (or should) you let employees work remotely indefinitely? Is there a middle ground? I don't pretend to have all the answers, but I am reasonably confident that there is no going back to doing business exactly the way we did it before COVID-19. Practices such as social distancing or using elbows to greet one another rather than shake hands aren't going to go away overnight. It's a good idea to begin thinking now about how these fundamental shifts in societal behavior will affect your business.

# ...There is no going back to doing business exactly the way we did it before COVID-19.

**Evaluate your emergency procedures.** A strange new virus that originated in a city in China no one had ever heard of before managed to throw the entire global economy into chaos in a matter of weeks. Regardless of how well-prepared your company was for an emergency, it's a safe bet that you still ran into problems. As Mike Tyson famously said, "Everybody has a plan until they get punched in the face." It's impossible to prepare for every eventuality. In the coming months, nearly every organization in our country will begin the long process of reevaluating emergency procedures. **Here are a few tips:**

- **Listen.** It doesn't matter which meeting you're in or whom you're talking to. The most important skill you can bring to evaluating your company's emergency plan is the ability to ask the right questions and listen — really listen — to the answers. Some people will be angry, others will be helpful, and a few will be convinced they know exactly what needs to be fixed. Listen to them all. At the very least, you'll build goodwill and form the basis of a cooperative partnership by letting everyone have their say.
- **Resist the urge to place blame on individuals.** If something went wrong, focus on creating new policies or procedures to mitigate future failures. It's okay if you or others in your company were caught off guard. Learn from the experience. As strange as it sounds, we have been given a huge opportunity to prepare for the next crisis.
- **Engage with your labor partners and owner-clients.** As a contractor, you can't create an emergency plan in a vacuum. Besides internal meetings with your executive team and field supervisory personnel, reach out to the building trades and your customers, too. By working together, you can correct mistakes, implement new procedures and come out stronger on the other side.

No one (including yours truly) knows what the "new normal" will look like, or the new "new normal" five years from now. The only question is, "Do you want to have a hand in creating it?" If the answer is yes, then it's never too early to start preparing and evaluating your company's performance.

**Until next issue, stay safe — and my best to you and your families during this stressful time.**



# Testing the Blade

BY STEVE LINDAUER, TAUC CEO

The COVID-19 pandemic has shaken our country — and the entire world — in just a few short weeks. Like virtually every other industry sector, union construction and maintenance has been hit hard. Many of our owner-clients either halted projects or shut down their facilities altogether for several weeks. Some states banned construction activity outright for the foreseeable future. Countless meetings and events had to be canceled, including TAUC's 2020 Leadership Conference scheduled for mid-May.

This is a crisis, no doubt about it. But it's something else, too.

## **It's a test.**

In keeping with the government's social-distancing recommendations, I've spent more time at home on nights and weekends, as well as eliminating what would otherwise be a busy travel schedule. This has given me a chance to catch up on some television. One show I particularly enjoy is History's *Forged in Fire*. It's a competition in which amateur knife-makers ("bladesmiths") are brought together and forced to quickly design and forge a variety of bladed weapons under less-than-ideal circumstances. Time is limited, and they are often required to use materials sourced from unlikely places, such as a junkyard or an old car. Their creations are then judged and tested by a panel of weapons experts.

I've learned a lot about knives by watching the show. For instance, the sharpness of a blade is only a small part of the equation when it comes to making a good knife. The bladesmith must also take into account a host of other factors: what exactly will the knife be used for? Who intends to use it? What kind of handle will work best? If the blade is too light, it won't cut through tough material. If it's too heavy, a fighter won't be able to maneuver it as quickly as needed. Balance is essential. And some blades need to be more flexible than others. If the metal is too brittle, even the wickedest-looking sword will shatter when it hits its intended target.

While I watched the show, I couldn't help but draw an analogy to union construction and maintenance. In many ways, the COVID-19 situation has become our crucible. Merriam-Webster defines a crucible as "a severe test, a place or situation in which concentrated forces interact to cause



or influence change or development.” Just as those knife-makers are under pressure to create the perfect blade under imperfect circumstances, our tripartite team of contractors, building trades and owner-clients are under pressure to provide a country in turmoil with the essential services it needs to survive — power, clean air and water, and manufacturing capacity to create lifesaving medical equipment, to name just a few. These are the building blocks of a civilized society, and it’s on us to deliver.

And we are. Like a knife perfectly designed for the task at hand, our tripartite teams are slashing through obstacles left and right. Fundamental obligations are being met. Crucial tasks are being completed come hell or high water. The industrial backbone of our country has not been broken. What we have been saying for decades is true: union construction and maintenance really does offer the highest quality service, especially during times of severe stress on the system. The pandemic crisis has become our proving ground.

Importantly, many of the old criticisms thrown at union construction — that we’re too slow to respond to change or too top-heavy to make bold decisions — are being disproved in real time. Let me give you two examples. First, as you know, besides serving as CEO of TAUC, I am also Impartial Secretary/CEO of our sister organization, the National Maintenance Agreements Policy Committee, Inc. (NMAPC). We recently made history by approving an addendum to the NMA in record time that will allow power plants across the country to maintain the reliability of the electrical grid during the COVID-19 public health emergency.

Essentially, the addendum provides flexibility to signatory contractors working at power plants in site lockdown or quarantine and ensures they will be able to fulfill their duties safely during these critical times. Here’s how it works: crews working under the NMA will be allowed to remain on-site continuously for up to 14 days to ensure the power facilities keep running and literally “keep the lights on.” While they work, a standby crew will be paid to remain in quarantine at their residences. That way, when it’s time for the first crew to be relieved, a new, healthy crew is ready to take over. The cycle repeats as necessary, almost like a military operation.

The second example also involves the NMA. We were recently approached by General Motors, a longtime client that was seeking to overhaul and transform the manufacturing capacity at three of its facilities so that workers could begin producing critical medical equipment, including ventilators. GM requested the ability to solicit bids for the work under the NMA. We quickly reviewed their request and approved it. As I write this in early April, GM is hard at work repurposing those three facilities.

In both examples, it was the owner-clients, not contractors or the building trades, who approached the NMAPC and asked for help. We responded quickly and efficiently, in a spirit of mutual trust and cooperation — a far cry from labor-management relations in years past.

Innovation. Flexibility. The courage to throw out the old rulebook and write a new one when circumstances dictate — but without neglecting our core principles. Yes, our industry is in a crisis. But like master craftsmen, we use the tools and materials at hand to create something greater than the sum of their parts. **The union construction and maintenance industry is being tested — and we are determined to pass that test with flying colors for the betterment of all.**



**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).

This is a crisis,  
no doubt about it.  
But it’s something  
else, too. It’s a test.

# TAUC Notes

## TAUC CREATES COVID-19 RESOURCE PAGES

Stay up to date on the latest COVID-19 news and regulations by bookmarking our informative resource page, [www.tauc.org/covid19](http://www.tauc.org/covid19). There you'll find expert articles and important updates and guidances from OSHA, DOL, CDC and other agencies. Check back often —we're updating it several times a week!

We've also created a companion page focusing specifically on COVID-19-related legislation from Congress. Go to [www.tauc.org/covid19leg](http://www.tauc.org/covid19leg) for a quick, informative overview of all bills passed to date —and how they affect your business.

## TAUC, MILWAUKEE TOOL ANNOUNCE LEGACY PARTNER AGREEMENT

TAUC is pleased to announce a new Legacy Partner Agreement with Milwaukee Tool, a global leader in the development of advanced power tools and trade-specific solutions for the modern construction worker.

The TAUC Legacy Partner Program, which was created in 2017, was designed to match the foremost manufacturers and service providers in the industry with TAUC's dynamic network of decision makers from the contractor, owner and union labor communities.

"Milwaukee Tool is not simply a manufacturer; we are progressive problem solvers with an unwavering commitment to the trades," said Bill Hughes, Sr. VP of Jobsite Solutions. "We are proud to partner with TAUC, an organization that is fueled by the same values, and we look forward to driving innovation together."

"We see ourselves as connectors, working to bring together the right people at the right time," added TAUC CEO Steve Lindauer. "We are excited for Milwaukee Tool to join the TAUC family and look forward to working with their team of professionals."

Read Milwaukee Tool Group President Steve Richman's exclusive article on Page 22.

To learn more about the TAUC Legacy Partner Program, go to [www.tauc.org/legacypartners](http://www.tauc.org/legacypartners).

## 2020 LEADERSHIP CONFERENCE CANCELED

TAUC has made the difficult decision to cancel the 2020 TAUC Leadership Conference, previously scheduled for May 12-15 in Napa, California. Federal, state and local governments have all issued warnings and restrictions on traveling and gathering in large groups over the next several weeks to slow the spread of COVID-19. While no one knows what the future holds or what the world will look like in mid-May, we have determined that canceling the conference is the wisest and most prudent course of action. Our members' safety comes first, and it always will.

Questions on registration and other fee refunds can be addressed to Gwen Jackson at [gjackson@tauc.org](mailto:gjackson@tauc.org).

This is a disappointing outcome. But, as they say in sports, "There's always next year." We hope you will make plans now to join us at The Broadmoor Resort in Colorado Springs, Colorado, for the 2021 TAUC Leadership Conference, scheduled for May 18-21.

## INDUSTRY CLAIMS VICTORY ON IRAPS

TAUC and many other union construction groups are pleased with the final rule released March 10 by the Department of Labor (DOL) regarding Industry-Recognized Apprenticeship Programs, or IRAPs.

"The Department of Labor did the right thing by completely excluding the construction industry from the final rule," said TAUC CEO Steve Lindauer. "This means DOL will not recognize any IRAPs that are intended to train apprentices in construction-related activities. The department correctly concluded that the construction industry is already well-served by the current privately funded registered apprenticeship system administered jointly by union labor and management. The rule ensures that the 'gold standard' for apprenticeship training will remain in place for future generations of craftworkers and provide them with the safest, most extensive training available anywhere in the world."

TAUC is also pleased with how the final rule describes "construction activities" for the purposes of evaluating IRAPs.

"Construction is a complex and multifaceted industry, and DOL's description reflects that reality," Lindauer added. "By specifically including terms such as 'heavy construction,' 'installation,' 'maintenance' and 'repairs' in its description, the department acknowledges modern construction's wide scope and ensures that those seeking to create lower-quality construction-related IRAPs will not be able to exploit poorly worded loopholes."





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# Overcoming Jobsite Barriers to COVID-19 Health and Safety

BY MARK BRESLIN

**A**s contractors throughout our industry address the challenges of health and safety with regards to the COVID-19 pandemic, I wanted to identify four strategic considerations that may be missing from the standard advisories for senior management to implement on the jobsite.

## 1. Addressing the Cultural and Economic Barriers of Illness at Work

The construction industry culture is one where coming to work ill is not only tolerated but often expected. For me personally and many readers, we have gone to work many times with visible illnesses as a matter of course — thus, the industry experiences illness in the workforce with greater regularity. In many instances, an employee who stayed home for illness could meet judgment, ridicule or even consequences to their employment.

This long-standing culture is now being challenged by the need for proactive management — and this falls directly on safety and supervisory field personnel. Most field workers have never been asked to stay

home for symptoms that meet today's CDC standards. We need to immediately drive home this message — that it is absolutely essential to stay home when sick — to change ingrained behaviors. Labor, management, safety directors and field supervision need to articulate this message with a strong conviction.

Additionally, many field workers do not have the economic cushion to miss days of work. Our industry has many people at the margins of their resources. As an industry, we do not want workers who have to go to work while symptomatic because they cannot miss a paycheck. This economic pressure could cause personnel to compromise their own and others' health and safety, and this, too, has to be addressed directly.

## 2. Helping with New and Unfamiliar Roles and Responsibilities for Field Leaders

What are field leaders expected to do when confronted with employees exhibiting illness on the job? Please make sure to give clear, concise, fair and consistent guidance to your safety directors, foremen and superintendents so they can be proactive on this issue. They will be the first line of observation for evaluating sick employees and proactively recommending or taking action.

This is not a role they have had to embrace before, so your clear guidance and direct support will go a long way to establishing consistent and fair practices. In the absence of this direction and support, we might expect a strong reluctance to take the initiative.



**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](http://www.breslin.biz) or contact him at 925-705-7662.

## 3. Reframing to Overcome Difficulty: Having the Tough Conversations

Many field supervisors are reluctant to engage in discussions that have the potential to create tension, conflict or debate. Others may be reluctant to deal directly with people whom they consider friends. The degree of illness or subjective judgment can easily get in the way. Field leaders need to see this as trying to help people. This is not discipline or punishment — it is care and empathy combined with responsibility. In this case, the actions of a leader are quite like standard jobsite safety: lives are in their hands, and with that in mind, they must embrace the highest standards.

## 4. Communicating Effectively to Reduce Uncertainty and Fear

With policies affecting workers and workplaces changing almost daily, leaders have to communicate regularly and consistently on what courses of action are being taken. Even if the circumstances are beyond our control, we cannot forget that leaders bring calm to the storm by the way they respond during times of crisis.

The best part of our industry is the way people work together to do great things. We regularly overcome challenges and problems that were not anticipated. Let's use this as a platform to address this challenge together. We have the ability; we need to make sure we have the leadership that goes with it.

*In this case, the actions of a leader are quite like standard jobsite safety: lives are in their hands, and with that in mind, they must embrace the highest standards.*

# New Job, New Era — and New Challenges

BY ALEX KOPP



**Alex Kopp** is EHS Director for The Association of Union Constructors. He can be reached at [akopp@tauc.org](mailto:akopp@tauc.org).

**M**y name is Alex Kopp. In January, I became the Director of Environmental Health and Safety for The Association of Union Constructors (TAUC) and our sister organization, the National Maintenance Agreements Policy Committee, Inc. (NMAPC). I'm grateful to Rusty Brown, chairman of TAUC's EHS Committee, for giving me the opportunity to "guest write" this edition of *EHS Corner* and tell you a little bit about myself.

I reside in Western Pennsylvania and am a graduate of Slippery Rock University. Before joining the TAUC/NMAPC team, I worked for Environmental, Health & Safety Solutions Inc. My focus was to support safety excellence in the Utica and Marcellus Shale gas plays, particularly at the nation's largest gas-processing facility in West Virginia. During my time as a field safety professional, I worked directly for owners as well as contractors. I have experience in different industries, including steel mills, refineries, coal-fired power plants and auto manufacturing plants. I also enjoyed working with each of the building trades union members, and I learned something new each day.

I am excited for this opportunity and look forward to doing my best to support the TAUC EHS Committee while working with owners, contractors and the building trades. Many challenges lie ahead that will almost certainly alter the way we do business. The latest shock to the system, of course, is COVID-19 (coronavirus). In just a few short weeks, the virus has had an incredible effect on our nation as a whole and the construction industry in particular. New information and guidance on dealing with COVID-19 is being released daily

*The goal of the EHS committee special task force is to help contractors make better and quicker decisions on whether a new product fits within their safety protocols.*

(sometimes hourly). Our team is working to keep our members fully informed. We've set up a special resource page on TAUC's website, [www.tauc.org/covid19](http://www.tauc.org/covid19), that serves as a clearinghouse for information. Our goal is to tackle misinformation, lower the levels of panic and fear, and bring the facts to the surface to properly inform our members.

The added stress and uncertainty caused by COVID-19 brings me to two other top priorities: suicide and opioid use. While we take responsible measures to slow the spread of the virus, we must be especially vigilant and reach out to anyone who might be at risk of depression, suicidal thoughts or substance abuse during these pressure-filled times.

On a broader level, numerous industry organizations and companies have put plans in place to combat these issues. North America's Building Trades Unions has created an Opioid Task Force that meets regularly to come up with ways to help curb opioid abuse. The task force has correctly noted that the best primary prevention tools are awareness and education, followed by peer counseling. We need to take the time to teach and educate our

workforce about the devastating reality of what opioids can do to not just the human body, but an individual's family as well. The same goes for suicide — which in many cases is linked with opioid abuse.

While the EHS Committee confronts these grim challenges, I am also eager to work with our members on other areas of safety that have the potential to radically transform our industry for the better. TAUC recently created a committee focused on innovation and technology, and as you know, we host the annual Industrial Grade Innovation Conference and Expo. This year's event will be held in St. Louis from Sept. 9 to 11. During this conference, companies have the opportunity to present their products and services to senior-level contractor executives and building trades representatives.

To aid in vetting these services from a safety standpoint, the EHS Committee plans to create a special task force. Members of this task force will essentially try out some of the new high-tech products and report back to the committee on their safety performance. The committee will then review this performance data and release it to TAUC's membership as a whole. The goal is to help contractors make better and quicker decisions on whether a new product fits within their safety protocols. I look forward to being a part of this testing and will work closely with the Innovation and Technology Committee to ensure TAUC members benefit from this effort.

In closing, I look forward to working with all of you in the months and years ahead. Please do not hesitate to contact me at [akopp@tauc.org](mailto:akopp@tauc.org).

**Until next issue, stay safe!**



BY MICHAEL SCOTT, EXECUTIVE DIRECTOR, NCCMP



**O**n December 20, 2019, President Donald Trump signed into law the full repeal of the Cadillac Tax on our health care. This tax would have imposed a 40% excise tax on health care deemed “too generous” by Congress.

This hard-fought victory was made possible through the united efforts of employers and labor in what turned out to be a nearly 10-year battle. To understand how big a victory it was, one only needs to consider that the U.S. government scored the cost of repealing this disastrous policy at \$200 billion. While the Cadillac Tax never raised a dime of revenue, and never would have, the scorers of the federal budget said otherwise, and it is rare that Congress repeals a policy that it expects will raise federal revenue.

Originally part of the Affordable Care Act in 2010, the implementation of the Cadillac Tax was not supposed to start until 2018. In December 2015, this was delayed until 2020, and in January 2018, through our substantial joint efforts, it was delayed again until 2022. However, hardworking Americans, their families and their employers were being harmed by the looming Cadillac Tax because employers and unions had to proactively lower their costs through a combination of scaling back health plans and higher deductibles and out-of-pocket costs for workers to avoid the imposition of the tax in the out-years of contracts.

Some powerful members of Congress also came to believe that taxing employee health care would promote consumerism in health care, lower health care costs and the trajectory of health care inflation, and increase wages.

**Michael Scott** is the Executive Director, National Coordinating Committee for Multiemployer Plans. Mr. Scott was a senior official at the U.S. Department of the Treasury (2001-2006) and the U.S. Securities and Exchange Commission (2008-2009).



Unfortunately, wishing for outcomes in a world that does not exist does not make these wishes come true. The simple fact is that employment-based health care is not the driver behind the cost of health care or health care inflation in the economy. Many factors push up the cost of care, the largest of which is the U.S. government as the largest purchaser of health care in America through Medicare and Medicaid, but also the cheapest. It uses its monopoly power to impose reimbursement rates on private health providers that have nothing to do with the full cost of providing these services and which causes health care providers to lose money on every single Medicare and Medicaid patient.

What does all this mean? Simply put, hardworking Americans, through their employment-based health care, massively subsidize Medicare and Medicaid. Medicare and Medicaid underpay the same health care providers that the private sector uses by between \$430 billion and \$860 billion annually. Policies like the Cadillac Tax not only undermine the stable health care of 181 million Americans, but they also undermine the stability of our hospitals and other health care providers, while doing nothing to address the real issues.

Multiemployer health care plans have been innovators in cost containment and the efficient delivery of health benefits. We have to be, because we are forced to pay health care providers for their uncompensated costs of Medicare and Medicaid and the uninsured. This part of the equation did not change.

The interesting idea of consumerism in health care has provided pockets of success toward this ideal. However, shopping for health care is substantially different from shopping for Pop Tarts, Tide, computers or cars. The opaqueness, asymmetry and uncertainty of health care information, as well as the often-urgent need for health care, limits the amount of consumerism that can be reasonably achieved from the current system.

Employment-based health care is a vital part of the competitiveness of America's employers. Healthy employees and those who have access to high-quality health care are less costly and more productive. A strong culture of health also improves the finances of the business with lower turnover and disability rates, reduced absenteeism, better engagement and safer workers. High-quality health care should be celebrated and encouraged, not punished. It is highly likely that this is a fight that will continue as members of Congress and organizations like the Bipartisan Policy Center advocate for making health care a taxable benefit.

Employer associations — including TAUC, AGC, MCAA, NECA and SMACNA — joined with their union partners and individual employers to support and work closely with the NCCMP, NABTU and the Alliance to Fight the 40 to achieve this significant legislative victory. This is the clearest and most recent example of the mutual benefits that we achieve by working together to solve the great challenges facing our employers, unions, workers and the benefit plans that we provide.



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# Crisis & Collaboration

BY JUSTIN BRUCE, BRUCE & MERRILEES ELECTRIC COMPANY



*Justin Bruce is Chair of the TAUC Government Affairs Committee and Vice President of Bruce & Merrilees Electric Company.*

Our company belongs to several trade associations, and yours probably does, too. We join different groups for different reasons. Sometimes it's because the organization focuses on our specific type of work; in other instances, membership gives us valuable opportunities to network with peers, local partners and potential clients. The common denominator, however, is collaboration: we choose to join associations that give us opportunities to work together with others to make our industry stronger.

TAUC is dedicated to leveraging the power of collaboration to help our members achieve their business and legislative goals. It's literally part of our group's DNA. Our predecessor organization, the National Erectors Association, was originally created to help contractors and their union partners work together more productively and efficiently. More than fifty years later, that philosophy is still going strong. As chairman of the TAUC Government Affairs Committee, for instance, I see firsthand how our small, nimble group emphasizes

partnership, mutual respect and cooperation to move the ball forward. We create consensus on difficult issues and build momentum to ensure that politicians and regulators do the right thing for our member contractors.

A great example of the power of collaboration is the industry's recent victory on Industry-Recognized Apprenticeship Programs (IRAPs). Unions and contractors came together in a big way to protect our industry's crown jewel — the privately funded, registered apprenticeship system



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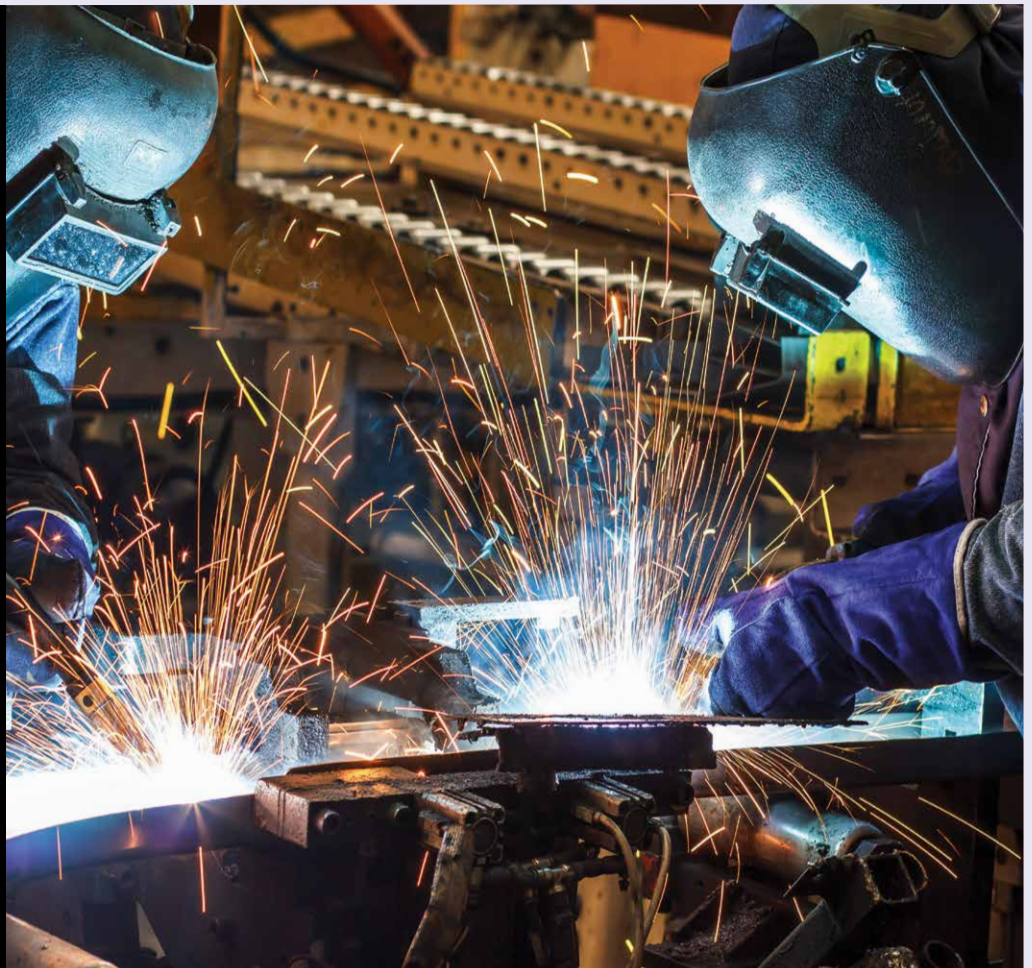
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*Too many organizations  
keep their cards close  
to the vest rather than  
working with others  
to achieve collective  
success. But that is no  
way to get things done.*

managed jointly by labor and management. We successfully persuaded the Department of Labor (DOL) to completely exclude the construction industry from its final rule on IRAPs. This means DOL will not recognize any IRAPs that are intended to train apprentices in construction-related activities (see article on Page 8).

### **The Proving Ground**

At the same time, I realize that “collaboration” is a buzzword that everyone uses to describe how they work. Who wouldn’t? It sounds great, and it’s vague enough to mean pretty much anything you want it to. But if you really want to find out what collaboration is all about, just wait until a crisis arrives. That’s when the rubber hits the road. All the “happy talk” is set aside, and you find out very quickly who is really invested in the concept. Actions matter much more than words.

Over the past couple of months, the COVID-19 emergency has pushed the union construction and maintenance industry nearly to the breaking point. Contractors, our partners in the building trades and owner-clients have been tested as never before. But we have persevered and are now on track to start rebuilding our economy and our own businesses. Why? Because we stuck together. We worked hand in hand to make sure workers were protected. And we never, ever stopped communicating with one another. Or to put it another way: we collaborated.

The power of collaboration also reaped huge dividends on Capitol Hill. In March, Congress began putting together several massive relief bills in response to the

COVID-19 outbreak. While well-intentioned, portions of the legislation were potentially perilous for contractors. We wanted to help our country recover from the crisis, but at the same time ensure our businesses remained financially viable. Our committee worked in close harmony with TAUC’s Capitol Hill liaison, Jim Kolb of Summit Strategies, and our fellow trade associations in the Construction Employers of America coalition.

Too many organizations keep their cards close to the vest, working alone in their silo, rather than working with others to achieve collective success. But that is no way to get things done. We reached out — together — to the various congressional committees and explained our concerns while the bills were being drafted. The final products, while not perfect, were much better than they would have been had we not worked together as an industry.

### **Focus Forward**

As we head into the summer, everyone on the Government Affairs Committee understands that our work is not over. There is still plenty to do, and while COVID-19 remains a priority, we must continue to focus on the myriad other issues facing our industry. Multiemployer pension reform is still at the top of the list, along with the need for a comprehensive infrastructure package. In addition, our committee recently was host to a presentation by the Energy4US coalition, which is made up of consumers, businesses and workers who believe energy empowers

us by expanding our range of choices and improving our quality of life. We have also spoken with the Carbon Capture Coalition, which focuses on the potential for groundbreaking solutions that not only make our skies cleaner but also create business opportunities. TAUC is also a longtime participant in the Combined Heat and Power Alliance, which helps make America’s manufacturers and other businesses more competitive, reduce energy costs, enhance grid reliability and reduce emissions through innovative technology.

This is a presidential election year, and if you believe what you read and what you see on television or online, nothing is getting accomplished in Washington. “It’s partisan politics that’s to blame,” they say. “Our political system is broken!” But let me assure you, TAUC is working to get things done. Behind the scenes, we’re working with anyone and everyone to ensure our members’ concerns are being addressed.

We have a great staff working collaboratively with other union contractor associations. Our monthly legislative and regulatory updates in TAUC’s e-newsletter provide you with timely information on our priorities and activities, too. But if you want to get more involved, please consider joining us at this year’s National Issues Conference or contact Todd Mustard at [tmustard@tauc.org](mailto:tmustard@tauc.org) about joining TAUC’s Government Affairs Committee.



# A Conversation

**U**nion contractors and their partners in the building trades face a multitude of challenges, from reforming the multiemployer pension system to recruiting a new generation of young workers. Few people on Capitol Hill understand these concerns better than Rep. Donald Norcross (D-N.J.), a former IBEW journeyman and business agent for Local 351. The only electrician in Congress, Rep. Norcross knows what makes our industry tick and leverages his blue-collar background and union know-how to push for legislative solutions. A member of the House Committee on Education and Labor, he is also the co-founder of the Congressional Bipartisan Building Trades Caucus, which focuses on the core needs of American workers, and serves as Vice-Chair of the Bipartisan Task Force to Combat the Opioid Epidemic.

We recently sat down with Rep. Norcross to discuss how his background informs his work in Congress, and to get an update on some of the front-burner issues he's working on.

**The Construction User:** How did your background as an IBEW member prepare you to represent the 1st District of New Jersey in Congress? What lessons did you learn in the trades that you have found useful on Capitol Hill?

**Rep. Norcross:** As an IBEW member and former union representative, I know governing isn't just for the few, it is about lifting up all of us, the brothers and sisters in my union and advancing the well-being of working-class individuals. When I first came to Congress, my relationships were few and far between, so I relied on my experience building relationships as an IBEW business agent and finding ways to work together. Like my time in the IBEW, it's about bringing people together and improving the lives of those we serve.

**TCU:** You introduced the 529 OPTIONS Act that would allow students to use 529 tax-free savings accounts for apprenticeship training-related expenses. Why is this an important issue for you, and where does the legislation stand currently?

**Norcross:** An apprenticeship program shaped my life—taking me from construction work to Congress. I know firsthand that education and job training are not one-size-fits-all. When a child is born, you don't know if they'll want to go to college, build the college or defend the college; and we need all three. In Congress, we should be supporting each child equally. Right now, students and families can use 529 tax-free savings accounts for college, but they can't use those same savings accounts for apprenticeships. I was proud that my bill was included in the larger Retirement Security bill, the SECURE Act, which was signed into law. This is just the first step of making an apprenticeship program more attractive and affordable to people.

**TCU:** TAUC and our union contractor association colleagues and building trades partners have worked closely with the bipartisan Building Trades Caucus you established with Congressman McKinley. What was the genesis of this caucus?

**Norcross:** The Building Trades Caucus unites us by speaking to our shared values. The work of this caucus is to invest in our greatest resource, the American worker. When I came to Congress, I noticed that the building trades did not have a forum to share their ideas with Congress. I, the electrician, and Representative David McKinley, the engineer, formed the caucus to educate, inform and bring exposure to the great work the building trades have done.

**TCU:** What role do you see the caucus playing as it continues to evolve and grow?

**Norcross:** There has been talk in Washington about infrastructure investments, without real, agreed-upon actions to build. That needs to change, and we are having these meetings to focus on common ground. For the sake of our local communities and national economy, we are zeroing in on how we can boost apprenticeships, support our American workforce, and invest in our roads, bridges, ports, water and energy infrastructure and more.

**TCU:** Can you talk a little about what the Committee on Education and Labor is working on to strengthen existing apprenticeship programs and expand training opportunities?



with

# Rep. Donald Norcross

**Norcross:** I am working closely with Chairman Scott and Congresswoman Davis on the National Apprenticeship Reauthorization Act. This legislation would update the Fitzgerald Act for the first time since 1937. I have worked with Congresswoman Davis to include many of the apprenticeship bills I have introduced, such as: Apprenticeship Hubs Across America, Pre-Apprenticeships to Hardhats Act (PATH) and 21st Century Energy Workforce Act. The reauthorization would strengthen and bring the Registered Apprenticeship system into the 21st century and allow for growth of the Registered Apprenticeship Program.

The National Apprenticeship Reauthorization Act will only encourage more labor-management agreements to choose the Registered Apprenticeship system. In this reauthorization, we will strengthen the data infrastructure to improve reporting and publicly disseminating information about apprenticeship programs. This will help streamline standards for registered youth apprenticeships, pre-apprenticeship and apprenticeship programs. This includes requirements for apprenticeship agreements and program registration to ensure consistency in quality standards and worker protections.

**TCU:** How do you see these efforts affecting existing privately funded apprenticeship programs?

**Norcross:** The goal of the National Apprenticeship Reauthorization Act is only to strengthen the Registered Apprenticeship system and offer it as a model to other industry sectors for what constitutes a high-quality apprenticeship program.

**TCU:** Another major priority for our association is multiemployer pension reform. We really appreciate your sponsorship last Congress of the bipartisan “GROW Act.” Authorizing hybrid composite plans would be a critical step in providing local joint labor management trustees a voluntary tool to maintain the long-term viability of their plans. Where do you see the discussions on multiemployer reform going this Congress?

**Norcross:** I was asked to serve on the Joint Select Committee on Pension Security to help address the multiemployer crisis. The committee held productive discussions from a bicameral and bipartisan group of elected officials seeking solutions to the crisis. The House of Representatives’ bipartisan vote last year on the Butch Lewis Act sent a clear message that we are serious about coming up with a comprehensive solution to fix the multiemployer pension crisis. The Senate has yet to have a hearing on the Butch Lewis Act, but I am optimistic that we will get a bipartisan solution that will not only address the issues of those insolvent and failing plans, but address the system as a whole to ensure stability and growth for the future.

**TCU:** Do you see Congress taking action on comprehensive multiemployer reform proposals—addressing more than just the looming insolvency of failing plans?

**Norcross:** People who sacrificed their hard-earned wages to save for their future are now living with the uncertainty that their retirement may not be secure. We must strengthen the system at large to help those who are in desperate need

*An apprenticeship program shaped my life—taking me from construction work to Congress. I know firsthand that education and job training are not one-size-fits-all.*

*Continued on page 28*



# Pension Reform: The Battle Continues

BY JIM KOLB, PARTNER, SUMMIT STRATEGIES, AND  
DANA THOMPSON, POLICY SPECIALIST, SMACNA

**B**reaking through the noise to make sure your voice is heard in Washington can be very challenging. That is one reason the Construction Employers of America (CEA) was created — to ensure that signatory contractors have a voice in the policy debates in Washington affecting the construction industry. The Association of Union Constructors (TAUC) and the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) are founding members of the CEA, which comprises more than a half-dozen national union construction contracting associations. We work together to raise awareness of the value of high-quality construction and engage on a range of public-policy initiatives to strengthen the domestic construction industry.

Unfortunately, COVID-19 restrictions on travel and large gatherings forced CEA to cancel its National Issues Conference, which would have been held May 5-7 in Washington. Each year, this premier event brings together hundreds of members from around the country to hear from federal policymakers about legislative and regulatory issues that will affect their businesses.

Multiemployer pension reform was scheduled to be one of the most important topics of discussion at the conference. While we can't meet in person, we've put together what we hope is the next best thing: a comprehensive overview of where reform efforts currently stand and the prospects for making real progress in 2020.

## The Lay of the Land

Efforts to convince Congress to move forward with alternative plan designs, including a new “hybrid” or composite option for plans, have stalled while federal policymakers struggle to find solutions that both address failing pension plans and strengthen the overall multiemployer pension system. This failure to act threatens to undermine the multiemployer pension system and exacerbates the uncertainty for both the participants in these plans and the signatory employers who contribute to them.

The CEA continues to remind Congress and the administration that while only about 10% of plans in the multiemployer system face insolvency, the overall system and its contributing employers are

under stress—even more so in the wake of COVID-19-related work restrictions. Many plans face significant unfunded liabilities and are subject to the same long-term risks that have driven other plans to insolvency.

While we recognize and share the concerns about the effect of this crisis on plan participants, Congress and the administration need to understand that the system depends first and foremost on the viability of the contributing employer. Despite years of ever-increasing contributions, companies are subject to withdrawal liability that is frequently higher than the value of their company. Owners cannot sell their businesses; the risks are too great to pass along to their children or other heirs; and the liabilities hinder the ability to transfer ownership to employees and the formation of an Employee Stock Ownership Plan, ESOP.

Just staying in business is a challenge as employers face growing scrutiny from lenders and tighter credit markets. Again, we expect these problems will only increase in a post-coronavirus world. These liabilities are also a growing threat to companies' obtaining credit on reasonable terms. The unfunded liabilities create a barrier to new employers that want to enter the system and, worse, serve as an impetus for current employers to leave the plan, further destabilizing individual plans and the system overall. At the same time, policymakers need to recognize that active workers have seen decreases in their future benefits even in the face of increased contributions to their plans.

*While only about 10% of plans in the multiemployer system face insolvency, the overall system and its contributing employers are under stress—even more so in the wake of COVID-19-related work restrictions.*



### Is There a Solution on the Horizon?

We are pleased that a proposal issued late last year by Sens. Chuck Grassley, R-Iowa, and Lamar Alexander, R-Tenn — who chair the Senate committees with jurisdiction over multiemployer pension issues — has generated productive bipartisan discussions this year. While many aspects of the proposal concern stakeholders, the CEA has held that it is a blueprint to initiate bipartisan discussions, not an ending point. The good news is that composite plans are part of the proposal. It is our job to educate people on both sides of the aisle in both houses that composites are necessary to modernize the multiemployer system and can be implemented in a way that would allow broader segments of plans to use composite plans.

A key problem Congress faces is how to pay for the estimated \$4 billion in annual costs to allow failing plans to

partition liabilities in order to remain solvent. Some have suggested that the “system” should bear most of or all this cost. The CEA stresses that construction industry employers and active workers have already made significant sacrifices to cover unfunded liabilities in their own plans and cannot also be expected to fully finance the rescue of failing plans through premium increases. Extreme increases would weaken the financial health of individual employers and the plans. It doesn’t make sense to bankrupt remaining plans to pay for the benefits promised by failed plans.

Additionally, the CEA points out that Congress has raised the PBGC premium rate for multiemployer plans over time and that the Multiemployer Pension Reform Act (MPRA) doubled its rate in 2015 and included automatic increases for inflation. Since, ultimately, the employer shoulders premium increases, construction

employers argue that any increases must be phased in over a reasonable time period and that Congress should ensure that all other tools are fully deployed before considering increasing premiums. This includes fully implementing the MPRA reforms for failing plans, providing government funding to pay for proposals to partition and authorizing composite plans.

Beyond figuring out how to pay for multiemployer pension reforms, policy recommendations under discussion would significantly affect the multiemployer system. This includes a proposal to mandate a maximum rate of return — the plan “discount rate” — that plans can assume. Severe and sudden changes to the funding rules will have grave and unintended consequences. Even a modest change in investment assumptions can dramatically alter funding status. As previously stated, Congress must maintain a delicate

*Continued on page 28*



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[www.tauc.org/covid19](http://www.tauc.org/covid19)



TAUC is keeping you up-to-date on the latest COVID-19 information and how it is impacting the construction industry.

Go to [www.tauc.org/covid19](http://www.tauc.org/covid19) for the latest news and guidance from OSHA, DOL and more!

# The New Rules for Keeping Great Employees

BY JIM DALEY, JJ WHITE



*Jim Daley is the Chair of TAUC's Industrial Relations Committee and Executive Vice President of Operations for JJ White Inc.*

It should be a simple equation: hire the right people, keep them challenged and compensate them accordingly, and they'll stick around. Unfortunately, nothing is simple these days. Whether it's finding an estimator or a project manager, successful strategies for employee retention have changed a lot in the last few years. A severe shortage of skilled professionals continues to hinder our collective progress. In some cases, contractors are even turning down projects because they can't source qualified personnel to manage the work. This grim reality has forced us to change tactics to make sure we keep the best workers.

As if that wasn't bad enough, now a whole new set of challenges stems from the unprecedented coronavirus pandemic. While no one can say for sure what the future holds — as I write this in early spring, many states have just begun to issue severe restrictions on workplace activities — it's safe to say that our economy, and the construction industry in general, is about to experience another upheaval. We're still working to bring back the people who left our industry during the **last** recession a decade ago.

So how should we prepare to recruit and retain employees in a post-pandemic world, when it will most likely be even *more* difficult to find and hold on to skilled craftworkers? I'd like to offer three strategies that contractors of all sizes and revenue levels can use to attract and retain our most valuable asset — our people.

## **One: Define Purpose(s)**

You can't assume that all team members understand your company's purpose — so tell them. Why was the company started in the first place? What services do

you provide that no one else does? What is your "edge"? What is the driving force behind your business? I've been in the industry a long time, and I've never met the founder of a contracting firm who was just in it for the money. There are easier ways to get rich, believe me. They always have a specific reason and philosophy for getting into union construction. Make sure your folks know what it is.

Along with defining your company's purpose, you also need to ensure that your workers find purpose in their individual jobs. They have to know that what they do matters. They aren't just mindless cogs in a machine. Even the smallest task, like making sure the jobsite is kept clean, is an important piece of the puzzle. They also need to see a path forward for their careers; they need to know that the sky's the limit and that they won't be stuck at the same level for years. Progress is possible if they work hard and commit to the goals you set out.

Make sure you let your employees know the importance of each project they work on, too. That pollution-control system they're installing at a power plant is going to lead to cleaner air for their community. That manufacturing plant they're retrofitting with a new assembly line will lead to hundreds of good-paying, middle-class jobs for blue-collar men and women.

Finding purpose in one's career inevitably leads to pride in oneself. And when you create an environment where this type of personal growth is not only possible, but commonplace, you've given your top employees a good reason to stay the course and stick with you.

*Your workers need to know that the sky's the limit and that they won't be stuck at the same level for years.*

## **Two: Create a More Diverse Team**

Diversity is more than a buzzword — it can also be an effective method to retain good workers. Think about it: at a time when it's so difficult to find the people we need, why wouldn't you cast as wide a net as possible? If we expect our industry to survive in the 21st century, we have to make it crystal clear that we're looking for skilled workers first and foremost. Gender, ethnicity, religious background, sexual orientation, age — all those take a back seat to an individual's abilities and work ethic.

When you make it clear that your company is a discrimination-free zone that fosters a culture of acceptance, something amazing happens: people want to stay because they know they will be treated fairly. There are no glass ceilings or unspoken rules to prevent a person who falls into a certain social category from scaling the career ladder. Opportunity is like superglue — it encourages people to stick with you no matter what!

*Continued on page 28*



# *In Memoriam: Jim Michael, 1929-2020*

**J**ohn James Michael—"Jim" as he was known to friends and colleagues—passed away on Jan. 25 at his home in North Carolina.

Jim was a true leader in the union construction and maintenance industry and contributed greatly to both NMAPC and TAUC. But his legacy extends far beyond the workplace. He contributed to his country—serving as a tail-gunner in World War II as a member of the U.S. Army Air Corps—and leaves behind a large family to cherish his legacy, including his wife, Judy; seven children; 13 grandchildren; and 22 great-grandchildren.

Jim was born on September 24, 1929, in Buffalo, New York. Later, as a young man, he played for the Buffalo Bills as a running back until a knee injury forced him to give up the game. He moved on into a lifelong career in construction in northwest

Indiana that would last until he was in his late eighties! In 1998, when he was with Artisan Corporation, Jim was appointed to NMAPC's Labor-Management Committee as an alternate employer representative. In 2002, he became a regular voting member and served in that capacity until 2018, when he retired.

"Jim was a true gentleman," said Steve Lindauer, TAUC CEO and Impartial Secretary/CEO of the NMAPC. "His knowledge of the steel industry in northwest Indiana was second to none. I always knew if I had a question, Jim was the guy to ask. He was a strong supporter of both the NMAPC and TAUC, and a genuine pleasure to be around. We have lost not only a valued and experienced colleague, but a truly great American. Jim will be missed."

Both TAUC and NMAPC extend our condolences to Jim's family.



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# The Power of Partnership

BY STEVE RICHMAN, GROUP PRESIDENT FOR MILWAUKEE TOOL



*Steve Richman is Group President for Milwaukee Tool and is responsible for leading all facets of the company's business. Prior to coming to Milwaukee Tool, he served as CEO of Werner Co. and as President of Skil and Bosch power tools at Robert Bosch Tool Corporation.*

**O**n behalf of the Milwaukee Tool team, we are extremely proud to strengthen our relationship with The Association of Union Constructors (TAUC) as a Legacy Partner (see Page 8). At Milwaukee®, we believe in investing the time to work side by side with construction leaders to understand the demands of their constantly changing workplace so we can deliver best-in-class solutions for a safer, more productive jobsite. Similarly, TAUC's overarching mission of tripartite dialogue among unions, contractors and owner-clients creates conversations that lead to enhanced jobsite safety and productivity. Our joint commitment to creating meaningful dialogue with industry professionals will make this long-term partnership impactful.

With a shared dedication to innovation and technology, improving workplace safety, and enhancing productivity, we look forward to collaborating to advance the industry.

## Investment in Innovation and Technology

For nearly 100 years, Milwaukee's mission has been to deliver advanced, trade-specific solutions to professional contractors. Core to our values is disruptive innovation. Instead of assuming what construction professionals need, Milwaukee sets out to deliver disruptive innovation by direct jobsite research to understand the challenges professional users encounter from the time they wake up in the morning until the time they go to bed at night. It is this attention to the user that led to our industry-leading M12™ and M18™ cordless systems and continues to proliferate through all facets of our business — from our time-saving accessories, innovative hand tool and storage products to jobsite work gear and lighting. We are not simply a manufacturer — we provide solutions to drive your business forward.

More than a decade ago, Milwaukee achieved a major step forward in the industry when we invented the technology that enabled lithium-ion power tools. This achievement marked a turning point for every trade in the industry and spurred the question, "Are battery-powered tools the future of the jobsite?" At the time, no one believed in this technology more than our team. We knew that the cordless jobsite wasn't just a fad — it was the future. This technology has been the catalyst for a fundamental shift in cordless-tool technology that continues to profoundly affect the industry more than a decade later.

Ever since we first introduced this technology, other manufacturers have realized

*With a shared dedication to innovation and technology, improving workplace safety, and enhancing productivity, we look forward to collaborating to advance the industry.*

the significant effect cordless technology has and have released their own lithium-ion battery systems. We continue to set ourselves apart by developing a symbiotic relationship between our battery technology, brushless motors and advanced electronics. Taking it a step further, we've also made the strategic decision to design and develop our own batteries, motors and electronics in-house; something typically unheard of in the industry.

The introduction of lithium-ion to power tools is just one example of how the Milwaukee team has invested in newfound technology to truly drive unprecedented innovation for users. The variety and breadth of solutions we deliver continue to evolve as the industry explores alternative installation methods and materials, the rise of the data-driven jobsite, the elimination of hazardous equipment emissions, and more.

Our focus on the user drives everything we do — by pairing our investments in technology with our unrelenting trade focus, we can deliver solutions to elevate the way work gets done on every jobsite. In addition, we've built out a speed-to-business model that quickly gets this disruptive innovation onto jobsites by eliminating organizational bureaucracy, relentlessly focusing on the needs of users and ensuring that all the necessary ingredients for product development are handled

internally. With everything from rapid prototyping to industrial design to in-depth user research to front-end engineering and development being done in parallel internally, we develop products faster and more effectively than any other manufacturer in the industry.

Through the TAUC relationship, we have an incredibly valuable opportunity to make it easier and more cost-effective for members to adopt the new construction innovation and technology that we continue to bring to the industry.

#### **Driving Jobsite Safety and Productivity**

We always look for ways to help trade professionals get their work done faster and more efficiently, while keeping them safe. A prime example is our evolution of cordless technology to eliminate cords on the jobsite. We look forward to working with TAUC and its members to continue tackling the top safety issues and discovering ways to effectively mitigate those issues and drive increased productivity and best practices. This includes (but is not limited to):

- **Decreasing Jobsite Hazards**

Exposure to emissions, trip hazards, vibration and noise continues to concern professionals in the construction trades. Jobsite equipment, such as gas or power-corded



cutoff saws, breakers and generators can be major offenders. We recently harnessed our advanced cordless technology to free jobsites from the limitations of gasoline and power-cord light equipment through the MX FUEL™ Equipment System, a groundbreaking system of battery-powered light equipment.

- **Paying Attention to Ergonomic Risk Factors**

At Milwaukee Tool, we have always paid attention to safety and continuously looked for ways to add more detailed objective data to enhance our safety program. In our product-design process, we have added an ergonomic innovation known as electromyography, or EMG. The EMG technique uses the electrical activity a person's skeletal muscles produce to record muscle effort during a tool's use. With the ability to measure up to 108 unique muscle groups, EMG technology can be used to produce tools that reduce peak muscle efforts and fatigue, which helps workers age and retire with greater strength and health. The investment in EMG allows Milwaukee to collect objective ergonomic data that can be used to positively influence product design.

*Continued on page 29*



# Innovation Under Pressure

BY PATRICK BAKER



**Patrick Baker** is Chair of the TAUC LEO Committee and Executive Director of the Great Lakes Fabricators & Erectors Association.

**T**he COVID-19 crisis has ground some sectors of our industry to a virtual standstill. But many TAUC contractors and their partners in the building trades continue to work on critical construction projects that simply must go forward no matter what. The question is, how do you stay on schedule and complete vital tasks safely during a time of heightened risk of infection?

That was one of the main topics of discussion during our first-ever LEO Committee Virtual Roundtable, held online in early April. Due to the cancellation of the 2020 TAUC Leadership Conference (see Page 8), we couldn't meet in person for our annual spring LEO meeting, but we knew it was important to get together and share updates and best practices during this unprecedented time in our country's history. Nearly 30 LEO members participated in our videoconference call on April 8. I'd like to talk about what I heard—and what it means for the future of union construction and maintenance.

Ernest Hemingway once famously defined courage as "grace under pressure." During this stressful time, our LEOs and their members are demonstrating something similar—I call it "innovation under pressure." Many craftworkers have decided not to work until the crisis has passed, and those who do show up are understandably concerned about their health. Everyone is on edge and trying to adapt to new concepts like remote work and "social distancing." There is also a growing stack of new OSHA and DOL guidelines and directives to decipher and implement. Faced with this changing landscape, LEOs have no choice but to find

new ways to get the job done. And they are rising to the challenge. Here are a couple of examples from our roundtable:

- **Safety Hotline**—Several LEOs have established special hotlines that allow craftworkers to call in and anonymously report any COVID-19-related safety concerns on a jobsite. While the actual process varies by organization, one LEO exec explained that once a call comes in, he follows up and speaks to the craftworker to gather more information—again, the caller's identity is kept confidential to protect them from any retaliation. Details of the complaint are then shared with the local building trades, and the contractor in charge of the job is asked to immediately investigate and take action to correct any problems.
- **Transparent Communication** — A recurring theme on the call was how LEOs have ramped up their efforts to keep members informed through numerous webinars, conference calls, publications, posters, educational materials and website updates. It's ironic that during a time when most contractors are working remotely and corporate offices are nearly empty, people are feeling more "connected" than ever through the efforts of our LEOs!



As TAUC President Steve Johnson pointed out in his article (see Page 4), it's a virtual certainty that many of the changes being implemented now will become the "new normal" once the pandemic has passed. Contractors are doing more than responding to a crisis; they are also transforming the very culture of our industry. What happens next will be fascinating to watch—and I am confident our LEO members will lead the charge.

**Here's to better days ahead. Stay safe!**



*LEOs are tackling the COVID-19 crisis by thinking outside the box—and changing our industry's culture in the process.*



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# Sexual Harassment Remains an Issue for the Construction Industry

BY KATHARINE MEYER, ESQ, GKG LAW, P.C.



*Katharine Meyer is a Principal at GKG Law, P.C. in Washington, DC. For the past 19 years, Katie has been a member of the firm's Association Practice Group, which provides legal advice to nonprofit organizations throughout the United States.*

The recent conviction of Harvey Weinstein is a reminder to all of us that the #MeToo movement is still going strong. It has been more than two years since about 100 women made sexual harassment (or assault) claims against Weinstein and this issue came to the forefront of U.S. news. Since that time, many men in leadership positions have been accused of improper actions toward their subordinates and colleagues. These allegations damaged not only the reputations of these individuals but also the businesses they worked for that permitted, ignored or were unaware of their behavior.

Many people I spoke to in 2017 thought the outpouring of sexual harassment claims would stop once the #MeToo movement was no longer front-page news. That has not been the case. The number of sexual harassment claims filed with the EEOC in 2019 was essentially the same as in 2018. However, sexual harassment payouts hit an all-time high in 2019. Employers paid a record \$68.2 million to those alleging sexual harassment violations through the EEOC in 2019. This number does not include claims filed with state or local agencies or out-of-court settlements. Sexual harassment has become, and will remain, an issue that must be continually assessed and addressed by all companies doing business in the U.S.

In the construction industry, where women are still a significant minority of the workforce, the risk of sexual harassment is even higher. In October 2018, the Engineering News-Record surveyed 1,248 individuals (a third of whom were men) who worked in all areas of the construction

industry. Sixty-six percent reported they had faced sexual harassment or gender bias in the workplace.

It is important to remember that same-sex sexual harassment can also be an issue on construction sites. In September 2019, Atlas Electrical Construction Inc. agreed to pay \$196,000 to settle a sexual harassment and retaliation lawsuit filed by the EEOC. The EEOC alleged that an Atlas supervisor sexually harassed male employees by name calling, making sexual comments and innuendos, and even touching a man's genitalia.

So how does a company prevent this type of behavior on its jobsites? A report of the co-chairs of the EEOC's Select Task Force on the Study of Harassment in the Workplace that was released in 2017 identified five core principles that have generally proved effective in preventing and addressing harassment at work:

## 1. Committed and Engaged Leadership.

We have all heard the phrase "lead by example." The EEOC found that company leadership often sets the tone for workplace behavior. If a manager makes derogatory statements about women or a minority, his subordinates frequently assume that this type of behavior is permitted and even appropriate.

Instead, management should take the lead on preventing sexual harassment. It should clearly and frequently remind employees that harassment is prohibited. It should take the time to educate workers so they know how to prevent and report improper behavior. Additionally,

employers should look at their worksites and assess possible risk factors. For instance, many worksites do not conform to typical workplace norms. Many times, the majority of people working on-site are men. In those cases where only a few women are on-site, employers need to pay attention to the dynamics on that jobsite and ensure that women there feel safe and are not being verbally abused.

## 2. Consistent and Demonstrated Accountability.

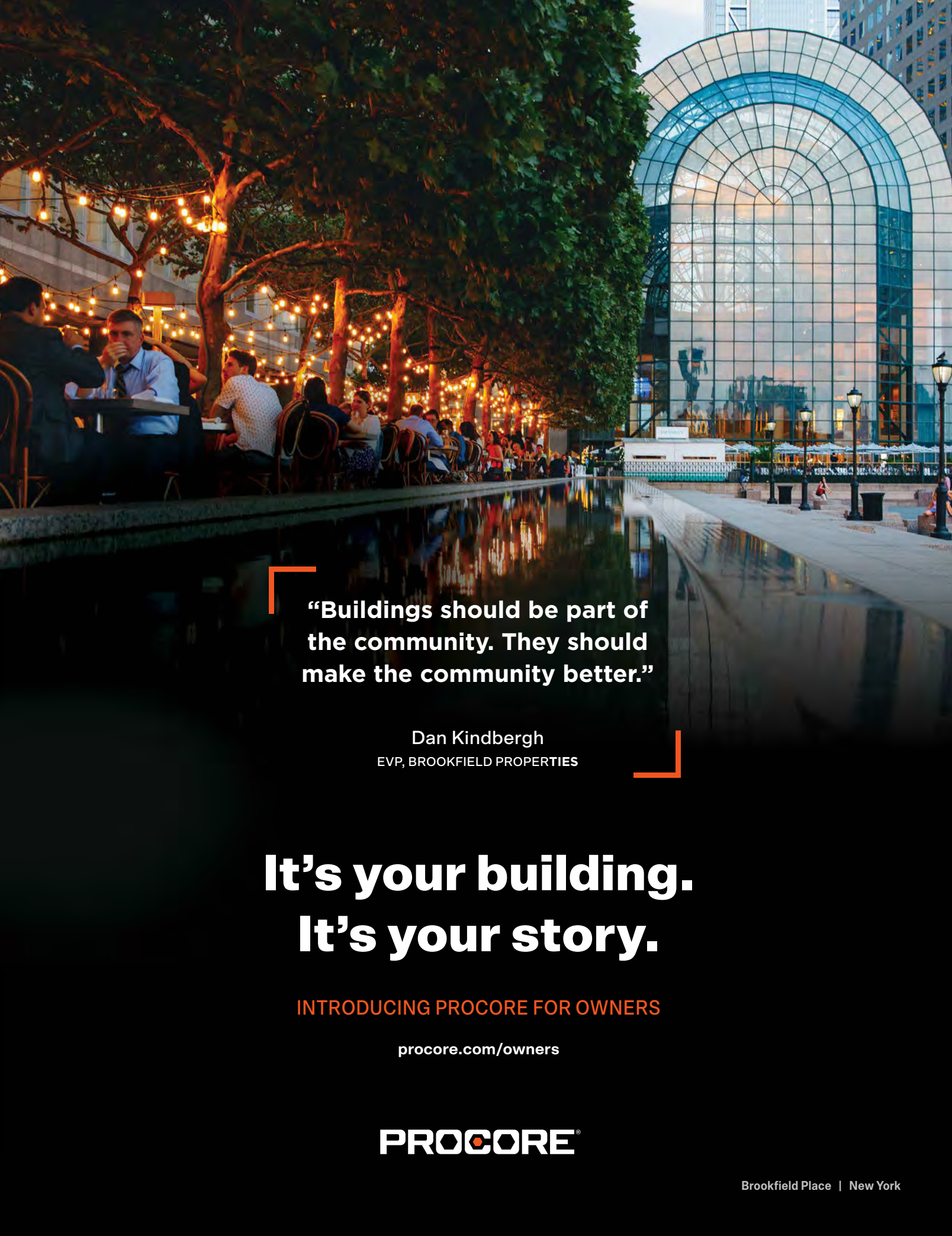
Employees need to know that sexual harassment will not be tolerated. All companies should have a clear anti-harassment policy and a complaint process that is easily assessable to all employees and is consistently enforced. A solid harassment policy is useless if people do not know about it, complainants are afraid to use it or the company does not properly enforce it.

## 3. A Strong and Comprehensive Harassment Policy That Is Frequently Communicated to All Employees.

Any sexual harassment policy should include:

- (a) A clear statement that harassment, of any kind, is prohibited.
- (b) A clear description of what types of conduct are prohibited. These descriptions should include examples of sexual harassment.
- (c) A description of the harassment-complaint process.





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## Norcross Q&A

*Continued from page 17*

now, ensure this crisis does not happen again and provide tools for businesses to prosper while participating in these plans.

**TCU: Would you agree that composite plans are a key element in preventing a future crisis?**

**Norcross:** Workers deserve a safe, secure retirement and, at the same time, employers deserve predictability and flexibility without excess liability. We need to focus on the partnership between employees and employers and advance the bipartisan solutions that have been put forward to ensure employees can retire with a secure income stream while giving employers the stability they need to join into the multiemployer pension system and continue to grow.

**TCU: Since the House passed legislation that did not include composite plans, do you see an avenue to include this provision in the final legislation?**

**Norcross:** I remain optimistic that our colleagues in the Senate will follow the House's lead and advance legislation to address the multiemployer pension crisis in a way that both addresses the immediate concerns and offers a path forward for employers to grow their businesses while providing retirement security to their workers.

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## Pension Reform: The Battle Continues

*Continued from page 19*

balance to keep employers participating in the plans. Changes must be modest and phased in because mandating lower investment assumptions would raise actuarial liabilities, driving an inordinate number of plans to critical status and causing dramatically increased employer contributions. Changes that financially weaken employers weaken the system and would put more multiemployer plans at risk of insolvency.

## Composite Plans Will Modernize the System

The current crisis exposes the fact that benefit security under the current defined benefit (DB) system is illusory and that we need to bridge the gap between the current DB system and 401(k)-style defined contribution (DC) system. Composite plans have labor and management support because they provide a positive, voluntary alternative to the current system.

- Composite plan adoption is not mandatory and must be agreed to by labor and management.
- Benefits would be paid as a lifetime annuity, and assets would be pooled and professionally managed.
- Composite plans would be prospective only, and previously earned benefits are protected as liabilities gradually diminish in the frozen "legacy plan."
- Tightened funding standards in composite plans would require early intervention and would ensure that there is enough money to pay benefits
- Composite plans would provide cost predictability for employers so they are not forced to choose between protecting the viability of their business and providing a retirement benefit for their employees.

TAUC, SMACNA and our partners in the CEA will continue to give voice to policies that will stabilize and strengthen the system for the future without putting unnecessary costs on signatory employers. While the need to act soon on legislation for failing multiemployer pension plans is critical, any proposal must also be comprehensive and include provisions — such as composite plans — that would strengthen the overall system. This would ensure that current employers can remain in the plan and eliminate barriers to new employers entering the system. It would also protect plan participant benefits and stabilize and strengthen the overall multiemployer pension system.

We know that balancing the interests of employers, participants, retirees and taxpayers is challenging, but it is critical to find bipartisan solutions and to recognize that maintaining the viability of contributing employers is key to avoiding a complete collapse of the entire system.

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## The New Rules for Keeping Great Employees

*Continued from page 20*

### Three: Eliminate Micromanagement

One of the biggest challenges in our industry is bringing younger workers into the fold. But once we have them, how do we keep them? Today's youth speak a different language and look at the world differently than we did when we were their ages. As difficult as it might be, we need to be patient and give them more space in the workplace to suggest new ideas and feel as if they are truly part of the team. Of course, safety and quality standards are always nonnegotiable, but you should be willing to reexamine plenty of other aspects of your company's culture. For many of us, loosening control does not come easy, but increasing young workers' autonomy helps create an environment of trust that will always be valued.

Any successful retention strategy will, of course, involve a lot of hard work and cooperation between all levels of management, including field supervisors and the individual trades. But hopefully these basic ideas will jump-start your own thinking and prompt you to start a dialogue at your company. Change is coming, whether we like it or not; as we've learned because of COVID-19, it's always better to prepare beforehand!



## The Power of Partnership

Continued from page 23

### • **Introducing More Innovative Personal Safety Options**

PPE is critical on jobsites, but historically the offerings have changed little over time. This lack of innovation has led some users to alter their jobsite protection to maximize productivity at the expense of safety. Milwaukee has disrupted this space with solutions designed for the challenges TAUC members face every day and offers features that they've demanded for years. This includes hard hats with the versatility to support critical accessories, anti-fog and anti-scratch safety glasses, safety vests with increased functionality, and much more.

### • **Simplifying Processes**

Trade professionals experience a constantly changing workplace, and the labor shortage has challenged all of us to take fundamental steps to increase worker productivity. While tools are just a small portion of the overall cost on the job, the right tools can maximize output and the quality of labor and materials. In a market that originally viewed safety and productivity as a balancing act, now more than ever, the two need to go together to increase jobsite efficiency. A recent example is the M18 FUEL™ Pipe Threader w/ ONE-KEY™. The introduction of the first cordless pipe threader is a huge step forward in productivity and safety for the trades. This tool revolutionizes pipe threading with kick-back sensing, a dedicated support arm for stability and an integrated die-head lock for side-grip thread starts, providing safer overall threading.

### • **Implementing Data to Make Better Project Decisions**

With changes in workflow brought on by innovations in technology, the jobsite has become more data driven. With this, contractors now look to manufacturers to give them increased information to plan, budget and approach their projects more



efficiently. Milwaukee is at the forefront of thought leadership regarding these challenges because we understand and develop products with the user in mind to improve productivity and provide customizable services. Since the launch of ONE-KEY™, Milwaukee has worked to solve a problem that plagues the construction industry: downtime. Delivering connected solutions, Milwaukee helps trade professionals improve efficiency, smooth timeliness and reduce risk. With this unwavering commitment to the trades and continued investment in software development, we're pioneering innovation in the construction industry and continuing to work toward building a smarter jobsite.

to keep up with all the solutions that can help increase safety and productivity. At Milwaukee Tool, we believe training is a crucial part of our work with users and have structured our team to reflect that belief. We are eager to work with TAUC and its members to foster the training and culture of innovation that are required to both attract new talent to the industry and empower those already thriving in construction. We clearly believe it's through partnerships like this that we can propel the industry forward, ensuring that construction professionals are armed with the tools and resources to stay ahead of challenges and remain competitive.

### **Working Together to Train and Empower**

Over the last decade, the jobsite has changed dramatically. TAUC members are experiencing a constantly evolving workplace, and it is almost impossible



## Sexual Harassment Remains an Issue for the Construction Industry

Continued from page 26

- (d) A statement encouraging employees to report any harassment they witness, even if it is not directed at them.
- (e) A statement that the company will protect the privacy of the alleged victims and alleged harassers to the extent possible.
- (f) A statement that all investigations will be prompt, impartial and complete, and that quick action will be taken if harassment has occurred.
- (g) A statement that any type of retaliation against a person filing a complaint shall be prohibited.

### 4. Trusted and Accessible Complaint Procedures.

Complaint procedures should be clear and easy to understand. A complaint should be simple to file, and a complainant should be provided with multiple ways to report a complaint to management. If a complaint can be filed only with a direct supervisor and the supervisor is the one harassing the

employee, it is unlikely that that person will pursue an internal complaint. Instead, that person may go directly to the EEOC or state human rights agency.

Employees should feel comfortable reporting harassment to management and reassured that they will not be subjected to retaliation because of these complaints. All complaints should be promptly and thoroughly reviewed and investigated by neutral parties. At the same time, the process should ensure that an alleged harasser is not prematurely disciplined or presumed guilty. Remember that during this process, the rights of both the accuser and the alleged harasser should be protected.

### 5. Regular Interactive Training Tailored to the Organization.

Training ensures that your workforce understands the harassment rules, policies and complaint procedures, as well as the consequences if they violate these policies. Harassment training is most effective when it is provided to all employees, at every level and location of the company. It should be reinforced and repeated annually. Additionally, training should be tailored to the working environment and the audience.

Ultimately, all companies should take proactive steps to prevent sexual harassment in the workplace. Sexual harassment lawsuits can be time-consuming, expensive and damaging to the reputation of the company. By creating, promoting and enforcing a comprehensive sexual harassment policy, you limit the risk of claims and create a more enjoyable working environment for all employees.

*Training ensures that your workforce understands the harassment rules, policies and complaint procedures, as well as the consequences if they violate these policies.*

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