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BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO • INTERNATIONAL UNION OF OPERATING ENGINEERS UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA • AMERICAN PETROLEUM INSTITUTE
ABOUT TAUC

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

OUR MISSION

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

ADAPTATION IN THE 21ST CENTURY

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

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I AM FORTUNATE to sit in the president’s chair of TAUC, as it affords me a view of the industry that too few have the opportunity to see. Many see the construction industry as deeply-rooted in outdated traditions and slow to change. I have often heard it said, ‘the only person who likes change is a bus driver.’

To the contrary, I see a group of industry leaders that can embrace change and use it to their competitive advantage. I believe TAUC plays an important role in helping our members recognize and capitalize on these opportunities. The other day, I sat down at my desk to receive a call from one of our capable TAUC staff members. Not only did I speak to him, but I also saw him live on my computer monitor. It was a marvelous and enlightening experience that significantly improved the effectiveness of our conversation.

The cost of the service was very affordable: it was free! This Web-based service is called Skype, and all you need is an Internet connection and an inexpensive Web camera. I immediately implemented this technological communication tool in my company’s regional offices. There are other exciting innovations available, as well. Broadcast text messaging can be utilized to deliver time-sensitive safety communications instantaneously to field supervisors via their cellular phone. Remote jobsite personnel can receive company-specific training programs through affordable Web-based software programs. Wireless data services are available to support jobsite personal computers when hard-wired Internet service is not available.

Now, to all of you techies, this article is probably providing you with a chuckle. However, many of our TAUC members, including myself, find these technological breakthroughs phenomenal.

The point illustrated here is that we, as union constructors, must embrace technology. My company’s adoption of Skype is just one example of a value-added business tool that came as a direct result of my affiliation with TAUC. Our members represent the best the construction industry has to offer, and we have many opportunities to sharpen the edge of our competitiveness through our affiliation with TAUC.

TAUC has built true business-to-business Web sites, was an early adopter of webinars and is in the midst of launching a tool whereby owners will be able to identify TAUC members whose expertise matches their needs. Our sister organization, the NMAPC, is the only organization in our world that enables a contractor to go online to become signatory, track work and... the list goes on. And, of course, TAUC staff stand ready when a labor relations or safety issue arises and needs a little extra expertise.

TAUC is all about assisting our membership in building relationships, using technology wisely and building a road toward success. We must avail ourselves of the benefits of TAUC membership and sharpen our competitive edge. Embrace technology and use it to your competitive advantage.
I read the Summer 2009 article, “Is the National Maintenance Agreement too successful?” and was a bit surprised at the overall picture given.

I truly believe in the NMA and have been a participating member for 14 years, as well as a recent TAUC Governing Member. I know how beneficial these agreements can be for the contractor and subsequent plant owners.

What is the biggest obstacle for us is dealing with the local participating unions. We find that the local unions don’t like extending agreements to sites if they believe they can force the contractor into signing local agreements in lieu of the international agreement.

Sometimes they simply refuse to extend the agreement without any justification.

Without their support and participation, we find that this work is farmed out to non-union contractors, and what is really sad is the union workers have no clue that potential jobs are being denied by their local agents.

Our common goal should be to promote and provide skilled craftsmen to industrial facilities, securing the union model that quality production can be cost effective.

Bruce C. Elliott, Owner
TCB Industrial, Inc.
Modesto, Calif.
APi Construction Company:  
The modern face of union construction

by LISA TANGER  
Staff Contributor

TAUC Regular Member APi Construction Company is the winner of the 2009 Construction User Photo Contest

THE PHOTO, ALSO featured on the cover, shows APi craftsmen on manlifts and modular scaffold installing insulation and lagging on a Babcock & Wilcox Spray Dryer Absorber at the Xcel Energy Comanche Unit #1 Power Plant in Pueblo, Colo.

The project started in June 2007 and was completed in January 2009, according to APi. The TAUC Regular Member put in more than 66,000 hours on the project, according to Reid “Huck” Finn, APi business development manager.

“The Local 28 Insulators did a great job,” Finn said about the union construction effort. He said that the prefabricated panels were built by local labor and installed by local labor, and APi was proud of the great working relationship they had with the skilled labor represented on the site.

The photograph, taken by APi Safety Manager Shellie Shaw, is reprinted with permission. Finn said APi views TAUC as an important asset in challenging economic times.

“The association has helped us stay in contact with potential customers through the downturn of the economy, and has been a resource for us to find potential work to bid on and be successful in these conditions,” Finn said.

APi, a self-described national scope industrial insulation and lagging contractor, has been headquartered in St. Paul, Minn., since its founding in 1929, according to its Web site, www.apiconst.com.

APi’s mission statement reflects the competitive advantage union contractors bring to the table: excellence in quality, safety and value.

We are a family of professionals driven to perform our work, beginning to end -- as promised. We value excellence and strive to preserve it. We hire wisely and mentor for the future, taking more from our work than a paycheck. As a team we work safely, conquer challenges and accept responsibility for ourselves and those around us.

The 2009 Construction User Photo Contest was announced to all TAUC members in late spring, and the entry deadline was June 30. The field of entries was narrowed down to 10 finalists, based on editorial content and how well they would suit a (vertical) cover. Author and source information was stripped from each photo, so judging was strictly anonymous.

The TAUC Editorial Committee convened in early July to judge the photos against a number of criteria:

Visual interest - Is it interesting to look at? Will it draw readers into the magazine?
Editorial content - Does it tell a story about industrial maintenance and construction?
Advancement of Union Constructors - Does this photo enhance the public perception of union construction?
Evolution of TAUC - Does this photo reflect the ever-changing “face” of our association?

Special thanks to all who took the time to submit an entry.
2009 Construction User Photo Contest Entries

Enerfab, TAUC Governing Member

Nooter Construction Co., TAUC Regular Member

Piping & Equipment Co., Inc., TAUC Regular Member

SCI/Steelcon, TAUC Regular Member

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National Machinery & Conveyor, Inc.
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Shelby Mechanical, Inc.
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Security Industries Inc., TAUC Regular Member

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Getting past pension plan Groundhog Day

by RANDY DEFREHN
Special Contributor

WHEN BILL MURRAY’S alarm clock rang at the crack of dawn each day in the movie “Groundhog Day,” he found himself having to repeat the same day over and over. The recent world-wide economic crisis that brought us the second once-in-a-lifetime bear market in six years seems like the pension world’s opportunity to experience life imitating art, as plans and contributing employers live out “Groundhog Day: Pension Style.”

For many, the passage of the Pension Protection Act of 2006 (PPA) was to have been a once-in-a-generation opportunity to fix a pension system whose rules had never been tested in such volatile markets. When the most risk-averse asked lawmakers what would happen if the economy suffered a repeat of the 2000 – 2002 markets, the response was, ‘If that happens, it will be more than pension plans that will need relief. If and when that happens, we will deal with it.’

The fact is that it has happened, and we must now deal with the unintended consequences of a system that has proven to be insufficiently flexible.

The defined benefit pension system is an integral part of the nation’s troubled financial infrastructure. Together, public and private pension plans provide the largest pool of private equity capital to fund the new industries that will provide tomorrow’s employment opportunities and restart our economic engine. Furthermore, according to a study by the National Institute for Retirement Security, defined benefit plans are cheaper and more efficient in providing targeted levels of retirement security than the defined contribution system that has, unfortunately, replaced the defined benefit pension system for a majority of American workers.

The multiemployer pension community is once again waking up to the same song we heard from 2000 – 2002, only this time the music is much louder and faster, as the losses are much greater than the 15 - 20 percent cumulative drop they experienced earlier this decade, and were experienced in about half the time.

The Multiemployer Pension Plan Coalition – a diverse group of more than 50 labor organizations, employer associations, trade and advocacy groups whose interests converged to the benefit of plan participants in the passage of the PPA – has recently been reactivated. It aims to address our current pension problems and, to some extent, the companion funding issues of concern to multiemployer health plans. The coalition spent several months sifting through a long list of ideas, and, ultimately, agreed upon a set of about a dozen proposals.

These proposals fall into two categories: 1) for solvent plans, and 2) for plans that may have or will soon pass the point of no return. For solvent plans that may have been hit hard by the recent market contraction and need a boost to meet PPA benchmarks, proposals have been designed to help the most plans attain the greatest relief. The proposals are primarily targeted to extending the amortization period for costs related to the market meltdown. For plans that are in a direr situation, proposals have been designed to shore up the Pension Benefit Guaranty Corporation, the government agency that insures the benefits for participants of failed plans.

As Congress returns after Labor Day, it is clear pension reform will take a back seat to health care reform. Both are needed, and, realistically, neither can be viewed in isolation for the workers and employers who participate as partners in this system. It will be difficult, if not impossible, for responsible employers to remain competitive if the costs of employer-sponsored benefits cannot be mitigated, and government policy does not acknowledge the positive social contributions of maintaining a strong private sector system of economic security.

It’s time for Groundhog Day to finally end.

Randy DeFrehn is the executive director of the National Coordinating Committee for Multiemployer Plans, which is based out of Washington, D.C.
Eliminating drug and alcohol abuse from your workforce

by MARIANNE KARG
Special Contributor

ADDITION IS AN equal opportunity employer.
You may employ an individual with a substance abuse problem and not know what to do. According to recent research, 75 percent of the nation's current illegal drug users are employed and 3.1 percent say they have actually used drugs before or during work hours.

The primary substance of choice is alcohol, with 79 percent of the nation's heavy alcohol users employed and 7.1 percent who report they have actually consumed alcohol during the workday. Our nation's fastest growing trend is the latest epidemic of prescription drug abuse, which, similar to other addictions, is not hindered by race, gender, age or income.

Drug-free workplace programs help protect employers and employees from the potentially devastating consequences of worker drug and/or alcohol abuse. A drug-free workplace policy will send a clear message that use of alcohol and drugs in the workplace is prohibited, and will encourage employees who have problems to seek help. Establishing policies, educating employees and supervisors about the dangers of abuse, deterring and detecting use and urging individuals to seek help are smart strategies to help ensure your organization, and union construction, employs the safest workforce available.

There are many sources available to help you develop a substance abuse policy, including the U.S. Department of Labor Working Partners Web site, www.dol.gov/workingpartners.org, which offers a wealth of knowledge on not only policy development but also education, training materials, national/state resources and help lines. Their drug-free workplace advisor assists users in building a tailored policy and provides guidelines on how to develop a comprehensive workplace program.

Due to the legally sensitive nature of administering a drug-free workplace program, employers need to decide if the program will be administered in-house or by a third party administrator (TPA). A TPA is a neutral party and cost-effective option when dealing with sensitive issues and confidential information.

TPAs provide testing services that include specimen collection, Substance Abuse and Mental Health Services Administration certified laboratory analysis and Medical Review Officer confirmation at a flat rate per test, as well as other administrative services including management of random testing, supervising employees through treatment programs, maintaining confidential records and employee education and supervisor training.

Drug testing works best when implemented based on a clear, written policy that is shared with all employees, along with employee education about the dangers of alcohol and drug abuse, supervisor training on the signs and symptoms of substance abuse and an employee assistance program to provide help for employees who may have an alcohol or drug problem.

An employee assistance program is a wonderful benefit for employees. It offers a full spectrum of services from substance abuse treatment to financial and family counseling. An employee assistance program keeps records separate from personnel records and can be accessed only with a signed release from the employee. Employee assistance professionals are bound by a code of ethics to protect the confidentiality of the employees and family members whom they serve.

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<th>Things to consider when developing a drug-free workplace program:</th>
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<td>What is the purpose of the policy and program?</td>
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<td>Who is covered by the policy?</td>
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<td>When does the policy apply?</td>
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<td>What behavior is prohibited?</td>
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<tr>
<td>What types of drugs will be tested for?</td>
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<td>What are the consequences for violating the policy?</td>
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<td>Will there be return-to-work agreements?</td>
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<td>Who is responsible for enforcing the policy?</td>
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<td>How is the policy communicated to the employees?</td>
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<td>What type of assistance is available to employees needing help?</td>
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If a company does not retain an employee assistance program, most often the employee’s insurance plan will have some degree of substance abuse treatment coverage.

Additionally, the Substance Abuse and Mental Health Services Administration Web site, www.findtreatment.samhsa.gov, and toll-free phone line, 800.662.HELP, can help individuals locate drug and alcohol abuse treatment programs in their communities.

It is important to review your substance abuse policy annually and add addendums when necessary. Substance abuse testing regulations and guidelines can change and your policy should adapt with the times. The same holds true with the drugs you test for. In the 1980s, methaqualone (quaaludes) was a popular drug. Now, health professionals are finding methamphetamine (meth) and prescription drugs are a major problem.

Testing conducted according to Substance Abuse and Mental Health Services Administration guidelines checks for five illicit drugs plus, in some cases, alcohol:

1. Amphetamines (meth, speed, crank, ecstasy);
2. THC (cannabinoids, marijuana, hash);
3. Cocaine (coke, crack);
4. Opiates (heroin, opium, codeine, morphine); and,
5. Phencyclidine (PCP, angel dust).

However, most private employers are not limited in the number of substances for which they can test, and may include drugs that are popular today and are legitimately and/or therapeutically taken based on a physician’s prescription. Although most private employers can test for any combination of drugs, there are commonly selected “panels.”

The typical 10-Panel Test includes the above-mentioned substances, plus:

- Barbiturates (Phenobarbital, Butalbital, downers);
- Benzodiazepines (Valium, Xanax, tranquilizers);
- Hydrocodone (prescription medication known as Lortab, Vicodin or Oxycodone);
- Methadone (often used to treat heroin addiction); and
- Propoxyphene (Darvon compounds).

Testing can also be done for:

- Hallucinogens (LSD, mushrooms, mescaline, peyote);
- Inhalants (paint, glue, hairspray);
- Anabolic steroids (muscle-building hormones); and,
- MDMA (commonly known as Ecstasy).

As often as drug trends change, technology continues to advance and more variations of testing become available. Although some state laws dictate which types of tests can be used, a number of options are technologically feasible. Urine is the most commonly used specimen for illicit drugs, reflecting SAMHSA’s guidelines, and breath is the most common for alcohol, reflecting U.S. Department of Transportation’s guidelines.

Alternatively, blood, hair, oral fluids and sweat can also be used to detect certain drugs. Each testing method has pros and cons including, but not limited to: detection periods, ease of adulteration, collection procedures, accuracy and cost.

The reasons to implement a drug-free workplace program far outweigh reasons not to. These programs exist to protect the health and safety of all employees, customers and the public. They also help to safeguard employer assets from theft and destruction, and maintain product quality and company integrity and reputation.

Marianne Karg is vice president of sales and marketing for Mobile Medical Corp., a third party administrator of collectively bargained labor-management substance abuse programs. Karg has 18 years of experience working with organized labor, and sits on the U.S. Department of Labor’s Drug-Free Workplace Alliance Implementation Team in Washington, D.C.

Our Legacy of Safety Excellence Continues

As the proud recipient of the 2008 Thomas J. Reynolds Award for Excellence in Construction Safety and Health, Fluor Constructors’ commitment to safety excellence continues.
I recently traveled to Jackson Hole, Wyo., to research parallels between top sled dog teams and top performing union construction teams. I wanted to understand what really makes a dog an “alpha” under the most competitive and extreme conditions, and see if there were any lessons in it for our industry. During my visit with Frank Teasley, a world-famous sled dog racer, I learned true leaders – alpha dogs – share three key characteristics: 1) desire/stamina, 2) aggressiveness, and, 3) intelligence.

Teasley and his wife raise 170 sled dogs in a remote location near Jackson Hole. Among these dogs will come sled teams that will compete in Europe, Alaska and the continental United States. Teasley, himself, has competed in the Alaskan Iditarod multiple times.

When I arrived at Teasley’s property and jumped out of the truck, I was greeted with a symphony of howls, barks and cries, which seemed to be a huge chaotic mix of over-excited animals. What I was actually looking at was an Olympic training ground for some of the most amazing animal athletes in the world.

After being warned not to get too close to some of the dogs — these are not doe-eyed cocker spaniels — and an orientation, I was given the opportunity to drive my own sled dog team. Six dogs were harnessed to my sled for a 25-mile run. It was minus 10° Fahrenheit. My alpha dog, harnessed at the front, was Esky. She is an Iditarod veteran and has run thousands of miles under the most difficult of circumstances. I was lucky Esky knew what she was doing, because my learning curve was just beginning. After 30 minutes, I was feeling it. Frozen face, hands and feet. And, controlling the team was complex.

The mushers were very clear that there are major differences between all 170 dogs. So, for research purposes, I had to know, how do they select their top dogs? How do they decide between all of these high-performance animals, and select the top teams to compete around the world? What characteristics might appear in parallel to our top foremen and superintendents? What lessons could be learned?

**DESIRE/STAMINA**

With these dogs, the most important aspect to begin with is the ability and burning desire to go hard. When you walk up to the sled, these dogs start howling and crying like you are stealing their souls. They strain in their harnesses and jump into the air trying to break the sled free. They live to run. They live to work. Nothing gives them greater pleasure and purpose than pulling and running hard.

Are humans so different? Can any leader really succeed without the willingness to go hard? Leaders have to find pleasure and purpose in hard work. Leaders have to have the stamina to keep pushing themselves and their team in a way that separates them from the ordinary performer. Alpha leaders may find themselves restless and anxious if they are not pushing, because their natural state of intensity is a little bit higher than those around them.
AGGRESSIVENESS

The top alphas are bred for aggressiveness. These dogs are not little cuddly puppies. Though it is not an absolute necessity that an alpha leader be highly aggressive, it is a common identifier in our industry. It is unlikely that someone who is passive will do well as a construction leader.

As one musher said, “You want a dog that would fight to the death, but won’t pick fights with the rest of his team.” This combination of aggressiveness and team orientation is something very transferable to leadership in the construction workplace.

INTELLIGENCE

Perhaps the most important element for a real alpha dog is smarts. You can have stamina, desire and aggressiveness, but, without the brains to capitalize on these attributes, you have a basic brute mentality.

On the sled, there were a few commands that guided the team: hike (go), gee (right), haw (left), whoa (obvious), easy (slow down together while maintaining tension on harness) and get up (push harder while going uphill). A dog racer in competition may be going between 15-18 mph. In case you think that doesn’t sound very fast, try flying, bumping and skidding along frozen trails at that rate behind 16 dogs.

Intelligence means the team knows what to do when given a command: immediately, consistently and dependably. This will only be demonstrated if a musher/leader cultivates and values intelligence.

In construction, you often hear stupid phrases being used with apprentices like ‘you’re not paid to think.’ That is the old-school “I’m in charge” tradition killing opportunity. Union construction today is all about creating knowledge-workers, not just dumb guys pulling a sled.

LESSONS LEARNED

Character is more important than skills. Without desire and stamina, knowledge is nothing. Adversity of conditions filters for top performers. Strong alpha personalities need to value teamwork. Aggressiveness is necessary, but not at the expense of the crew. Intelligence that is well-directed and supported is the most important aspect to a high-performance team.

Oh, and, finally, don’t pet an alpha. Just give them a job to do.
The National Maintenance Agreements Policy Committee approved a series of modifications to its industrial maintenance and construction contracts with Chrysler and Ford Motor Co. on June 3, a move that is expected to create hundreds of millions of dollars of savings for each company over the next two years and help boost them back to financial solvency.

In return, the two auto manufacturers agreed to utilize union contractors, working under the terms of the National Maintenance agreements, on 100 percent of their industrial maintenance and construction projects over the next two years.

NMAPC Impartial Secretary Stephen Lindauer said this move is indicative of the group’s commitment to building a partnership of safety, productivity, quality and strength.

“Ford and Chrysler understand the National Maintenance Agreements are the best tool they have in getting the job done on time and on budget,” Lindauer said.

“Similarly, the labor and management partners at the table are committed to the long-term success of their customers, and are willing to make difficult sacrifices to ensure that success.”

The modifications will affect union workers, and the contractors who employ them, in 54 facilities across 10 states — Delaware, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio and Wisconsin. Michigan will see the greatest impact, with 26 facilities affected by the addendum.

The modifications will expire as part of a sunset clause on June 3, 2011.

TO OBTAIN A COPY OF THE ADDENDUM:
- Local unions should contact their respective international unions; and,
- Contractors should contact their representatives within Chrysler and/or Ford.

Questions can be referred to Jason Hood, director of industrial relations, at 703.841.9707 x127.
THE ASSOCIATION OF Union Constructors is pleased to announce State of the Union Construction Industry 2009 is scheduled for Wednesday, Dec. 9. The event will be held at the Washington Court Hotel in Washington, D.C.

Last year’s agenda included an OSHA update from the head of the agency’s directorate of construction, an address by Randy DeFrehn on the effects of the credit crisis on multiemployer pension plans, a safety talk by William Margaretta and a government affairs update from John McNerney, as well as the provocative “Can We TAUC Back?” panel and an address by Mark Ayers.

Held in the nation’s capital, State of the Union Construction Industry 2009 will bring together union contractors, industrial business owners and labor representatives to discuss federal regulatory policy, as well as critical safety and labor relations issues.

Advance registration for this event must be completed online at www.TAUC.org. Questions can be referred to Todd Mustard, executive director of association services, at 703.524.3336 x112.

SPC offers the following services through our group of companies.

Construction - SPC
Site work, excavation, civil and foundations, structural steel erection, buildings, mechanical and millwright work, boilermaker work

Engineering - CDMG
Multidiscipline engineering, civil, structural, mechanical, interconnecting process piping, electrical instrumentation, process automation

Specialty Contractor - Martinez Construction Services
Specialty Contractor that self-performs process piping, instrumentation, plumbing, HVAC, and refrigeration installations for the Industrial, Institutional, Commercial, and Public Sectors.

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www.spcdmg.com
Study finds significant advancements in familiarity, satisfaction with association

SEVERAL MONTHS AGO, The Association of Union Constructors commissioned a professional research firm to conduct a membership study. The firm reached out to every association member by electronic survey, mail or telephone, and experienced an unusually high response rate, lending additional credibility to the results.

The results of the study are already directly influencing both day-to-day operations and long-term strategic planning of the association.

**MEMBERSHIP DEMOGRAPHICS**

<table>
<thead>
<tr>
<th>Gender</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Female</td>
<td>18%</td>
</tr>
<tr>
<td>Male</td>
<td>82%</td>
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</table>

<table>
<thead>
<tr>
<th>Education</th>
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<tbody>
<tr>
<td>High School or Less</td>
<td>11%</td>
</tr>
<tr>
<td>Some College</td>
<td>37%</td>
</tr>
<tr>
<td>4 Year College Degree</td>
<td>37%</td>
</tr>
<tr>
<td>Masters Degree</td>
<td>10%</td>
</tr>
<tr>
<td>Other/Prefer Not To Answer</td>
<td>4%</td>
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</table>

<table>
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<tr>
<th>Experience</th>
<th></th>
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<td>55% reported they had more than 30 years of experience in the industry</td>
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**KEY FINDINGS**

<table>
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<tr>
<th>Age ^</th>
<th>Generational Category ^^</th>
<th>Ethnic Background ^</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 24:</td>
<td>1%</td>
<td>New Boomers</td>
</tr>
<tr>
<td>25 – 44:</td>
<td>23%</td>
<td>Generation X*</td>
</tr>
<tr>
<td>45 – 64:</td>
<td>68%</td>
<td>Baby Boomers**</td>
</tr>
<tr>
<td>65+:</td>
<td>9%</td>
<td>Lucky Few</td>
</tr>
</tbody>
</table>

**MEMBERSHIP FAMILIARITY/SATISFACTION WITH THE ASSOCIATION**

- 54% of members are moderately or highly familiar with TAUC;
- Among those with highly familiar with TAUC...
  - 59% are highly satisfied; and,
  - 52% rate the value of their membership high.
- 40% of members are highly interested in becoming more involved with TAUC;
- 91% recall receiving at least one TAUC publication;
- 98% of members who recall receiving a publication read it.

**MEMBERSHIP CHALLENGES**

- Two-thirds of members feel the public has a negative perception of union labor;
- 80% are facing increased competition from non-union companies;
- 69% are finding contract bidding to be more competitive; and,
- 45% are having a harder time finding available contracts to bid on.

**MEMBERSHIP NEEDS**

Top five services members are interested in:

1. Centralized listing of projects currently out for bid;
   - **TAUC Response:** The association is in the midst of developing the W.O.R.K. tool, which will connect TAUC members with projects. At press time, the W.O.R.K. tool is in beta testing with industrial business owners. Questions about the W.O.R.K. tool can be directed to Todd Mustard at 703.524.3336 x112.
2. Training on best practices in union construction;
   - **TAUC Response:** The association is planning to integrate cutting-edge project management tips and training into future meetings, events and publications.
3. Training on how to use the National Maintenance Agreements;
   - **TAUC Response:** This training is already available upon request. To arrange for training at your site, please contact Jason Hood at 703.524.3336 x127.
4. Labor relations support for NMA projects;
   - **TAUC Response:** Staff are already available to provide labor relations counsel. If you need assistance, please contact Jason Hood at 703.524.3336 x127.
5. Government affairs representation;
   - Top three agendas cited:
     - Ensure an even playing field with non-union contractors;
     - Ensure government work goes to union contractors; and,
     - Create uniform safety guidelines for construction industry.
   - **TAUC Response:** The association’s board of directors approved the formation of a Government Affairs Committee and designated Robert Hoover of Aker Construction as the committee chair in May 2009. The board approved a policy acceptance process in July 2009. Questions about the association’s new government affairs activities can be directed to Todd Mustard at 703.524.3336 x112.

^ Total percentages do not add to 100% due to rounding

^^ As defined by the Population Reference Bureau (www.PRB.org)

* Small overlap of generational categories on younger end of scale
** Small overlap of generational categories on older end of scale
Webinar advises contractors on how to interact with OSHA

THE ASSOCIATION OF Union Constructors was pleased to present another industry-leading educational event, “How to survive an OSHA inspection,” on April 30.

Nearly 120 union contractors joined the webinar featuring Andy Mills, corporate safety director for Atlantic Plant Maintenance. The webinar focused on both OSHA inspections and citations.

If you missed the live webinar, it is available for purchase online at www.TAUC.org. Please contact Wayne Creasap, director of safety and health, at 703.524.3336 x123 with questions.

TAUC to celebrate Drug-Free Work Week with webinar


The webinar will feature the U.S. Department of Labor, Working Partners for an Alcohol- and Drug-Free Workplace, and Mobile Medical Corporation. Online registration is required, and can be completed by visiting www.TAUC.org.

TAUC, through its partnership with the U.S. Department of Labor Drug-Free Workplace Alliance, supports all union contractors in their endeavor to eliminate substance abuse from the lives of those who work in construction.

TAUC supports veterans

THE ASSOCIATION OF Union Constructors co-signed a memorandum of mutual support with the U.S. Army Reserve as part of the military’s new Employer Partnership Initiative on July 2.

The initiative encourages employers to give special consideration to members of the U.S. Army Reserve during the hiring process.

TAUC Chief Executive Officer Stephen R. Lindauer said The Association of Union Constructors is committed to demonstrating unparalleled support to returning veterans.

“Union construction offers individuals a highly-rewarding career path,” Lindauer said.

“We can think of no better match than union construction and our country’s exemplary Warrior-Citizens who have a well-earned reputation of leadership, teamwork, discipline and grace under pressure.”

The Construction User celebrates five years!

THE CONSTRUCTION USER celebrated its 5th anniversary this summer.

Over the past five years, the magazine has grown to be one of the most respected trade publications in our industry with a nation-wide circulation of nearly 10,000 union contractors, industrial business owners and labor representatives. According to our recent membership study, 87% of TAUC members who are highly familiar with the association report that they make time to read the magazine when it is shipped each quarter.

Many thanks to the special contributors and committee chairs who share their expertise with us all through the magazine.
Fall protection webinar takes registration levels to new heights

TAUC CONTRACTORS CAME out – or, more accurately, online – in droves on Aug. 13 to take part in the webinar, “Non-fatal attraction: Fall for your harness all over again,” featuring Jack Moeding of Preferred Safety Products.

More than 150 union contractors and safety professionals joined the online training experience that shed new light on how to inspect, care for and store your personal fall arrest equipment.

TAUC Chief Executive Officer Stephen Lindauer said the high attendance is a sign of the tough economy.

“The Association of Union Constructors is pleased to lead the way in applying online training models to our industry,” Lindauer said. “In these challenging times, our members rely on us to offer cost-effective ways to ensure union contractors remain the safest in the marketplace.”

This webinar was generously sponsored by American Bridge Company, a TAUC Governing Member based out of Coraopolis, Penn.

Chaves joins DeMaria as senior project manager

CARLOS CHAVES has joined DeMaria Building Company as senior project manager for the Government Group. Chaves has spent the past 24 years as project manager with Walbridge, and has extensive experience working on large projects, including the recent completion of a $42M design/build project for the U.S. Army at Fort Bragg, N.C. DeMaria is a TAUC Regular Member based out of Novi, Mich.

Higgins gains LEED credentials

KATIE HIGGINS, project engineer at DeMaria Building Company, has recently earned LEED Accreditation with the U.S. Green Building Council. She works in the Health Care/University Group, and has recently completed several projects at the University of Michigan, including the $6.2M Ray Fisher Baseball Stadium. Higgins holds a bachelor of science in construction management from Michigan State University, and has worked at DeMaria for four years.

Hilton joins I.M.P.A.C.T.

KEVIN HILTON, former senior vice president for The Association of Union Constructors, has joined the Ironworker Management Progressive Action Cooperative Trust as executive assistant to the chief executive officer. I.M.P.A.C.T. is a TAUC Affiliate Member based out of Washington, D.C.

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

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

Please contact Lisa Tanger, executive editor, via e-mail at ltanger@tauc.org or telephone at 703.524.3336 x124. At a minimum, please tell us:
• Your first and last name (as you would like it published)
• Your former company or educational institution (if applicable)
• Your current company
• Your former title
• Your new title
• Date of the change
IN THE PAST decade, antitrust enforcement on the international side has increased dramatically. This spring, the European Union issued a ruling concluding Intel Corp. had violated European competition laws. Intel was fined $1.3 billion. That is not a misprint. We said $1.3 billion, not $1.3 million.

In recent years in the United States, the Bush Administration actively pursued enforcement of Section 1 of the Sherman Act, which makes price fixing, customer allocation, divisions of territory and bid rigging criminal conduct. Individuals found guilty of such activities may be found guilty of a felony, sentenced to up to 10 years in prison and fined up to $1 million. Corporations may be fined up to $100 million and are subject to private treble damage actions.

If you or members of your staff regularly discuss bids and bidding practices with competitors without a clear understanding of what you can say and what you can’t say, you are exposing yourself to an antitrust suit.

The Obama Administration has pledged to increase antitrust enforcement. In one of her first speeches after being confirmed, Assistant Attorney General of the Antitrust Division Christine A. Varney discussed antitrust enforcement and the role of her office in a distressed economy. She emphasized lack of federal regulations is one reason our markets are in turmoil, and pledged to increase Sherman Act enforcement.

Varney reported her office has launched the “Antitrust Division Recovery Initiative” in response to the recently enacted American Recovery and Reinvestment Act (the Stimulus Bill). The initiative will provide training to more than 8,000 agents, auditors, grant recipients and other procurement professionals. The initiative’s goal is to establish direct lines of communication with federal inspectors general and state investigative authorities, and assist in criminal antitrust investigations and prosecutions.

The Antitrust Attorney General noted that the Department of Justice has had great success in prosecuting criminal antitrust violations. In the first six months of the current fiscal year, the Antitrust Division collected more than $1 billion in fines and obtained the longest prison sentence ever for a one count offense: 48 months.

For contractors, this means Stimulus Bill money used to rebuild infrastructure will be carefully monitored. The Antitrust Division will be looking specifically for evidence of bid rigging. It will be looking for situations in which one contractor agrees with another to limit areas of geographic competition (i.e. ‘I won’t do business in City A if you don’t do business in City B’). Finally, the Antitrust Division will be looking for evidence that raw material suppliers have fixed prices.

For construction contractors, bid rigging has always been the primary concern. Bid rigging does not require a specific agreement on what to bid:

- If a competitor calls you and tells you she or he is interested in a certain job, but one more bidder is needed and asks you to bid any price over XYZ, you would be guilty of bid rigging if you agree;
- If you and a competitor agree that you will bid high on certain jobs if the competitor bids high on others, you are guilty of bid rigging; and,
- If you and a competitor make any agreements when to bid, when not to bid, how much to bid, how to respond to a bid or what is a “reasonable” bid price, you are guilty of bid rigging.

If you or members of your staff regularly discuss bids and bidding practices with competitors without a clear understanding of what you can say and what you can’t say, you are exposing yourself to an antitrust suit.

You should be familiar with antitrust laws and how they affect your business. Every contractor should implement and enforce an antitrust compliance program. An antitrust compliance program is essential to protect your company and its top management from potential antitrust liability.

*Steve Fellman is president of GKG Law in Washington, D.C. He is also general counsel to The Association of Union Constructors.*
I’VE RECENTLY WONDERED if President Obama or anyone on his staff is lying awake at night pondering the plight of the union contractor and what is to become of organizations that provide good wages, pensions and medical benefits.

What’s your guess? I tend to doubt it. There are only so many shovel-ready jobs to go around, and, so far, I haven’t seen one of them.

The only organizations that care about union contractors are union contractors themselves and organizations like TAUC. The only people who will help us survive are those whose very livelihood depends on it.

Non-union contractors are everywhere in the United States. I’m based in the Philadelphia area, and we have non-union. New York has non-union. Boston, Chicago, Detroit... you get the idea. But, it’s not because non-union is the best option available.

We need to better articulate the business case as to why union contractors are the best solution for our customers. If TAUC members offer a workforce that is universally tested for substance abuse, we must broadcast that fact as loud as we can. If we offer better skills, better planners and better managers, as union firms typically do, our customers and potential customers need to know this. If we offer a living wage, which we do, then we must wear that on our sleeve. And, of course, since we are the providers of medical benefits through the union funds we contribute to, we need to ensure we are recognized for providing that, too, no thanks to Washington.

All too often in our business, we get caught up in the day-to-day operations and fail to realize the tangible value we bring to our customers and communities.

We seek to partner with customers who have a long-term vision for the life cycle of their organization and operate in terms of value, not just price. They know skilled employees working under good leadership will keep their plant up and running, or, if the plant is down, get it up and running faster.

The fact that a ton of work is performed by non-union workforces should be viewed as an opportunity for TAUC members, not an obstacle. Exceptional, responsible job performance cures many problems.

Remember, the only one who can increase union construction market share is a good union contractor!

Bud Burns is the executive vice president for J.J. White, Inc. and chairman of the TAUC Labor Committee. J.J. White is a TAUC Governing Member based out of Philadelphia.
YOU, A UNION contractor, can gain another competitive advantage against your non-union competition by breathing new life into your zero injury organizational culture.

As I have said previously, the safety industry is in the midst of a paradigm shift; one that focuses on interactive approaches. The phrase “zero injury workplace” has been used in safety circles for some time, and is the product of the work of the member companies of the Construction Industry Institute. While the zero injury concept may be widely accepted in your organization, it, as a practice, may need a refresher.

Allow me to share a true story.

A TAUC member company was experiencing a rise in workplace injury incidents. This company had committed to the Zero Injury Program years ago, and had realized limited success in the year or two following the implementation of the process. Through the years, the passion for the process waned as the company grew, new management employees hired in, core individuals left the company and complacency set in.

The Zero Injury techniques that delivered past successes were not being practiced, and injury to employees increased. The management team realized that something needed to be done. The safety professionals advised them to go back to the basics and recommit to the things that delivered success in the past.

Management put together what they called the “Five Pillars of the Zero Injury Process:”

I. Safety Planning
II. Training and Orientation
III. Fitness for Duty Program
IV. Safety Recognition
V. Incident Reporting and Investigation

The company rolled out a “recommitment initiative” at its annual management seminar, and committed to staying the course this time. It went so far as to have each member of its operations groups commit to the process.

At the end of the first full year following the recommitment, the company realized a number of notable successes:

- 63% reduction in the All Injury Rate
- 38% reduction in the OSHA Recordable Incident Rate
- 35% reduction in the total number of OSHA Recordable Incidents
- 19% reduction in the Days Away From Work Case Incident Rate

It took commitment and engagement of...
The leaders of this organization admit they have only scratched the surface in their drive to safety excellence and Zero Injury performance. However, the overall safety process has been revitalized and many initiatives were introduced to maintain and enhance the momentum that has been generated. They have also realized there is a synergistic effect that has transposed other operation areas within the company and is resulting in success in many of those areas.

As a safety professional, I am impressed with the concept and the workings of the infrastructure of an organization that can facilitate this paradigm shift. If the leaders of your company are not passionately engaged in the safety process, I urge YOU to be the champion of the cause. It is the right thing to do! It will ensure that those valuable folks who perform the work that allows your business, and our industry, to prosper will be back to work tomorrow and every day.

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

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