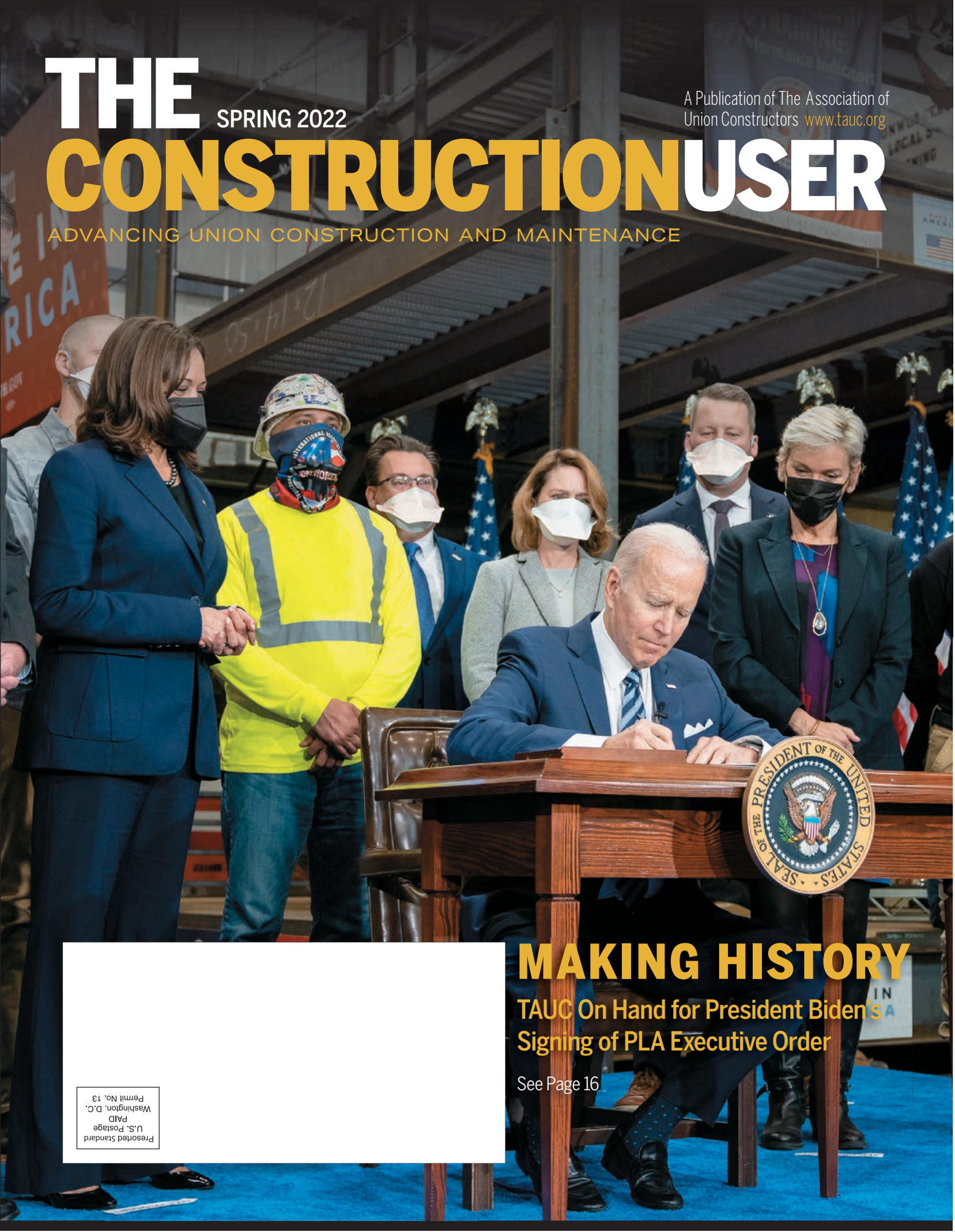


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MAKING HISTORY

TAUC On Hand for President Biden's
Signing of PLA Executive Order

See Page 16

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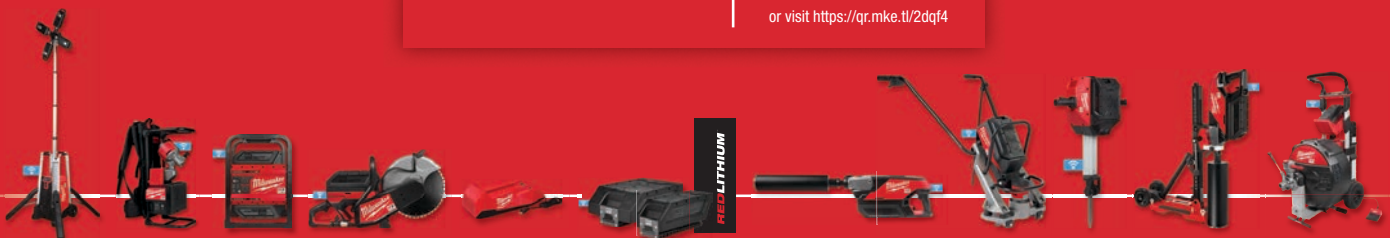


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The Construction User is published
quarterly by:



THE ASSOCIATION OF UNION CONSTRUCTORS

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Arlington, Va 22209
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ART DIRECTION & DESIGN

Top Shelf Design, LLC
www.Topshelfdesign.net

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IN EVERY ISSUE

- 4 **FROM THE DESK
OF THE PRESIDENT**
The Change-Up
Steve Johnson

FEATURED ARTICLES

- 6 **Gaining Momentum**
Daniel Hogan
- 8 **DOL Announces Long-Awaited
Overhaul of Davis-Bacon Regs**
David Acord
- 10 **Contractors Grapple With Increase
in Pre-Qualification Requirements**
*Alex Kopp, Wesley Wheeler,
Raffi F. Elchemmas, Justin Crandol*
- 14 **Labor Secretary Marty Walsh:
The Exclusive TAUC Interview**
- 16 **TAUC CEO Joins President Biden
for PLA Executive Order Signing**
David Acord
- 20 **Infrastructure and the Path Forward**
Eric Dean
- 23 **Unfinished Business**
Christopher Heinz
- 26 **Long-Term Construction Trends:
Big Growth, More Older Workers**
David Acord
- 28 **Could Midwestern States Win Big From
Infrastructure and Green Investments?**
David Acord

IN EVERY CORNER

- 12 **GOVERNMENT AFFAIRS CORNER**
**Congress Takes Aim at
Workforce Shortages**
Justin Bruce
- EHS NEWS
- 24 **Apply Now for NMAPC's
Zero Injury Safety Awards®**
- 24 **OSHA Targets Employers Who
Fail to Submit Form 300A Data**
- 24 **OSHA Launches National
Emphasis Program on Heat
Illness, Injuries**
- 25 **OSHA Proposes Amendments
to Injury Recordkeeping Regs**
- 25 **Falls Prevention Stand-Down
Slated for May 2-6**
- 25 **NMA Update: Time to Report
First-Quarter Work Hours**

THE CHANGE-UP



BY STEVE JOHNSON,
PRESIDENT, GEM, INC.

As the weather warms up, I'm sure that like me, many of you are looking forward to another season of major-league baseball. This year, however, my approach to the game is a little different. They say that you can learn a lot of life lessons by playing a sport. But you can also learn a few by watching one, too. And after what our industry has gone through over the last couple of years, I've noticed a few interesting parallels I'd like to discuss in my last column as president of TAUC.

That's right; in May, my three-year term comes to an end. If that sounds a little surprising, it's because in many ways I've been the "invisible president" — still doing my job, just out of sight. I took office in mid-2019, but most of our in-person events for 2020 and 2021 were canceled. Usually, the president presides over the TAUC Leadership Conference, State of the Union Construction Industry Forum and other get-togethers. However, thanks to COVID-19, we were unable to see much of one another over the last couple of years. I'm truly sorry about that.

Do you know what a change-up pitch is? It's when a pitcher throws what looks almost exactly like a fastball, but it's not — the ball is really moving much slower. This often confuses the hitter and throws off his timing. He swings too early, thinking the ball will arrive more quickly than it does.

Well, we've all been served a few change-ups lately: the pandemic, supply chain delays, skyrocketing inflation and materials costs, ongoing labor supply shortages, a new presidential administration...the list goes on. We thought we had it all figured out, only to be proved wrong at the last second. Sometimes you feel like a batter at the plate taking one missed swing after another. No matter what you do, the guy on the mound just seems to have your number.

But we continue to compete. And that's really the point, isn't it? It's easy to look back on the past few years and tally up all the bad stuff that's happened while forgetting the incredible job we did in keeping our industry — and the country — up and running (sometimes literally). And by "we" I mean contractors, subcontractors, craftworkers, union officers, and business reps, safety professionals and, of course, our owner-clients. No one gave up and walked away. We worked as a team to get through one of the toughest crises our nation has ever faced. It's something we can always be proud of, and the lessons we learned will serve us well during the next crisis, whatever it looks like.

Here at TAUC, my tenure was marked by a particularly significant event: CEO Steve Lindauer retired in 2021, and long-time senior executive Daniel Hogan took his place. It was the first change in leadership at TAUC in two decades. Transitions

"WHEN THE CHANGE-UP PITCH CAME, WE WERE ABLE TO ADJUST OUR SWING."

are always challenging, but when you're talking about an organization like this, which means so much to so many people, I felt an extra sense of motivation. As president, I knew we had to get it right. In this instance, the pandemic added a few layers of complexity to the process. Most of the important meetings where we mapped out the future were conducted over Zoom calls, which can sometimes be, well, less than optimal. On top of that, our elected leadership and board of directors — made up of leading contractors from across the country — were already working insanely long hours just to keep their businesses afloat. I'm sure it wasn't how either Dan or Steve imagined the process would play out, but again, we all rolled up our sleeves and got the job done. I'm proud of the fact that despite a plethora of COVID-19 related complications, the transition was smooth and without any major diversions. When the change-up pitch came, we were able to adjust our swing.

As the pandemic winds down, 2022 is shaping up to be a year of new opportunities. I am excited about the plans Dan and the staff have shared with me regarding TAUC's future, and I look forward to working with them on new initiatives to help our contractors thrive in this challenging business environment. I am also excited to hand over the gavel in May to incoming TAUC President Justin Bruce, who serves as Executive Vice President of Bruce & Merrilees Electric Company. I've known Justin for years; he will bring an incredible amount of dedication, energy and professionalism to the job. I am confident Dan and Justin will make a great team.

I want to end on a note of gratitude. First, thanks to the staff of TAUC for all their help over the past three years. They do an incredible amount of work behind the scenes to serve our members. They make it look easy, but believe me, it isn't! I will miss working with them.

Second, thanks to all the contractors who take time out of their schedules to serve on TAUC committees and special projects. I know it's not easy, but you understand the importance of long-term planning. The work we are doing at TAUC now will reap dividends years, and even decades, down the road. Yes, being a member has plenty of immediate benefits, but at the end of the day, the ones who go the extra mile with our organization do so because they want to leave behind a legacy. They want the industry to continue growing long after they have left the daily grind behind. I share their desire, and I am proud I was able to work alongside them as president.

Last, I look forward to seeing everyone in Napa in May for our first in-person Leadership Conference in three years. Here's to 2022 — and remember to keep an eye out for the change-up! ■

GAINING MOMENTUM



BY DANIEL HOGAN, TAUC CEO

By the time you read this article, we will already be nearly halfway through 2022. I don't know about you, but for me, the last couple of years seemed to crawl by. We were stuck in a "pandemic rut" where every day seemed to bring a new crisis or problem. Now time seems to be speeding up. The economy continues to recover as we put COVID-19 in the rearview mirror. Contractors are cautiously optimistic as mothballed projects come back online and many owner-clients move ahead with ambitious expansion plans. There are still plenty of challenges to contend with, like runaway inflation and ongoing supply chain delays, but even so, the TAUC members I speak with have noticed a definite shift in momentum.

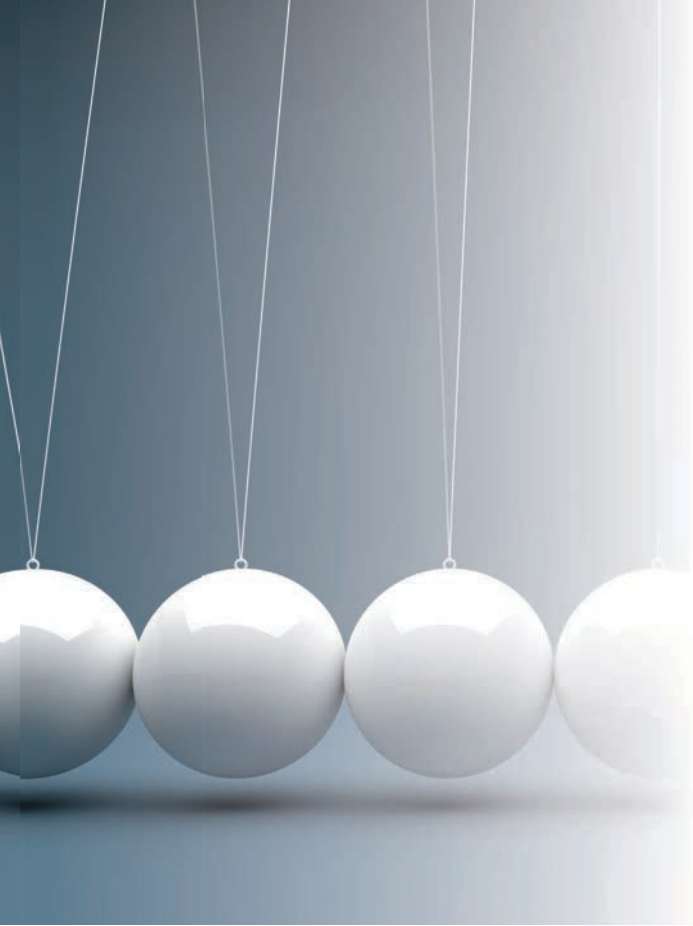
Even here in Washington, D.C. — where "change" is often treated like a four-letter word and the smallest improvements to laws can take years to implement — we are seeing an unprecedented level of activity from the Biden administration. *Things are getting done.* As luck would have it, this issue of *The Construction User* is devoted to government affairs, so you'll read about many of these new developments in the following pages. But for now, here's a quick overview.

In February, I was honored to be invited to

Ironworkers Local 5 Headquarters in Maryland to attend President Joe Biden's signing of a new executive order mandating the use of project labor agreements (PLAs) on federal government construction projects over \$35 million (see story on Page 16). The order is great news for union contractors who will soon be bidding on billions of dollars in work generated by the Bipartisan Infrastructure Law (BIL), because it will allow them to compete on a level playing field and ensure that workers are fairly compensated for their work.

The executive order also shines a huge spotlight on the inherent value of PLAs. If you're a union contractor, you couldn't ask for a more powerful endorsement than the backing of the federal government. Biden's action not only raises public awareness about PLAs and how they work, it also drives home the fact that they are the "gold standard" in construction for ensuring that construction projects of all sizes are completed safely and efficiently.

I don't want to be accused of blowing our own horn, but the fact that TAUC was invited to participate in the signing event is also incredibly significant for our membership. It shows that our efforts over the last several years to increase our influence on Capitol Hill and amplify the voices of union



Daniel Hogan 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).



"...OUR EFFORTS OVER THE LAST SEVERAL YEARS TO INCREASE OUR INFLUENCE ON CAPITOL HILL AND AMPLIFY THE VOICES OF UNION CONTRACTORS ARE STARTING TO BEAR FRUIT."

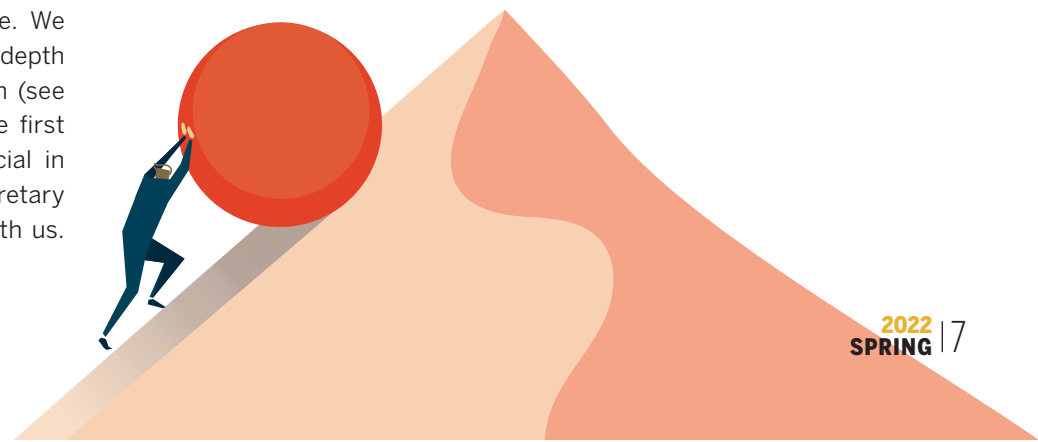
contractors are starting to bear fruit. We owe the Ironworkers a huge thank-you for facilitating the invitation and proving once again that they are a true partner dedicated to the tripartite philosophy.

Another huge development occurred in March, when the Department of Labor (DOL) announced plans to update the Davis-Bacon regulations that require workers to be paid local prevailing wage rates on federal construction projects (see story on Page 8). Shockingly, this will be the first time *in over forty years* that there has been a comprehensive review of Davis-Bacon. It's great news for contractors and the building trades because DOL has made clear it will return to the definition of "prevailing wage" used from 1935 to 1983 to ensure prevailing wages reflect actual wages paid to workers in the local community. TAUC, as part of the Construction Employers of America (CEA), is proud to support this long-awaited change.

As I said, you'll find more details about both of these developments elsewhere in this issue. We are also pleased to have an exclusive, in-depth interview with Labor Secretary Marty Walsh (see page 14). It's a real milestone for us — the first time we've interviewed a cabinet-level official in *The Construction User!* We can't thank Secretary Walsh enough for taking the time to talk with us.

It's another indication that TAUC is making inroads in Washington. I'm confident that given his background in the building trades, Secretary Walsh knows that when he speaks with TAUC, he's not just speaking to another trade association; he's speaking with thousands of union contractors and their partners in organized labor and the owner-client community.

Until next time — stay safe! ■



DOL Announces Long-Awaited Overhaul of Davis-Bacon Regs

BY DAVID ACORD, TAUC DIRECTOR OF COMMUNICATIONS

The Department of Labor announced in early March that its Wage and Hour Division plans to propose a new rule updating the regulations that implement the Davis-Bacon and Related Acts (DBRA), which require that workers be paid local prevailing wage rates on federal construction projects.

The long-awaited move from DOL marks the first time in four decades there has been a comprehensive review of the 71 DBRA laws.

“The proposal seeks to speed up prevailing wage updates, creating several efficiencies in the current system and ensuring prevailing wage rates keep up with actual wages,” DOL said. “Over time, this would mean higher wages for workers.”

“Federal dollars should be used to create good jobs in local communities all across our country,” said Secretary of Labor Marty Walsh. “These proposed regulations are good for workers, good for building high-quality infrastructure and for ensuring we have a strong construction industry, as we rebuild America.”

“It is long past time that federal prevailing wage protections be revised to reflect the significant changes that have occurred...over the past four decades.”

— CEA

The Department's proposed changes include:

- Creating several efficiencies in the prevailing wage update system and ensuring prevailing wage rates keep up with actual wages, which over time would mean higher wages for workers.
- Returning to the definition of “prevailing wage” used from 1935 to 1983 to ensure prevailing wages reflect actual wages paid to workers in the local community.
- Periodically updating prevailing wage rates to address out-of-date wage determinations.
- Providing broader authority to adopt state or local wage determinations when certain criteria are met.
- Issuing supplemental rates for key job classifications when no survey data exists.
- Updating the regulatory language to better reflect modern construction practices.
- Strengthening worker protections and enforcement, including debarment and anti-retaliation.

“Given recent unprecedented investments in our nation’s infrastructure, this comprehensive regulatory review is necessary to ensure employers on federally funded or assisted construction projects pay fair wages to the workers who build our roads, bridges, federal buildings and energy infrastructure,” said Acting Wage and Hour Division Administrator Jessica Looman. “The Davis-Bacon and Related Acts benefit construction workers, their families, their communities and taxpayers by ensuring all contractors can compete on

equal footing and by preventing employers who pay workers substandard wages from gaining an unfair competitive advantage.”

DOL’s announcement was one that both union contractors and the building trades had been waiting decades to hear. “It is long past time that federal prevailing wage protections be revised to reflect the significant changes that have occurred in the economy and the construction industry over the past four decades,” said the Construction Employers of America (CEA), an umbrella group of several union contractor trade associations (including TAUC). “Our member firms understand the merit in a public procurement policy that encourages employers to provide a skilled workforce with quality wages, benefits and training.”

CEA added: “Over [the past 40 years], there has been significant erosion of the [DBRA’s] regulatory framework, which has undermined the Acts’ intent of providing wage protections for workers and a level playing field for contractors. This attrition has led to out-of-date wage surveys and incorrect wage rates, thus making it more difficult to compete for government contracts — especially for contractors who provide their employees with middle-class wages and benefits and invest in their workforce.”

The Notice of Proposed Rulemaking (RIN 1235-AA40) was published in the March 18 *Federal Register*. Comments are due by May 17, 2022. To submit comments, go to [regulations.gov](https://www.regulations.gov). ■



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Contractors Grapple With Increase in Pre-Qualification Requirements

BY **ALEX KOPP**, EHS DIRECTOR, TAUC; **WESLEY WHEELER**, DIRECTOR OF SAFETY, NECA; **RAFFI F. ELCHEMMAS**, EXECUTIVE DIRECTOR, SAFETY, HEALTH, AND RISK MANAGEMENT, MCAA; **JUSTIN CRANDOL**, DIRECTOR OF SAFETY, SMACNA

For decades, contractors have used third-party pre-qualification services to provide performance data to owner-clients. In recent years, however, the demand from these services for more detailed information has skyrocketed. As a result, contractors are forced to spend more time and money complying with the new requirements. The situation has prompted many in the industry to call for a better and more efficient way to give customers the information they need — and groups such as TAUC are taking action.

When pre-qualification services first launched in the mid-1990s, contractors were asked to report data on basic “bread-and-butter” topics such as risk and safety compliance. A handful of third-party providers collected and analyzed this data, then passed it on to owner-clients, who used it to decide which contractors would ultimately be hired for projects. But over the years, two things happened: more third-party services popped up, and all of them — new and old alike — started requiring contractors to provide more information.

“Third-party services quickly expanded their scope of services beyond the traditional areas of risk and safety,” explained TAUC EHS Director Alex Kopp. “They started asking for more details on a contractor’s insurance and financial status in addition to everything else. Then the list just kept growing.”

What makes things even tougher for contractors — especially smaller companies with limited resources — is the sheer number of third-party services their clients use. Each service has its own proprietary software platform. “They all want

the same basic data, but contractors have to provide that data separately for each provider or customer, and in a variety of formats, depending on the software,” Kopp added. “Companies have no choice but to devote more time and personnel just to enter the information — not to mention the cost of subscribing to the various services themselves.”

“Just Another Level of Regulation”

Last fall, as frustration over third-party pre-qualification requirements continued to simmer among contractors, a coalition of four national specialty trade contractor associations jointly investigated how it was affecting their members’ businesses. The groups — The Association of Union Constructors (TAUC), National Electrical Contractors Association (NECA), Mechanical Contractors Association of America (MCAA) and Sheet Metal and Air Conditioning Contractors’ National Association (SMACNA) — had earlier agreed to collaborate on issues affecting the construction and maintenance industry on a national and regional level, and this one certainly fit the bill.

The groups sent a comprehensive 16-question survey to their members in October 2021. More than 220 companies responded, split roughly 50-50 between small contractors (99 or fewer employees) and larger ones (100 or more). Here’s a quick summary of the survey’s major findings:

- 72% of employers said they were dedicating in-house employees and resources to manage the various

third-party platform subscriptions that must be kept up to date.

- 90% said the information third-party services asked companies to provide was “not always applicable to the scope of work being bid.”
- 83% reported paying up to \$25,000 a year on subscription fees for various third-party service accounts; the remaining 17% spent up to \$100,000 or more.
- 32% said the pre-qualification process discouraged them from bidding on certain projects.

“It’s just another level of regulation,” said one contractor. “Third-party pre-qualification is like an extra layer of government.” Another commented, “We have been struggling with this problem for quite some time. As we are a smaller company, sometimes new ‘potential’ customers would like us to sign up before we’re awarded work or for small jobs where the cost [of pre-qualification] outweighs the overall gains yearly.”

One contractor summed up the situation this way: “Like most things which start out to be good, the pre-qualification process has taken on a life of its own. A whole industry has grown out of what used to be a simple process of proving we’re a legitimate contractor capable of doing the job.”

A Single Standard?

Many respondents said they wanted the industry to move toward a more standardized pre-qualification platform. “It would be ideal if all services had questionnaires in similar formats with common terminology,”

72% of employers said they were dedicating in-house employees and resources to manage the various third-party platform subscriptions that must be kept up to date.

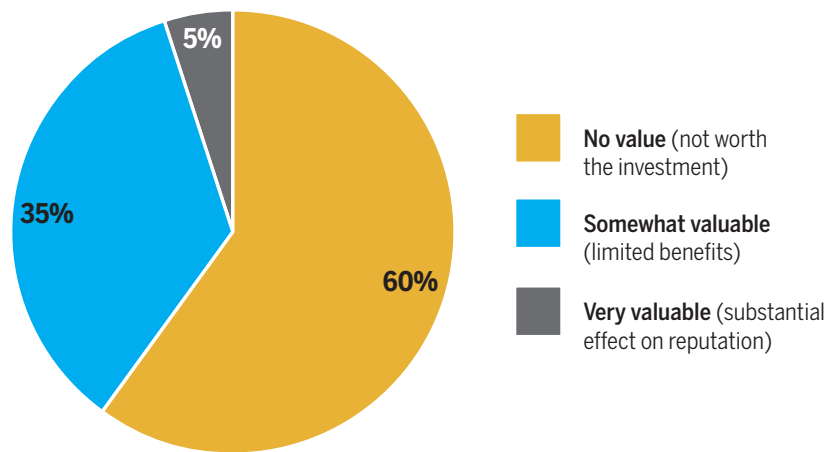
said one respondent. “Some large clients require prequals on small tenant finish work as well as large capital expansions, [which] just seems to be out of whack with the risk involved.”

“I recommend a standard electronic prequal form used industrywide, with fill-in fields to provide additional info that is specific to the owner/GC/project,” said another contractor. “I would require annual updates with a fee of \$1,000 or less, plus \$100 or less for each connection.”

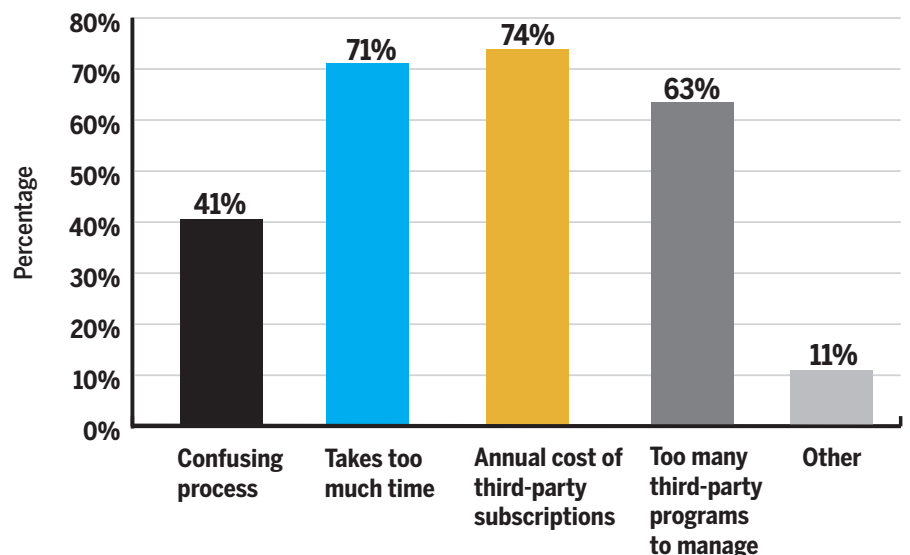
“The results of this joint survey — the first of its kind — have made it crystal clear that the current pre-qualification system is imposing a huge burden on contractors across the country,” said TAUC CEO Daniel Hogan. “It’s not as if contractors don’t want to give owner-clients the information they need. It’s a matter of coming up with a practical, efficient and streamlined way of providing that information.”

“As a result,” Hogan added, “over the next 18 months, TAUC, NECA, MCAA and SMACNA will begin exploring the efficacy of a universal pre-qualification program. We realize this is a huge undertaking, and coming up with a solution won’t be easy. Everyone has an idea on how to improve the pre-qualification process, and now is the time to discuss them. We’re committed to an open dialogue with all stakeholders, including owner-clients and third-party service providers.” ■

When required, how much value does third-party pre-qualification services add? (i.e., return on investment)



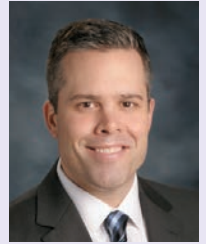
What issues or concerns does the pre-qualification process cause that most affect your organization?



Congress Takes Aim at Workforce Shortages

BY JUSTIN BRUCE
BRUCE & MERRILEES ELECTRIC COMPANY

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



As we all know, the construction industry is cyclical, a never-ending series of ebbs and flows. Right now, most segments of the construction industry are very busy, which is great — but it’s also challenging. There’s much to do, with limited time (and limited people) to get it all done. Although our partners in organized labor are working tirelessly to recruit and retain new members into their unions, and we contractors are stepping up when and where we can to help, it’s still a tough situation all around.

However, the federal government also has an important role to play in alleviating the workforce shortage. Thankfully, we are seeing movement on Capitol Hill via various bills in the House that will incentivize employers to invest in their workforce and provide public funding to develop a pipeline of qualified candidates with the skills to succeed in apprenticeship and training programs.

Apprenticeships: LEAP-ing Into Action

For example, the “LEAP Act” (HR 5972), introduced by Rep. Rodney Davis (R-Ill.),

allows employers a business-related tax credit of \$1,500 for hiring an apprentice younger than 25 at the close of the taxable year, or \$1,000 for an apprentice 25 or older. The thought here is to give employers an incentive to hire apprentices, but a kicker if they happen to be younger. The tax credit would be available to employers for “no more than two taxable years,” but it could still create taxable benefits for union contractors who use apprentices.

Last year, the House passed the “National Apprenticeship Act of 2021” (HR 447). This legislation, introduced by Rep. Bobby Scott (D-Va.), Chair of the House Committee on Education and Labor, and Rep. Donald Norcross (D-N.J.) — who began his career as an electrician for IBEW Local 351 in Folsom, N.J. — would expand and strengthen privately funded registered apprenticeship programs by:

- Establishing statutory criteria to ensure the quality standards for apprenticeships.
- Providing consistency in quality standards and worker protections across all registered apprenticeship programs.

- Offering access to apprenticeships and training opportunities by providing investments in expanding youth apprenticeships and pre-apprenticeship programs, which will prepare participants to enter and succeed in registered apprenticeship programs.
- Establishing or expanding educational alignment with programs under the national apprenticeship system.

This legislation also codifies the Department of Labor’s Office of Apprenticeship and strengthens its role and responsibilities in increasing promotion and awareness of registered apprenticeship programs, providing technical assistance, and increasing diversity in apprenticeable occupations and participants. The Office will also bring together industry leaders and experts, including employers, industry associations, joint labor-management organizations, labor organizations, education and training providers, and apprentices to establish national frameworks for



TAUC remains vigilant in tracking what is taking place at the federal level and leveraging these developments for the benefit of our association and membership.

industry-recognized apprenticeable occupations. Finally, the bill will strengthen the connections between the DOL and the U.S. Department of Education through an inter-agency agreement to support the creation and expansion of youth apprenticeships, college consortiums, and data-sharing agreements.

In introducing the legislation, Norcross was quoted as saying, “A registered apprenticeship program shaped my life — laying the foundation for me to go from the construction site to Congress...the Act provides students and workers all over the country the ability to pursue apprenticeship opportunities by strengthening the proven and successful models developed by the Registered Apprenticeship Program — America’s most successful workforce program.”

While this legislation has passed the House, it has not yet been considered in the Senate. We are hopeful that will occur this Congress so that registered apprenticeship programs can be strengthened and to ensure that TAUC members have access to the highly skilled craft workforce they rely on to deliver quality construction and maintenance activities for their customers.

IRAP Is a Wrap

While Congress works to pass this important legislation, earlier this year, the Biden administration took an important step toward protecting the registered apprentice and training system by repealing a Trump-era rule that authorized the creation of industry-recognized apprenticeships programs (IRAPs). This

rule created a parallel apprenticeship system, which could have potentially undermined privately funded joint labor management apprenticeship and training programs. While the IRAP rule initially exempted the construction industry, the lack of a permanent exemption left open the possibility of IRAPs being considered in the future. Repeal of this rule will protect registered apprenticeships and ensure that they can continue to provide skilled construction workers our industry needs.

Grassroots Funding

In addition to rescinding the IRAP rule, there has also been steps to provide funding to support workforce and apprenticeship programs overseen by the Employment and Training Administration. One program I would like to highlight is the DOL’s “Apprenticeship Building America” program, which will make \$113 million in grant funding available, including up to \$50 million to support equity partnerships and pre-apprenticeship activities to increase enrollment in Registered Apprenticeship Programs. The Apprenticeship Building America grant program will use a coordinated national investment strategy to strengthen and modernize the registered apprenticeship program system and expand and diversify these programs to enable more workers to earn the skills they need to enter this reliable pathway to the middle class.

To accomplish this, the program will provide grants to work with a variety of partners to support and develop the Registered Apprenticeship ecosystem. These partnerships will work to:

- Build and modernize state apprenticeship systems.
- Expand registered apprenticeship program opportunities for youth.
- Ensure equitable pathways to registered apprenticeships through pre-apprenticeship.
- Create new Registered Apprenticeship hubs.

Under this program, nonprofits, labor organizations, public and state institutions of higher education, and county governments are eligible to receive awards of between \$1 million to \$8 million to help provide a gateway for potential apprentices through skills readiness training needed to gain access and succeed in registered apprenticeship programs.

All these actions show that federal policy and investments can assist our industry in recruiting a new generation. TAUC remains vigilant in tracking what is taking place at the federal level and leveraging these developments for the benefit of our association and membership. If you, or someone at your company, might be interested in joining TAUC’s Government Affairs Committee, please reach out to TAUC Vice President Todd Mustard to learn how you can get involved. ■



Labor Secretary Marty Walsh: The Exclusive TAUC Interview

TAUC spoke with Labor Secretary Marty Walsh in early March for a wide-ranging and informative Q&A.

Q: In the span of a few short months, you went from running a city to running a major federal agency. Have there been any surprises along the way?

There's certainly a change in scale from running a city with a population of around 690,000 to serving the workers and retirees of a nation of over 330 million. As Mayor, I was interacting every day with the people I served, going to their neighborhoods or inviting them into the office. The communication and accountability are immediate — it's a very personal job.

As Labor Secretary, I felt that it was important to keep that direct contact. So far, I've been to more than 30 states and 60 cities, and it's been one of the most fulfilling aspects of the job.

I thought I knew what the Labor Department does, but I soon found myself in awe of just how many ways the Department touches people's lives and the range of opportunities we have for workers and their families. From unemployment insurance to occupational safety and health, wage and hour protections to anti-discrimination enforcement, health care and retirement security to workforce development, as well

as agencies focused on veterans, women, workers with disabilities, and international labor standards — we are able to empower workers and improve the well-being of every single American family.

Q: You are one of a small handful of federal officials and politicians with blue-collar construction experience. Are there lessons you learned in Boston that have helped you navigate Washington?

I do think that starting out on construction sites as a union Laborer, and coming up as a worker advocate, shapes my approach to the job. I know what a safety inspection looks like; I've seen up close what an injury on the job does to not only a worker but their family. I've also experienced the support you get belonging to a union, from better wages, a pension, and access to mental health care, which made a big difference for me when I dealt with alcoholism in my 20s.

In the Building Trades, and as an elected official, I learned the kind of partnership it takes to not only create jobs but also create diverse pathways into those jobs through pre-apprenticeship,

apprenticeship and similar workforce development programs. When we talk in Washington about creating good jobs and bringing greater equity to the labor market, I know the outreach and the partnerships it takes to make those goals a reality.

Q: You worked with (and for) union contractors for many years and understand the unique spirit of tripartite cooperation that exists between contractors, owner-clients, and the building trades. How has that relationship shaped your approach to labor-management issues in general?

I am someone who always believes we can get to “yes” when different parties need to work together to advance any project or policy. Everyone benefits when we develop strong partnerships where everyone has a seat at the table, and that's true at a large economic scale as well.

That's how I worked as a labor leader, negotiating union contracts and Project Labor Agreements. It's how I worked as Mayor, managing a workforce with 40 public employee unions and a taxpayer-funded budget. And it's how I work as Labor Secretary in the Biden-Harris administration.

President Biden ran for office with a new economic vision, to grow the economy from the bottom up and the middle out, not the top down. 2021 was the greatest year of job growth in American history and the fastest economic growth in almost 40 years. Now, thanks to the President's Bipartisan Infrastructure Law, we have begun to make historic investments in our

I am someone who always believes we can get to “yes” when different parties need to work together to advance any project or policy.

infrastructure all across America. We have the opportunity to create millions of good, union jobs. And we have to lower costs for families, by strengthening supply chains, making more goods here in America, and investing in the care economy.

It's all about partnership and collaboration, and based on my experience in labor, construction and local government, I am very optimistic we can get results.

Q: Contractors were relieved late last year when your Department announced plans to eliminate the Trump administration's controversial Industry-Recognized Apprenticeship Program (IRAP), which posed a significant threat to the joint labor-management registered apprenticeship system. Are there other steps the DOL plans to take to continue to protect, strengthen and promote this privately funded system and the career opportunities they provide?

The Department of Labor has taken several steps to strengthen Registered Apprenticeship, while promoting industry partnerships. Recently, we re-established the Advisory Committee on Apprenticeships and appointed members with expertise in apprenticeships to provide meaningful recommendations to further protect, strengthen, expand and promote Registered Apprenticeships. We've also invested millions in national Apprenticeship Intermediaries to help employers start Registered Apprenticeships in trucking and other supply chain industries. These intermediaries will help ensure RAPs are



We're also going to engage employers – to help them improve job quality – so every industry can attract and retain the talent it needs.

strengthened and expanded, while protecting quality.

The Department of Labor is committed to equity, job quality, proven practices, and system alignment in everything we do, including our funding to protect, strengthen and promote Registered Apprenticeships. In the Department's latest grant announcement for Apprenticeship Building America, we are making sure industry with relevant expertise are included as potential applicants for such funding.

Q: In late January, you unveiled the Biden-Harris administration's "Good Jobs Initiative," which the Department of Labor will spearhead. Are there particular policy changes or regulatory and enforcement changes the union construction industry can expect from this new initiative?

The President has made good, middle-class jobs — with equity and access for all — the heart of his economic agenda. The "Good Jobs Initiative" is an effort, led by the Department of Labor, to make sure we deliver on that goal in everything we do. This Initiative is focused on worker empowerment, employer engagement, and federal agency support.

We're going to speak directly to workers

— making sure they have the information they need to exercise their rights, find good jobs and get in-demand skills.

We're also going to engage employers — to help them improve job quality — so every industry can attract and retain the talent it needs.

We are going to work across federal agencies to build job quality into all our contracting and grant making, which includes not just minimum wages — but prevailing wages, paid leave, apprenticeship opportunities, and more.

Q: We very much appreciate the Department rescinding the previous administration's rule that would have made it easier for employers to misclassify workers as independent contractors rather than employees under the Fair Labor Standards Act (FLSA). What are your plans for battling worker misclassification, which undercuts so many honest union contractors — particularly in the highly competitive construction industry?

Continued on page 18

TAUC CEO JOINS PRESIDENT BIDEN FOR PLA EXECUTIVE ORDER SIGNING

BY DAVID ACORD, TAUC DIRECTOR OF COMMUNICATIONS

President Joe Biden signed a new executive order on Feb. 4 requiring project labor agreements (PLAs) to be used on all large-scale federal construction projects over \$35 million — including those authorized in the recently passed Bipartisan Infrastructure Law (BIL).

The administration's decision further bolsters the argument made by union contractors and their building trades partners — that PLAs, which are predominantly used on union jobs, are the “gold standard” for ensuring projects of all sizes are completed safely and efficiently.

The executive order could affect more than \$260 billion in federal government construction contracts. It only applies to provisions in the BIL that are direct

federal procurement, meaning construction projects financed through grant dollars to nonfederal entities are excluded.

The President traveled to Ironworkers Local 5 headquarters in Upper Marlboro, Maryland, to officially sign the order. Daniel Hogan, CEO of The Association of Union Constructors (TAUC), was invited on stage to witness the signing along with several other officials, including Vice President Kamala Harris, Labor Secretary Marty Walsh and Energy Secretary Jennifer Granholm.

“The executive order is making sure that federal construction projects get completed on time and under budget, saving taxpayers money, clearing construction zones quickly and ensuring that

everything the federal government signs to contract to build is built to last,” Biden said in his remarks. “To do that, we’re using a tool that ironworkers here know very well, called ‘project labor agreements’...Simply put, these are agreements that contractors, subcontractors and unions put in place before [construction] gets underway.”

These PLAs will “ensure that major projects are handled by well-trained, well-prepared, highly skilled workers, and they ward off problems,” Biden continued. “They resolve disputes ahead of time, ensuring safer worksites, avoiding disruptions and work stoppages that can cause expensive delays down the line.

“And that makes a big difference for the

“I tell you who built America: the middle class. And the people who built the middle





class are organized labor...Unions did it. That's not hyperbole...That's a straight fact."
— PRESIDENT JOE BIDEN

American taxpayer," the President added. "Because, when big construction projects are completed efficiently and with the highest degree of professionalism, it's good for the American taxpayer...The executive order I'm going to sign will help defuse problems before they arise. They're going to improve coordination between contractors, subcontractors and workers on the jobsite. It's going to help guarantee a consistent supply of high-quality, highly trained workers."

Harris also spoke at the signing. "When the United States needs something to be built right, we turn to union workers," she said. "And the reason for that is also clear: Union workers are committed workers, productive workers, efficient workers, skilled workers. They are well-trained and well-prepared to get the big jobs done and

to do them right, not to mention on time and on budget."

Predictably, many Republicans weren't happy with the President's decision. Sen. Todd Young (R-Ind.) and more than 40 Senate Republicans sent a scathing letter to Biden blasting the mandate, saying it "will prevent qualified contractors from fairly competing for contracts on taxpayer-funded projects...[and] deny critical construction jobs to local workers and small businesses and increase construction costs."

Young and Sen. Tim Scott (R-S.C.) also reintroduced their Fair and Open Competition Act, which they say would "ensure that the federal government cannot mandate project labor agreements (PLAs) on federal projects, thereby increasing competition and saving money

for taxpayers." But with the Senate split 50-50, there appears to be little chance that Republicans can stop the President's executive order from remaining in effect, at least until after the midterm elections.

"PLAs were used to complete some of the most iconic public works projects in American history, including the Hoover and Grand Coulee Dams," Hogan said. "It's fitting that as we begin the challenging task of rebuilding our nation's infrastructure, our government, led by the Biden administration, is once again turning to PLAs to get the job done." ■

Marty Walsh Q&A*Continued from page 15*

Last spring, the Department announced the withdrawal of the “Independent Contractor Rule,” to ensure that workers do not lose the minimum wage and overtime protections of the Fair Labor Standards Act. In addition to preserving access to the FLSA’s wage and hour protections, the Department anticipates that withdrawing the independent contractor rule will avoid other disruptive economic effects that would have been harmful to workers, such as lost access to benefits or eligibility for unemployment insurance.

WHD is expanding efforts to combat misclassification and is targeting sectors where we know workers are vulnerable and violations are rampant. Misclassification is a pervasive problem in the construction industry. Sub-tier contractors will use a business model of calling their workers independent contractors in order to avoid paying overtime, workers’ compensation and unemployment insurance. This puts responsible contractors at a huge competitive disadvantage and pushes the entire industry into a race to the bottom.

With businesses reopened and the economy continuing to grow, this year is an opportunity to reset, rebuild and advance worker-focused priorities and strategies. The Department will, as it always does, use all available enforcement tools to ensure compliance.

Q: Another area of interest to our members is the action being undertaken by the DOL’s Wage and Hour Division to strengthen Davis-Bacon prevailing wage protections. What are your plans for updating the wage survey process and reversing past efforts to undermine the Davis-Bacon Act’s regulatory framework?

The principle underlying Davis-Bacon is simple: to ensure that the government’s extensive contracting activity does not have the unintended consequence

With businesses reopened and the economy continuing to grow, this year is an opportunity to reset, rebuild and advance worker-focused priorities and strategies.

of depressing workers’ wages. In this competitive contracting environment, no contractor should gain an economic advantage by paying workers below the required wages and fringe benefits on a prevailing wage project.

On Friday, March 11, the Department unveiled proposed rulemaking to modernize the administration and enforcement of Davis-Bacon labor standards that apply to federal and federally assisted construction projects. The proposed rule is the department’s most comprehensive review of the Davis-Bacon Act regulations in 40 years.

This action is a great example of the federal government being a good steward of taxpayer money. It is good for communities; it is good for workers, and it will result in high-quality infrastructure as we rebuild America.

Through this rule, the Department proposes speeding up prevailing wage updates; updating nonunion prevailing wage rates to keep them up to date; giving Wage and Hour broader authority to adopt state or local wage determinations as the Federal prevailing wage under certain circumstances; issuing supplemental wage rates for key labor classifications that don’t show up in wage surveys; and modernizing the regulation to reflect

innovative types of construction investments including energy infrastructure buildings.

The Administration has also been focused on reducing anti-competitive behavior by employers and increasing workers’ bargaining power in the economy. Modernizing Davis-Bacon helps make sure that skilled workers’ wages can’t be undercut.

Q: Our members have significant experience with private-sector PLAs, which ensure construction projects are carried out under the most efficient, appropriate, and cost-effective construction agreements and processes available, and are completed on-time and on-budget. Many union contractors were very appreciative of President Biden’s recent executive order mandating the use of project labor agreements on federal projects over \$35 million. Are there any additional plans to promote the use of PLAs?

PLAs are partnerships that create win-win outcomes for everyone in the community. They ensure high-quality work, so we can make sure the President’s Bipartisan Infrastructure Law creates safe, resilient, modern infrastructure across our country. PLAs also create certainty and predictability in a project budget, and lock in good, middle-class jobs at every phase of a project. That way, the investment stays in the community — not only in great infrastructure, but in the bank accounts of local families, who have money to spend at local businesses.

Promoting PLAs is a large part of the Department of Labor’s “Good Jobs Initiative,” under the umbrella of the guidance and technical assistance the Department will continue to provide as the investments from the Bipartisan Infrastructure Law begin benefiting millions of Americans across the country. ■

NATIONAL SAFETY STAND-DOWN

TO PREVENT FALLS IN CONSTRUCTION

MAY 2-6, 2022



Photo: U.S. Department of Labor

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Infrastructure and the Path Forward

BY ERIC DEAN, GENERAL PRESIDENT, INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS

As president of a union representing 128,000 skilled ironworkers, I'm glad for the opportunity to address so many of the contractors who put our folks to work. Everyone who reads this publication understands that for construction union workers and our contractors, we're all in this together. There's no shortage of uncertainty on the global stage and economy right now. Still, I'm bullish that the upcoming growth in infrastructure and manufacturing will get us through stronger than before. Building trades and union contractors have met every challenge for over a century by sticking to the middle path and supporting each other's common interests, and now is no different.

Both unions and union contractors worked for months to get the historic Bipartisan Infrastructure Law (BIL) on President Joe Biden's desk. The BIL doesn't just provide unprecedented investments in every mode of infrastructure. It also has the strongest labor provisions of any past infrastructure law. The law has stronger prevailing wage, expanded registered apprenticeship and improved local-hire provisions across its many programs. I was privileged to join other union General Presidents on stage as Biden signed the BIL, and I have no doubt that our presence was meant to show that trade union contractors will win this work.

The BIL's investments will be awarded to states through many grant and formula programs over the next five years and will continue to pay out for five years after that. A generation of ironworkers and our signatory contractors will benefit from this work. Our focus now is to work with federal

agencies, states and local governments to make sure this money is spent as intended, on high-road projects that create union jobs. Contractors and local unions alike can lean in with their local governments to make this successful.

While I expect the BIL and its rollout to be the defining legislation for our industry this decade, it's not the only thing our union and signatory contractors have been focused on. Both the legislative and regulatory agendas have been stacked with opportunities for high-road contractors and union workers.

As I write this, important China-focused competitiveness legislation is going to conference between the U.S. Senate and House of Representatives. Besides much-needed updates to America's trade policy toward China, the legislation has \$50 billion in incentives for semiconductor manufacturing. We worked both sides of the aisle to get bipartisan support for Davis-Bacon prevailing wage on this spending. Any contractor or local union with a microchip foundry coming up in their area understands how big a deal this is. Still, nothing is certain until the President signs the bill, so both contractors and unions should stay in touch with their representatives throughout the conference process to make sure prevailing wage isn't dropped from the final law.

A year on from the American Rescue Plan, it's increasingly clear how much Biden's first major legislation did to keep the economy afloat through the pandemic. The ARP's support for state governments has allowed states to keep construction dollars flowing. Infrastructure has been a

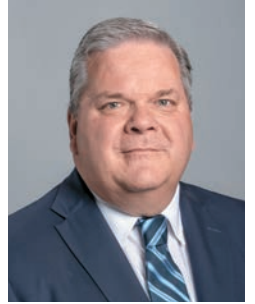
major use for ARP funds. As emergency legislation, the ARP lacks the Davis-Bacon coverage we expect on federal construction funding, so we have had to work with the administration to strengthen labor standards through the administrative process.

The ARP's multiemployer pension rescue package is the culmination of years of hard work by unions and contractors to help troubled plans. The package offers plans the opportunity to restore benefits to participants who took cuts. Unfortunately, the Pension Benefit Guaranty Corporation's initial rollout has made conditions on the aid too punitive for many plans to accept. Our union has joined many contractor associations in suggesting improvements in the final rule, and I believe the Department of Labor understands what the problems are.

Finally, we've been blessed in the past couple of months by two executive actions that are great news for skilled workers and high-road contractors. Our union was honored to host Biden — and TAUC — as the President signed a Project Labor Agreement executive order at Iron Workers Local 5 outside Washington. The order is intended to deliver good value to taxpayers by getting large, complex federal construction projects built on time and under budget. A month later, the Department of Labor followed up with a proposed rule on Davis-Bacon. The rule will strengthen and update prevailing wage for the modern construction industry, helping create good local jobs.

All this progress comes from hard work by locals, contractors and DC legislative

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General President
of the International
Association of
Bridge, Structural,
Ornamental and
Reinforcing Iron
Workers.



A year on from the American Rescue Plan, it's increasingly clear how much Biden's first major legislation did to keep the economy afloat through the pandemic.

staff. Both building trades unions and contractor associations have taken a bipartisan approach to dealing with the government. To have both labor and employers showing up on the same side of the table to talk about bread-and-butter issues still cuts through the chatter in our increasingly polarized capitol. The Iron Workers are proud to pull in the same direction as TAUC on these and other issues. I'm sure we'll rack up more wins by the end of this Congress and be ready for whatever comes next. ■

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NMA I.Q.

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Now, the NMAPC has created a comprehensive web-based resource center to help contractors, clients and crafts more effectively utilize the NMAPC Program.

The NMA I.Q. eLearning Resource Center is the web-based resource for “all things NMA.” It 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.

Try it today – it’s free!

www.NMAIQ.org

Unfinished Business

BY CHRISTOPHER HEINZ

When the Pension Protection Act was passed in 2006, many of us involved in the union multiemployer pension system believed we had reformed it for the next generation. The initial results after the first year were very positive. Given a strong set of rules and guardrails, plan trustees took the necessary steps to shore up funding and put plans on much firmer footing.

Then came the 2008 financial crash. On average, multiemployer pension plans lost 25% of their asset base in a few quick months, and our industry plunged into a five-year depression. Labor and management quickly came together and persuaded Congress to pass funding-relief legislation. This gave plans extra time to deal with the losses incurred during the economic crisis, and eventually stock market assets regained their pre-crash value. But the success was short-lived; the lack of work hours coming into plans eventually put many of them into critical and declining, or “red zone,” status.

Once again, labor and management stepped up to the plate and created “Solutions Not Bailouts,” a comprehensive proposal to fix suffering plans and strengthen the overall multiemployer pension system. The program had three components: technical changes to plan funding rules, the ability to adjust benefits in critical plans, and the creation of new “composite plans” that would combine the best aspects of defined benefit and defined contribution plans into a more flexible third option. These hybrid plans would give participants a good retirement benefit while eliminating the scourge of unfunded liability by keeping plans funded at 100%.

“Solutions Not Bailouts” proved to be an

Christopher Heinz is a member of the Steering Committee of the National Coordinating Committee for Multiemployer Pensions (NCCMP). He has more than 40 years of experience as a congressional lobbyist, national union political director, local union official and grassroots political coordinator. Mr. Heinz previously served as the Political and Legislative Director of the United Brotherhood of Carpenters and Joiners of America.



Signatory contractors need to engage members of Congress to help them understand the importance of addressing unfunded pension liability.

influential road map. The Multiemployer Pension Reform Act (MPRA), passed by Congress and signed into law in 2014, included several of the fixes detailed in our proposal, but unfortunately, composite plans didn't make it into the final bill.

By 2017, it became clear that while MPRA worked well for some plans, it wasn't a good fit for many others. Some were unable to remain solvent even after enacting severe benefit suspensions authorized by MPRA. At that point, multiemployer pension advocates began working with House and Senate staff to devise new legislation to address the approximately 150 plans with 1.5 million participants that faced imminent insolvency and threatened the health of the entire multiemployer pension system.

Throughout the fall of 2019, we worked with Congress to craft bipartisan legislation to help the participants of the at-risk plans and pass the final piece of the “Solutions Not Bailouts” proposal: composite plans. While that effort ultimately failed, in March 2021 the new Congress passed the Special Financial Assistance Program for multiemployer plans (SFA) as part of the American Rescue Plan Act COVID-19 relief package.

The SFA provides critical and declining plans with cash assistance to help them remain solvent through 2051. While it helps avert a cascading crash of multiemployer plans in the near term, it does nothing to

clear a path forward to ensure the health of the overall system and protect the full benefits of participants many years into the future. That is still unfinished business.

We are already at work talking to Congress and the Biden administration about passing legislation to finish the job and provide a path forward for multiemployer pension plans to eliminate unfunded liability and secure a stable retirement for their participants. We need your help in this process. Labor and management must continue to work together to get this job done. Signatory contractors need to engage members of Congress to help them understand the importance of addressing unfunded pension liability to your business and the plans you participate in — and the need for additional legislation to deal with this situation.

Too many members think the SFA has addressed the multiemployer pension crisis. Frankly, they fail to appreciate the long-term risk to the multiemployer pension system without further legislative action to correct plans' unfunded liabilities. They need to understand that a lot of work still has to occur to strengthen the entire multiemployer pension system. So make an appointment to talk to your representatives and senators and ask them to help us reform our system once and for all. ■

Safety Briefs

Apply Now for NMAPC's Zero Injury Safety Awards®

Yes, it's that time again already! The NMAPC is now accepting applications for the 22nd Annual Zero Injury Safety Awards® at www.zisa.org.

ZISA® recognizes the tripartite efforts of owner-clients, contractors and union building trades to achieve what was once thought impossible — zero injuries on the jobsite. This year's ZISA® awards, which will recognize zero-injury achievements in calendar year 2021, are among the union construction and maintenance industry's most prestigious honors!

The deadline to apply is June 10, 2022. Applications are being accepted online at www.zisa.org. (Tip: gathering safety data takes time. Avoid the rush and last-minute stress — begin working on your applications now.)

Also, be sure to mark your calendars for Thursday, October 20, 2022. That's the date for the 22nd Annual ZISA® Gala, where we'll honor this year's winners! The celebration will once again take place at the gorgeous National Cathedral in Washington, D.C. Keep an eye out for registration information later this year. ■

OSHA Targets Employers Who Fail to Submit Form 300A Data

OSHA says it is starting an enforcement program to identify employers who fail to submit Form 300A data through the agency's Injury Tracking Application (ITA). Annual electronic submissions are required by establishments with 250 or more employees currently required to keep OSHA injury and illness records, and establishments with 20-249 employees classified in specific industries with historically high rates of occupational injuries and illnesses.

"The program matches newly opened inspections against a list of potential non-responders to OSHA's collection of Form 300A data through the ITA and reports all matches to the appropriate OSHA area office," the agency explained. "If the area office determines that the establishment on the list is the same establishment where the inspection was opened, OSHA will issue citations for failure to submit OSHA Form 300A Summary data."

"In addition to identifying non-responders at the establishment level, the agency is also reviewing the 2021 submitted data to identify non-responders at a corporate-wide level," OSHA added. "This corporate level review is being conducted for the nation's largest employers." ■

OSHA Launches National Emphasis Program on Heat Illness, Injuries

In mid-April, Labor Secretary Marty Walsh and Vice President Kamala Harris announced that OSHA would launch the first-ever national emphasis program to protect workers from indoor and outdoor heat hazards, "Through the program, OSHA will conduct heat-related workplace inspections before workers suffer completely preventable injuries, illnesses or, even worse, fatalities," the Department of Labor said in a press release.

"Tragically, the three-year average of workplace deaths caused by heat has doubled since the early 1990s," Walsh said. "These extreme heat hazards aren't limited to outdoor occupations, the seasons or geography...This enforcement program is another step towards our goal of a federal heat standard. Through this work, we're also empowering workers with knowledge of their rights, especially the right to speak up about their safety without fear of retaliation."

OSHA announced it will "proactively initiate inspections in over 70 high-risk industries in indoor and outdoor work settings when the National Weather Service has issued a heat warning or advisory for a local area. On days when the heat index is 80 F or higher, OSHA inspectors and compliance assistance specialists will engage in proactive outreach and technical assistance to help stakeholders keep workers safe on the job. Inspectors will look for and address heat hazards during inspections, regardless of whether the industry is targeted in the NEP."

OSHA added that its area offices will engage in outreach to unions, employers in target industries and other organizations committed to advancing protections for underserved workers. "The agency's On-Site Consultation Program, a free and confidential health and safety consulting program for small- and medium-sized businesses, will assist employers in developing strategic approaches for addressing heat-related illnesses and injuries in workplaces," the department said.

"Last fall, in the Biden-Harris administration's first year in office, OSHA published an Advance Notice of Proposed Rulemaking to initiate the rulemaking process towards a federal heat standard and is committed to using all tools at its disposal to reduce heat hazards through a combination of enforcement, outreach and compliance assistance," OSHA added. ■

OSHA Proposes Amendments to Injury Recordkeeping Regs

The U.S. Department of Labor's Occupational Safety and Health Administration announced in late March that it is proposing amendments to its occupational injury and illness recordkeeping regulation (29 CFR 1904.41).

Current regs require certain employers to electronically submit injury and illness information to OSHA. "In addition to reporting their Annual Summary of Work-Related Injuries and Illnesses, the proposed rule would require certain establishments in certain high-hazard industries to electronically submit additional information from their Log of Work-Related Injuries and Illnesses, as well as their Injury and Illness Incident Report," OSHA said in its announcement.

Specifically, the proposed rule would:

- Require establishments with 100 or more employees in certain high-hazard industries to electronically submit information from their OSHA Forms 300, 301 and 300A to OSHA once a year.
- Update the classification system used to determine the list of industries covered by the electronic submission requirement.
- Remove the current requirement for establishments with 250 or more employees not in a designated industry to electronically submit information from their Form 300A to OSHA annually.
- Require establishments to include their company name when making electronic submissions to OSHA.

"As part of OSHA's mission to protect workers and mitigate workplace hazards, this rule would improve OSHA's ability to use its enforcement and compliance assistance resources to identify workplaces where workers are at high risk," the department said. "The proposed rule would also advance the department's mission to empower workers by increasing transparency in the workforce." ■

Falls Prevention Stand-Down Slated for May 2-6

OSHA's annual National Safety Stand-Down to Prevent Falls in Construction will take place May 2-6, 2022 — and you can play an important role! A plethora of educational and promotional materials are available at www.osha.gov/preventfalls.

"Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 351 of the 1,008 construction fatalities recorded in 2020 (BLS data)," OSHA said. "Those deaths were preventable. The National Safety Stand-Down raises fall hazard awareness across the country in an effort to stop fall fatalities and injuries."

A Safety Stand-Down is "a voluntary event for employers to talk directly to employees about safety," OSHA added. "Any workplace can hold a stand-down by taking a break to focus on 'Fall Hazards' and reinforcing the importance of 'Fall Prevention.' Employers of companies not exposed to fall hazards can also use this opportunity to have a conversation with employees about the other job hazards they face, protective methods, and the company's safety policies and goals. It can also be an opportunity for employees to talk to management about fall and other job hazards they see."

OSHA emphasized that the Stand-Down is open to everyone. "In past years, participants included commercial construction companies of all sizes, residential construction contractors, subcontractors and independent contractors, highway construction companies, general industry employers, the U.S. military, other government participants, unions, employers' trade associations, institutes, employee interest organizations, and safety equipment manufacturers."

Visit www.osha.gov/preventfalls to learn more. ■



NMA Update: Time to Report First-Quarter Work Hours

Attention all NMA signatory contractors! If you haven't already done so, it's time to report your NMA work hours for the first quarter of 2022 (January through March).

Work hours must be reported online for all work performed under the NMA. Contractors must report work hours for each Site Extension Request (SER) that has been approved, and for as long as the SER

remains active. By reporting your hours, you help create a more accurate picture of union construction's position in the marketplace!

Just log on to www.nmapc.org/workhours and follow the simple instructions. It takes only a few minutes! ■

Long-Term Construction Trends: Big Growth, More Older Workers

BY DAVID ACORD, TAUC DIRECTOR OF COMMUNICATIONS

Construction employment grew rapidly over the last decade, even when factoring in the effect of COVID-19, according to a new analysis of government data by CPWR — The Center for Construction Research and Training.

Between 2011 and 2019, construction employment rose a whopping 26.7%, from roughly 9 million to 11.4 million workers, CPWR reported in its March 2022 Data Bulletin. That's more than double the general percentage growth of all industries (12.6%, from 139.9 million to 157.5 million) in the same time frame. From 2019 to 2020, construction employment fell 5.3% because of the pandemic, but it rebounded between 2020 and 2021, rising 4.6% to just below the 2019 peak.

CPWR also found that in terms of private payroll construction employment, the fastest growth over the last decade was found in the Construction of Buildings subsector (NAICS 236), which increased nearly 40% from 1.2 million to 1.7 million workers. Specialty Trade Contractors (NAICS 238), which includes electrical, plumbing and structural steel contractors (among many others), was close behind with 35% growth (3.5 million to 4.7 million). The slowest growth between 2011 and 2021 was found in the Heavy and Civil Engineering subsector (NAICS 237), which increased from 800,000 to 1.1 million workers.

Unemployment: Same Old Story

"Among private wage-and-salary workers, the unemployment rate was consistently higher in construction than in all nonfarm industries from 2011 to 2021, which is consistent with trends observed since the early 2000s," CPWR noted. However, researchers pointed out that construction unemployment also dropped at a faster rate than all other nonfarm sectors between 2011 and 2019 — over a 72% decrease compared with nonfarm's 61% decline. "This was a result of the Great Recession," CPWR wrote, "as employment grew fastest in the industries that lost the most jobs."

Not surprisingly, unemployment in construction shot up during the pandemic, but it was still markedly lower than other sectors. At the end of the day, in 2021, construction employment sat at 6.5% overall, compared with 5.4% in all nonfarm industries.

Crunching the Numbers

Other interesting insights from CPWR's research include:

- Between 2011 and 2021, the top growing occupations in construction were solar installers (+412%), managers (+141%) and material-moving workers (+86%).
- The largest declines in the same decade were for dredge, excavating and hoist operators (-34%), structural iron and steel workers (-25%), and brick masons (-31%).
- Construction employment is projected to increase more than 4% from 2020 to 2030, roughly 50% less than other industries. "Of the three major subsectors, Construction of Buildings (NAICS 236) is projected to grow the fastest



(+4.9%), compared with 4.3% for both Heavy and Civil Engineering (NAICS 237) and Specialty Trade Contractors (NAICS 238)," CPWR wrote.

- Construction jobs expected to grow most quickly from 2020 to 2030 include solar installers (+52%), construction managers (+16%) and telecom-line installers (+10%). Jobs expected to shrink include administrative support (-16%), brick masons (-4%) and boilermakers (-2%).
- The five states with the highest projected construction employment growth between 2018 and 2028 are Utah (+30%), Nevada (+27%), Colorado (+26%), Idaho (+25%) and Texas (+15%). States projected to lose construction jobs are Maine (-4%), Louisiana (-3%) and Illinois (-1%).

Demographics: Going Gray(er)

CPWR also analyzed data on the demographics of construction workers over the last decade and found that between 2011 and 2021, the percentage of workers 55 or older jumped from almost 17% to nearly 22%. The number of Hispanic workers also rose from just over 24% to more than 32%, while female construction workers increased from 9.2% to 11% of the workforce.

Check out the complete March 2022 Data Bulletin at www.cpwr.com. ■



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Contact: Todd Mustard, TAUC VP

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Could Midwestern States Win Big From Infrastructure and Green Investments?

BY DAVID ACORD, TAUC DIRECTOR OF COMMUNICATIONS



States like Indiana and Wisconsin are poised to reap big benefits from investments in clean energy and infrastructure projects, according to a pair of reports from the Midwest Economic Policy Institute (MEPI).

Last year, the Bipartisan Infrastructure Law (BIL) was finally passed, unleashing hundreds of billions in funding for long-overdue upgrades to the nation's roads, bridges and airports. Meanwhile, more and more local policymakers are going "all in" on wind and solar and pledging to overhaul energy production in their states. Taken together, these two major shifts in government policy at both the federal and state level have created huge potential opportunities for contractors — but plenty of pitfalls still must be avoided along the way.

Going Green in Wisconsin — Maybe

In 2019, Wisconsin Gov. Tony Evers signed an executive order that set a goal of reaching 100% carbon-free electricity in the state by 2050. It's a steep climb; right now, the state lags well behind its neighbors in clean energy production, according to a new study from MEPI and the Fiscal and Economic Research Center (FERC) at the University of Wisconsin-Whitewater. "Fossil fuel energy currently accounts for 72% of Wisconsin's utility-scale net electricity generation," they wrote. "Zero-carbon and renewable sources account for just 28% of utility-scale electricity

generated in Wisconsin compared with 67% in Illinois, 61% in Iowa, and 53% in Minnesota."

"Wisconsin's major utilities have already committed to significant investments in wind and solar energy production," MEPI and FERC noted, but they pointed out that even so, "an additional 8 GW of productive capacity beyond currently planned developments" will be needed to achieve the 2050 objective.

One of the biggest keys to achieving the state's goals is ensuring that policymakers take the right approach to workforce development, the groups claim.

"The clean energy sector is expected to be a major job creator over the next decade, but Wisconsin may not fully capitalize on these clean energy impacts if a substantial number of wind and solar projects are awarded to developers with nonlocal workers," the report warns.

"Every \$1 billion spent on clean energy delivers a stronger return in the form of economic activity and fiscal outcomes than comparable investments in fossil fuels," added study coauthor and FERC Director Dr. Russell Kashian. "However, the data shows that such impacts rely on a

policy framework that can develop enough adequately skilled workers for these jobs and maximize those returns."

The study argues that employing local union construction workers is a vital strategy if the state hopes to meet its 2050 goals. The authors point out that local workers have already installed more than 85% of the state's utility-scale wind and solar capacity, and union worksites in the state are 33% less likely to have an OSHA violation and have 59% fewer violations per inspection than nonunion worksites.

"Union contractors have been 14% less likely to experience difficulty filling craft positions and 21% less likely to have project delays due to shortages of workers than nonunion contractors," the report stated. "There is little to no cost difference between union projects and nonunion projects, especially after accounting for productivity, training, and safety."

MEPI and FERC also say public policy could play a critical role in transitioning to 100% clean energy. "Research consistently shows that prevailing wages, project labor agreements, and responsible bidder ordinances improve the quality of construction jobs — resulting in increased

"Research consistently shows that prevailing wages, project labor agreements, and responsible bidder ordinances improve the quality of construction jobs."

— Frank Manzo IV



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local hiring, stronger apprenticeship systems that boost the supply of workers with skills for in-demand careers, and more workers earning market-competitive wages,” said MEPI Executive Director and study coauthor Frank Manzo IV. “Labor comprises less than 10% of total clean energy project costs, and these standards offset higher wages and training investments, by delivering stability in the labor supply pipeline that these projects depend on as well as improved safety and productivity outcomes on the jobsite.”

Manzo added that under the Investment Tax Credit provisions included in the Build Back Better Act (BBB) — which recently passed the U.S. House of Representatives but is stalled in the Senate — “a clean energy transition guided by strong labor standards could actually reduce Wisconsin’s clean energy project costs by as much as 26%. That’s because the proposed law increases the Investment Tax Credit for clean energy installation projects from 6% to 30% for project owners

who pay their workers prevailing wages and utilize registered apprentices for 15% of their workforce.”

Back Home Again in Indiana

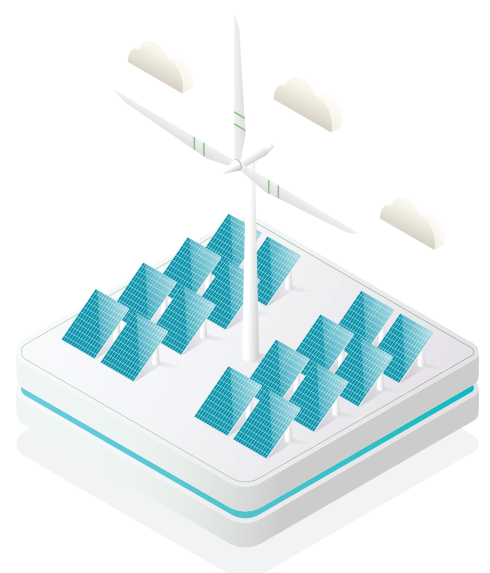
Moving south, MEPI estimates that another key Midwestern state for union construction — Indiana — will receive about \$8 billion in road, bridge and transit funding from the BIL. It breaks down like this:

- \$6.569 billion in road and bridge formula funding, including two new programs.
- \$401 million in bridge replacement, rehabilitation, preservation, protection, and construction formula program.
- \$680 million in transit formula funding.
- \$170 million to fund improvements to Indiana airports.

In addition, the state will receive \$100 million from the new National Electric Vehicle Formula Program “to install electric vehicle charging infrastructure and

establish an interconnected network to facilitate data collection, access, and reliability,” MEPI wrote.

“The [BIL] will boost infrastructure investments in the State of Indiana, increasing total funding for roads and bridges in Indiana by 21% in the first year,” MEPI noted in the second report. “Total funding for public transit systems in the state will increase by 30% in the first year.” ■



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