AIMING FOR ZERO
The Evolution of the Zero Injury Safety Culture

TAUC LEADERSHIP CONFERENCE COVERAGE
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REAL COMMITMENT TO SAFETY STARTS AT THE TOP
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 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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FROM THE DESK OF THE PRESIDENT
Embarking on new paths together with an emphasis on safety
by ROBERT SANTILLO

Features
12 Aiming for zero: The evolution of the zero injury safety culture
by DAVID ACORD
15 Good enough for your daughter? Good enough for the jobsite.
by MARK BRESLIN

Industry news
19 TAUC, Interior Dept. sign agreement to address labor needs on tribal lands
21 TAUC and QCA members push for action from Congress
22 TAUC welcomes new affiliate member Copper Range

Association news
8 TAUC Leadership Conference 2010: Calibrating Your Leadership Compass

Columns
17 LEGAL CORNER
OSHA: There’s a new sheriff in town
by STEVEN JOHN FELLMAN
23 PEOPLE
24 TAUC ABOUT SAFETY
Real commitment to safety starts at the top
by TONY DOWNEY
25 TAUC ABOUT LABOR
Making changes to make things better
by GARY L. BOHN

Coming Events

Index of Advertisers
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FROM THE DESK OF THE PRESIDENT

Embarking on new paths together with an emphasis on safety . . .

by ROBERT SANTILLO
TAUC President

AS THE CONSTRUCTION industry prepares to celebrate the tenth anniversary of the NMACP’s Zero Injury Safety Awards (see page 14), it’s appropriate that the theme of this issue of The Construction User is safety.

As I look back on The Association of Union Constructors’ accomplishments this past year, safety has been at the forefront. Additionally, we have focused on open and honest discussions that bring together the contractor, labor and owner communities whenever possible to address our unique challenges in a tripartite fashion.

In the area of safety, the extensive training, detailed instruction and awareness provided by labor and management for our craftsmen has resulted in much lower injury rates; thereby producing lower costs for owners.

A survey of our 2,500 contractor members unveiled that our members are facing increased challenges from non-union contractors, they’re finding contract bidding to be much more competitive, and it is becoming increasingly difficult for them to find opportunities. They believe the association can best assist them by changing the public’s negative perception of union construction, developing standards of excellence for contractors, and establishing data to prove that union construction is the best option for owners.

Despite our challenges, TAUC has progressed nicely and our accomplishments have prepared us for the demanding years ahead. Business author Peter Drucker reminds us that, “The greatest danger in times of turbulence is not the turbulence; it is to act with yesterday’s logic.” We need to be open to new ideas and collaborate creatively to find new solutions. We will have to honestly recognize when tradition and long-established patterns of behavior need to change and when it is time to embark on new paths.

Even though I believe we are at a crossroads in our history, we can find synergies within our own industry, and perhaps even outside of it, that will allow union construction to grow and prosper. And that is a legacy we owe the future generation of union constructors.

In the area of safety, the extensive training on detailed instruction and awareness provided by labor and management for our craftsmen has resulted in much lower injury rates; thereby producing lower costs for owners.

Photo credit: ©www.istockphoto.com/Brian Dixon
TAUC HONORED THE winners of the annual Thomas J. Reynolds Awards for Excellence in Construction Safety and Health during a special luncheon ceremony at the 2010 TAUC Leadership Conference, held May 11-14 in Phoenix, Ariz.

The Thomas J. Reynolds Awards were created more than two decades ago to recognize and commend the exceptional efforts made by TAUC members to prevent the occurrence of serious injury – or worse – on the jobsite. Winners are recognized for achieving a zero DART (Days Away, Restricted or Transferred) rate in one of four categories.

This year, 58 members submitted for the Thomas J. Reynolds Safety Awards. Those members amassed more than 58 million work hours with 156 DART cases. The average DART rate of these TAUC members was an astounding .53 for 2009, well under the BLS National Average of 2.5. All winners achieved a DART frequency of zero.

This year’s awards presentation and luncheon was generously sponsored by Mobile Medical Corp., Nooter Construction Co. (regular member) and Solid Platforms (regular member).

Two new directors elected to board; Bohn new Labor Committee chairman

GOVERNING MEMBERS OF The Association of Union Constructors elected two new members to the TAUC Board of Directors on May 12: Justin Bruce, vice president of Bruce & Merrilees Electric Company, and I.J. “Iz” Cakrane, vice president of Labor Relations for URS Energy and Construction, Inc.

The election took place at the 2010 TAUC Leadership Conference in Phoenix, Ariz. TAUC President Robert Santillo congratulated both members, whose names were placed into nomination by the Nominating Committee.

Also at the conference, Gary Bohn was elected to serve as national chairman of the Labor Committee. Bohn currently serves as senior advisor to Kiewit Power Constructors (KPC), a division of Peter Kiewit Sons’ Inc. He began his career 45 years ago in the heavy industrial construction field, working as a craftsman, supervisor and superintendent on several power, process and pipeline projects located across more than 20 states. He joined Kiewit as a construction manager during the construction of the Alaskan Pipeline, and spent more than six years working on several oil- and gas-related construction projects in and out of Alaska. In the late 1980s and 1990s, Bohn was a key manager in Kiewit’s entry into the EPC power market. He served as project director on Kiewit’s initial EPC contract, a waste-to-energy project for Montgomery County, Md.

Bohn spent the next three years as Kiewit’s operations manager in Indonesia, where he oversaw the building of geothermal plants under EPC contracts. Upon returning to the United States, Bohn was promoted to operations manager for Kiewit Industrial Co. for their North American work. Over the next several years he was directly involved in the successful execution of more than 10,000 MWs of lump sum EPC power generation. During his career, many of the projects that Bohn managed or sponsored earned awards for safety, quality and productivity. He credits many of the skilled union craft that worked on these projects for playing a large part in their success.

Bohn retired from Kiewit Industrial Co. to his home in Omaha at the end of 2005. Since then he has continued to work as a consultant to private industry and as an advisor to Kiewit’s senior management in their power and energy businesses.

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Safety award winners honored at annual leadership conference

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Thomas J. Reynolds Awards
Recognizing Excellence in Construction Safety and Health

CATEGORY ONE
Over 1 Million Hours Worked Without a DART Case
• Cherne Contracting Corp.: 1.87 million hours
• Nooter Construction Co.: 1.57 million hours
• Sheck Mechanical Corp.: 1.08 million hours
• Solid Platforms Inc.: 1.18 million hours
• Williams Specialty Services, LLC: 1.01 million hours

CATEGORY TWO
500,000 – 1 Million Hours Worked Without a DART Case
• Atlantic Plant Services, Inc.: 777,898 hours

CATEGORY THREE
100,000 – 499,999 Hours Worked Without a DART Case
• Brown Electric: 437,684 hours
• Dearborn Mid-West Conveyor Co.: 252,802 hours
• Durr Mechanical Construction: 187,788 hours
• Forest City Erectors, Inc.: 161,210 hours
• Gribbins Insulation Co., Inc.: 317,491 hours
• J.R. Jensen Construction Co.: 101,780 hours
• Kelley Steel Erectors, Inc.: 105,338 hours
• Piping & Equipment Co.: 315,013 hours
• Rand Construction Co.: 222,117 hours
• Sheck Industrial Corp.: 350,013 hours
• Scheck Mechanical Wisconsin Corp.: 95,151 hours
• Scheck Technical Services: 96,821 hours

CATEGORY FOUR
Less than 99,999 Hours Worked Without a DART Case
• Albay Construction Co.: 57,155 hours
• Delta Nooter, Inc.: 51,175 hours
• Johnson’s Plumbing & Heating Co., Inc.: 32,669 hours
• Lawdan Industries: 65,225 hours
• M&O Environmental Co.: 93,154 hours
• MCT Services, LLC
• MC Industrial
• McCarl’s Inc.
• MCT Services, LLC
• Minnott Contracting Corp.
• NAES Power Contractors
• Pioneer Pipe, Inc.
• Power Process Piping, Inc.
• RMF Nooter
• Sargent Electric Co.
• Stevens Engineers & Constructors, Inc.
• United Anco Services, Inc.
• Williams Plant Services, LLC

CERTIFICATES OF ACHIEVEMENT
Thirty companies received Certificates of Achievement for posting a DART rate of 25 percent or more below the national average, as calculated by the Bureau of Labor Statistics. Those companies receiving certificates were:
• Alberici Constructors
• Anderson Electric, Inc.
• APComPower, Inc.
• API, Inc.
• Atlantic Plant Maintenance

Left to right: Stephen Lindauer, Tom Van Oss (Cherne Contracting Corp.), Bob Santillo.

Left to right: Stephen Lindauer, Bob Hite (Scheck Mechanical), Bob Santillo.

Thomas J. Reynolds Certificate of Achievement recipients
Roger Jayne named TAUC Craftperson of the Year

THE ASSOCIATION OF Union Constructors presented Roger Jayne with the annual James J. Willis Craftperson of the Year Award during a special ceremony on May 13 at the 2010 TAUC Leadership Conference in Phoenix, Ariz.

Jayne is a general foreman and member of Boilermakers Local No. 13 in Philadelphia and was honored for his work on two consecutive maintenance outages at Pennsylvania Power and Light’s (PPL) Brunner Island Power Station in York Haven, Pa., in the spring and fall of 2009. He was nominated for the award by Minnotte Contracting Corp., which completed the work for PPL.

“Roger’s work on this project goes beyond the words ‘great’ and even ‘incredible’ to the category of ‘amazing,’” said Erik Galis, vice president of Operations for Minnotte. “During the spring outage, Roger became a major contributor and an extension of our management team. His ideas to perfect complicated rigging systems and his ability to recognize talent and optimize crews enabled Minnotte to beat PPL’s expectations in terms of schedule and quality and, most importantly, led to the completion of over 322,000 man-hours without a single recordable injury.”

TAUC President Robert W. Santillo said Jayne exemplifies the best that union construction has to offer. “You’ve proven that you can work at the highest level and get the job done without sacrificing the core values of safety, quality, leadership and cooperation,” Santillo told Jayne at the award ceremony. “You’ve earned the respect not only of your fellow Boilermakers, but of the contractor and the customer as well.”

The James J. Willis Craftperson of the Year Award recognizes outstanding labor-management cooperation and quality craftsmanship in the construction industry. Nominations are evaluated against five criteria: schedule and budget; productivity; cost savings innovation; safety and health; and outstanding craftsmanship.

Nominations are forwarded to our judges’ panel to be evaluated and ranked in each category.

This year, the members of the Willis Award judges’ panel were:
• Alan Black, Construction and Turnaround Services;
• Charles “Bud” Burns, J.J. White; and,
• William Ligetti, Ironworker Employers Association of Western Pennsylvania.

Each year it is extremely difficult to select only one recipient from the superb slate of craftpeople who are nominated by their companies for this award. Honorable mention goes to the following craftpeople:
• Scott Arnett, Carpenter, nominated by MC Industrial
• Brad Hetzer, Ironworker, nominated by Midwest Steel, Inc.
• Sean McMonigal, Laborer, nominated by Corval Group, Inc.
• Robert Gene Roberts, Laborer, nominated by Alberici Constructors, Inc.
• Paul Servey, Ironworker, nominated by Norris Brothers Co., Inc.

“This year’s selections were more difficult than in the past,” noted William Ligetti. Alan Black added that he was impressed with all of the candidates and has charged his own people with finding employees to nominate for 2010.
TAUC Leadership Conference 2010: Calibrating Your Leadership Compass

At this Year’s annual Leadership Conference, the Association of Union Constructors gave attendees the chance to hear two full days of fun, fast-paced and information-packed presentations from an elite group of speakers. Nearly every important topic facing the industry was covered over the course of the conference, from hiring procedures and dealing with a more aggressive OSHA to the latest perspectives from some of the top union leaders in the country.

Bill George, author of 7 Lessons for Leading in Crisis and a professor at Harvard Business School, gave members a blueprint for facing challenging times with courage and insight, and offered several practical ways for the United States to spur new economic development.

Mike Illanne, president and general manager of Chevron’s Project Resources Co. (FRC) in Houston, Texas, spoke about how his company is working to meet the global demand for oil and gas, and the challenges the industry faces.

James Stanley, president of FDRSafety LLC, gave attendees a sobering insider look at the challenging workplace safety environment and advised them on how to deal with a more aggressive OSHA enforcement team.

Chuck Sujansky, CEO of KEYGroup®, spoke about new hiring strategies contractors can use to make sure they get the right person for the right job.

Erik S. Emblem, president and CEO of 3E International Inc., gave members an overview on how to implement the “Best Value Contractor Concept” and reap the financial and productivity rewards.

Scott Paul, executive director of the Alliance for American Manufacturing, updated members on efforts to revitalize U.S. industry, track the effectiveness of domestic trade laws and reveal the consequences of China’s market-distorting practices.

Jacob Kashiwagi, a program manager at the Performance Based Studies Research Group, joined Erik Emblem to discuss the “Best Value Contractor Concept.” Kashiwagi is the developer of the no-influence leadership theory, the theoretical basis for the PIPS model.

Mark Ayers, president of the Building and Construction Trades Department of the AFL-CIO, discussed how unions are moving forward in the wake of economic uncertainty.

William Hite, general president of the United Association, gave attendees an up-close view of how his union is working to increase opportunities for members as well as industry partners.
Aiming for zero: The evolution of

BY DAVID ACORD

THE CONSTRUCTION USER |

THIS OCTOBER, THE National Maintenance Agreements Policy Committee Inc. (NMAPC) and the union construction industry as a whole will celebrate the 10th anniversary of the Zero Injury Safety Awards (ZISA) at the National Building Museum in Washington, D.C. (see p.14 for details). Over the past decade, ZISA has become synonymous with the highest achievement in industrial safety. Contractors, owners and union workers have consistently achieved safety records that were once considered to be nothing more than a pipe dream: zero recordable injuries on some of the largest and most complex industrial construction and maintenance projects in the country.

“We didn’t think ‘zero injury’ was attainable or possible,” says Brent Booker, president of the NMAPC Board of Directors and director of the construction department at the Laborers International Union of North America. “It’s a reality now. We’ve now done over 80 million man-hours under the [NMA] program with zero injuries, which I think is quite an accomplishment for all involved.”

Although the construction industry has always been concerned about safety, over the last few years there has been a definite and noticeable shift in the way everyone on NMAPC projects – from owners to contractors to unions, and from the executives on down to the blue-collar workers – approaches safety in the workplace.

“I can remember when contractors and owners counted fatalities instead of recordable injuries,” recalls Bob Hoover, vice president of Aker Construction Inc and management co-chair of the NMAPC Board of Directors. But today, a paramount focus on safety “is just the way you have to do business,” he adds. “If you can’t be safe, if you can’t develop a safety culture within your organization, if you can’t lead safety within your organization, you’re not going to be in business.”

“Safety is an incredibly important aspect of what we do,” adds Steve Lindauer, TAUC president and CEO and impartial secretary of the NMAPC. “The owners demand it, the contractors expect it, and the family members of the workers who go out on that job site pray for it every day.”

FROM THERE TO HERE

The evolution toward a zero injury safety culture began in the mid-1980s. Prior to that time, “Most people dealt with safety with their own customized approaches,” recalls Emmitt Nelson, the veteran safety consultant who pioneered the use of the zero injury concept. “The systems were all very personalized, and when you personalize something, you get as many different versions as you have people contributing.”

As an executive at Shell Oil with responsibility for contractor safety, Nelson says he fell into the same trap as his colleagues. “We would basically demand that workers be safe without regard to the interpersonal relationships that build cultures and help people honor and respect one another. Our attitude was, ‘You work safe or you’re going to be fired, and if you get injured, that’s your fault.’”

Nelson’s personal results at Shell were less than encouraging. “We worked hard, trying to rid the workplace of injury, but I found that I couldn’t do it,” Nelson said. “And everyone else in the industry was in the same boat. The best companies weren’t doing much better than the national average when it came to safety. We were doing everything we could think of, but all of our hard work didn’t result in a significant reduction in injuries.”

“I can remember when contractors and owners counted fatalities instead of recordable injuries.”

—Bob Hoover
the zero injury safety culture

Things started to change when owner companies began to realize the true cost of contractor safety nonperformance, which often ran into the tens of millions of dollars annually. Owners, who in the past had taken a hands-off approach to the safety standards of their contractors for various legal reasons, now began to get more involved, realizing that the potential cost savings outweighed the risk of getting involved in tricky labor disputes.

At around the same time, two other organizations became involved in construction safety. A Business Roundtable group of CEOs led by Ed Donnelly, then head of Air Products, decided to sponsor a Business Roundtable program to honor contractors and owners with superior safety records and sent out a request for applications. Also during this time frame the Construction Industry Institute (CII) was formed to find ways to increase efficiency and best practices across the board – and that included safety.

The combined results of these efforts were eye-opening to say the least. “There were, out in the ‘hinterlands’ of construction, so to speak, folks who were working without injury – and no one knew about it!” Nelson recalls. “Two of the Business Roundtable applicants had worked millions of hours without lost workday cases. Air Products alone had worked 2 million contractor hours without a single lost time injury. We looked at these numbers and thought, ‘OK, how’d they do that?’”

Spurred by this new information, in 1989 CII created the Zero Accidents Task Force to talk with contractors and owners and figure out why some were able to work injury-free and others weren’t. Nelson soon became the leader of the task force, which was followed by several others over the next few years. Then in 1999, the NMAPC decided to start recognizing industrial projects that were completed with zero injuries as a way to emphasize the quality of union construction. Nelson, in conjunction with Bob Hoover, Tim Reddington (now senior vice president of Day & Zimmerman), current Building Trades President Mark Ayers and others, drew up the guidelines for safety recognition. Soon thereafter, the Zero Injury Safety Awards were born.

One answer kept cropping up over and over: Involve the workers, not just the supervisors. Companies with top-flight safety records had created employee involvement processes where the employees on the ground “owned” the safety initiatives. There was a sense that it was theirs, and it wasn’t being forced on them from higher-ups in the corporate office. “When you demand and command a culture, you don’t have ownership,” Nelson says. “But when you ask, and have participative venues for the crafts so they can help you design the safety initiative around zero injury, and share the research with them, they become owners of the plan. And when they become owners, it’s a good, safe culture. Change the culture, and the metrics will follow.”

Another sign of a solid zero-injury culture is the absence of at-risk behavior. “Anytime a leader makes a decision that postpones something that possibly affects the safety initiative can be considered at-risk behavior,” Nelson argues. “Leaders are not immune. When an injury occurs, a leader has to take responsibility and say, ‘What could I have done to prevent that from happening? Was there any intervention?’ That’s what zero injury research does – it gives you those interventions.”

Over the past 10 years, the Zero Injury Safety Awards celebration has become the premier safety event in the North American construction and industrial business sectors, the gold standard that everyone – from the smallest contractor to the largest – works toward. Unions, contractors and owners have all come to recognize that zero injury is not only attainable, but it’s the right humanitarian thing to do. Adding to this, the ability to achieve zero injuries on projects becomes a powerful corporate marketing tool, not to mention a great way to improve efficiency. Research backed up by experience has shown a zero-injury project creates improved scheduling, lower costs and larger profits.

The contractors, unions and owners who receive recognition at a ZISA event are truly the best the union construction industry has to offer, and it all started with a group of experienced business leaders asking themselves… “How’d they do that?”
You are cordially invited to attend the 10th Anniversary celebration of the

ZERO INJURY SAFETY AWARDS

10th ANNIVERSARY

When
Thursday, October 28, 2010

Where
National Building Museum • Washington, DC

Registration
To register, log on to www.NMAPC.org/zisa

NMAPC
NATIONAL MAINTENANCE AGREEMENTS POLICY COMMITTEE, INC.

Celebrating 2 Billion Work Hours
Good enough for your daughter?
Good enough for the jobsite.

BY MARK BRESLIN
Special Contributor

YOUR LOVELY LITTLE girl. The apple of your eye. Imagine that your daughter, who has you wrapped around her little finger, has just come home and announced her engagement to a guy that you've never met. You're less than thrilled.

What's the first question you ask her? “Is he nice?” “What kind of family does he come from?” “Do you really love him?” No. You’re going to ask her, “So what does this guy do for a living?” And she dreamily replies, “He’s a Teamster.”

Now, being a construction guy, you’re feeling a little conflicted. You always hoped that your daughter would marry a doctor or perhaps a lawyer, but a Teamster? You’re not so sure. She tells you he’s going to drop by to take her out to lunch this very day. And precisely at that moment, the doorbell rings. You walk to the door, take a breath and open it. And find yourself staring into the face of a handsome young man. A Teamster. In his sharp UPS brown uniform.

What do you think about her choice now?
The reality is that appearance has a huge impact on how we perceive construction employees – and how customers perceive you. It is time for the union construction industry across the United States and Canada to adopt mandatory uniform and dress code policies for all craftspeople.

If a company or organization seeks to build an image and a brand, it has to think about the appearance of its employees. There can be no disconnect between the two. High-value brands and organizations do not compromise on this issue. But the union construction industry does, and it hurts us badly.

At a recent presentation to the International Union of Heat and Frost Insulators, I threw down this same challenge. At the end of the speech, the union’s General President Jim Grogan (not a man to let grass grow under his feet) got on the microphone and held a floor vote with the delegates on requiring every apprentice in the nation to wear a uniform. Last week I saw what they have in mind. It’s awesome: Carhartt light-brown pants combined with a dark green long-sleeved shirt, with the union’s logo and “Energy Conservation Specialist” above the heart (see photo). Other unions have made changes too: the UA in Chicago have their apprentices wear sharp blue short-sleeved shirts displaying their affiliation, and the UBC in St. Louis requires every member to wear white overalls. Some companies – especially those working in service areas or high public-contact jobs – also issue shirts bearing their corporate logos. But all of these are exceptions to the rule.

Last year I spoke to tens of thousands of union apprentices. I saw thousands of hats on backward or sideways. Hoodies pulled over heads indoors. Neck tattoos. Bandanas and bling. Ripped jackets and pants. Profane or filthy shirts. The percentage of guys I would describe as “squared away”

It is time for the union construction industry across the United States and Canada to adopt mandatory uniform and dress code policies for all craftspeople.

CONTINUED ON PAGE 16
The percentage of guys I would describe as “squared away” would be around 35 percent. It’s time to add professional appearance as a MANDATORY part of our industry approach.

Here are the three suggestions I have for transforming our industry into a more professional, respected and attractive destination for clients and talent:

• Every apprentice in the United States and Canada should be required to wear a uniform. It brands the union as professional. Also, in this way the apprentices self-identify as professionals, just like cops, firemen, paramedics and members of the military. They look cool and know it.

• Every journeyman has to meet uniform appearance standards. This is not for their benefit, but for our clients’. Our image and brand need to match our price. The secret is, the workers themselves will eventually find that they feel better about their jobs and careers when people see them as pros in action.

• Every contractor needs to pick up where the unions leave off. Contractors communicate their professional expectations to every person in a company by the way they allow people to present themselves. A casual industry is fine as long as it does not breed casual behaviors. In many cases, ours does.

When I worked in the field, I admit I liked getting dirty. I liked being a guy who took a shower after work rather than before. I have tattoos and wore what I wanted. But we need to start thinking about differentiating ourselves from the competition and how we will represent ourselves as we seek new talent. We need to transform the self-identification of a “blue collar worker” into that of a knowledge-based professional craftsperson. And we need to do all of this yesterday.

Remember your daughter’s imaginary fiancée? What if he showed up dirty and scruffy as a member of any trade in our industry? Yes, many of us have those same roots, but don’t tell me you wouldn’t rather see that brown uniform. It represents something positive, and everybody knows and responds to it. It’s our turn now.

Mark Breslin is a strategist and author who focuses on improving organizational performance, leadership and work ethic. Known for his blunt and uncompromising style, he has addressed more than 500 audiences and well over 200,000 leaders, managers and craft workers. He is the author of Survival of the Fittest, Million Dollar Blue Collar, and Alpha Dog: Leading, Managing & Motivating in the Construction Industry. Read more about him at www.breslin.biz.

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www.TAUC.org/work/
OSHA: There’s a new sheriff in town

BY STEVEN JOHN FELLMAN

Shortly After Hilda Solis took office as the Obama Administration’s Secretary of Labor in 2009, she famously announced that a new sheriff had come to town. When Dr. David Michaels left the academic world of George Washington University to become the head of OSHA, he enthusiastically embraced Secretary Solis’s pledge for increased enforcement.

It has become very clear that the Bush Administration’s emphasis on partnering with industry and voluntary compliance is no longer in favor under the Solis/Michaels regime. Resources and staff that had been dedicated to voluntary cooperation efforts have now been transferred to enforcement. OSHA has announced that, in this fiscal year, there will be 3,500 more inspections than in the previous year. Why the change in attitude? According to the Department of Labor, the previous administration spent too much time working with the “good guys” and not enough time making sure the “bad guys” met their responsibilities under the Occupational Safety and Health Act. OSHA has been directed to make sure that employers get the message: if you don’t meet OSHA requirements, you will be investigated and prosecuted.

The change in tone was never more evident than this past February, when Deputy Assistant Secretary of Labor Jordan Barab spoke at the IMPACT meeting in Orlando. During the Bush years, OSHA officials often used such occasions to talk about the success of their voluntary compliance programs. But Barab took a different tack, choosing to discuss a $1.5 million fine for a chemical waste processing facility in Houston and a fine of over $500,000 for a Pittsburgh building contractor – and said that more and larger penalties were on the way.

OSHA has been at work behind the scenes, too, tightening some of the enforcement rules included in the inspector’s manual. Under the old rules that were in force for many years, it was OSHA’s practice not to cite an employer for a repeat violation (which carries increased penalties) if more than three years had passed between the time the first violation was found and the time the second violation was found. Employers familiar with the three-year rule could be relatively assured that if an OSHA inspector found a workplace violation and the employer paid a fine, and if another inspection occurred more than three years later and a similar violation was found to exist, the employer would not be charged with a repeat violation except in the most egregious circumstances.

However, it appears this is changing. The OSHA Regional Office in New York has taken the position that it is not bound by the three-year rule, even though it is included in the OSHA inspector’s manual. The regional office takes the position that once an employer has been found to have violated the law, the second violation is a repeat violation no matter how much time has passed.

OSHA is also looking at various state enforcement programs where individual states have been given the authority to investigate and enforce occupational health and safety laws. After the series of deaths that occurred in Las Vegas last year, OSHA is questioning whether certain state agencies are being sufficiently aggressive in meeting their responsibilities to inspect work sites and correct dangerous practices.

How active is OSHA in your area? It’s easy to find out. You can go to the OSHA website at www.OSHA.gov and find out who OSHA has inspected in your trade area, the results of the inspections, what enforcement actions were taken and any fines that were paid. You can search the OSHA site by company name, type of violation, geographic area, etc. You may be amazed to see what

According to the Department of Labor, the previous administration spent too much time working with the “good guys” and not enough time making sure the “bad guys” met their responsibilities under the Occupational Safety and Health Act.
information is available at the click of your mouse.

What does this mean for TAUC members? Simple. You need to have a viable safety program. Train employees to follow safety requirements without exception. Shoot for “zero tolerance” when it comes to injuries. And your safety program should not be aimed exclusively at your construction trade employees; everyone in your organization, from the chairman of the board on down to the newest apprentice, must understand that for your company, safety is more than a word in a brochure. Safety must be part of your vision and mission. It’s the only way to keep the new OSHA sheriff out of your town.

Steve Fellman is president of G&G Law in Washington, D.C. He is also general counsel to The Association of Union Constructors.
TAUC, Interior Dept. sign agreement to address labor needs on tribal lands

FOR DECADES, NATIVE American tribes have struggled with some of the highest poverty and unemployment rates in the country. Tribal leaders are now pressing the U.S. government to loosen federal rules to make it easier to develop energy projects on reservations and bring much-needed economic opportunities to tribal lands.

But if the tribes succeed in cutting through the bureaucratic red tape, they face an even bigger problem: the locations of these potential projects are often so remote that standard pools of labor will not be sufficient to provide all of the necessary manpower. At the same time, there are a lot of hardworking people on tribal lands who want a chance to develop their talents and abilities.

The Association of Union Constructors (TAUC), in conjunction with the Office of Indian Energy and Economic Development (IEED), part of the U.S. Department of Interior, is committed to finding a solution. In May, at the TAUC Leadership Conference, TAUC and IEED signed a new cooperative agreement designed to provide crucial new careers for Native Americans and Native Alaskans in the construction industry – and expand work opportunities for union contractors at the same time.

The agreement – the first between a contractor association and IEED – will allow both groups to work hand-in-hand with tribal governments and the building trades to enhance training opportunities for residents of these areas. In fact, several international unions have already started apprenticeship and on-the-job training programs on tribal lands to increase the pool of skilled labor. Specifically, the TAUC-IEED pact includes the following:

- TAUC will recommend that its member contractors who are working on tribal lands allow tribal members who meet the necessary skill and safety requirements to be hired first.
- When there is a lack of skilled journey workers available from tribal lands, TAUC will recommend that its member contractors work closely with the international unions and arrange for the immediate training of tribal members as pre-apprentices. Tribal members with specialized skills who meet the necessary qualifications may be tested and, upon successful completion, be made an apprentice or journeyperson.
- Before any tribal members are hired, they must receive proper safety training and jobsite orientation.

TAUC is confident that by working together with IEED, the unions and tribal leaders, a win-win scenario can be created. A skilled labor force not only provides a huge boost to the local economy, it also means TAUC contractors can bid on new projects on tribal lands with confidence, knowing that they’ll be able to find the right people for the job.

The next step is for IEED and TAUC, in conjunction with its 2,500 member contractors, to select a potential pilot project to implement the cooperative agreement. The project will be determined based on the interest of the contractor, tribe, and affiliated building trade union that would be willing to undertake such an initiative.

“This is indeed a historic occasion,” said Lynn Forcia, chief of the Division of Workforce Development within IEED. “There are billions of dollars of projects on tribal lands anticipated in the near future. A crucial part of this initiative is to ensure that there’s a highly skilled workforce of American Indians and Alaska natives where the jobs will take place.”

“Some tribes are glad to celebrate 25% unemployment, but most have more like 50% to 75% unemployment on their reservations,” added Margaret Zientek of Citizen Potawatomi Nation, a tribe located in Oklahoma. “Native Americans are able and ready and willing to work, but they can’t find work. It makes natural sense to work together as partners to help fulfill your need for workers and our need for jobs.”

“TAUC has always strived to build mutually beneficial relationships with other organizations,” said TAUC President Robert Santillo. “Synergy is crucial to the long-term success of any industry, and union construction is no exception. I’m very excited about this new partnership with IEED and the building trades.”
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TAUC and QCA members push for action from Congress

THE QUALITY CONSTRUCTION Alliance – a coalition of five specialty contracting associations, including TAUC – held its annual legislative conference in Washington, D.C., in early May and pressed Congress to move swiftly on a number of issues vital to the success of the union construction industry.

The conference featured presentations by several members of Congress, including Sen. Mark Begich (D-Alaska) and Representatives Marcia Fudge (D-Ohio), Gerry Connolly (D-Virginia) and Scott Garrett (R-New Jersey). Many of the speakers voiced support for QCA’s slate of legislative priorities, which includes:

1. **Employee misclassification.** The deliberate misclassification of employees as independent contractors allows dishonest employers to avoid paying workers’ Social Security, unemployment insurance and other taxes, and thus gain an unfair competitive advantage in the marketplace by drastically lowering their labor costs. QCA members are urging their legislators to cosponsor both the Taxpayer Responsibility, Accountability and Consistency Act (S. 2882, H.R. 3408) and the Employee Misclassification Prevention Act (S. 3254, H.R. 5701) to help curtail incidents of misclassification.

2. **Energy efficiency.** A pair of bills currently making their way through the Senate would create a new package of rebates and financing provisions designed to help businesses and manufacturers retrofit their buildings to make them more energy efficient. The Building STAR (S. 3079) and Industrial STAR (S. 1639) bills would help contractors by giving their potential customers a strong financial incentive to upgrade their existing facilities with new energy-saving technology.

A pair of bills currently making their way through the Senate would create a new package of rebates and financing provisions designed to help businesses and manufacturers retrofit their buildings to make them more energy efficient.

3. **3% withholding.** QCA’s effort to repeal the 3% withholding law received strong support from several members of Congress who spoke at the conference. Sen. Begich called it nothing more than a financing scheme, and Rep. Connolly said the “time has come” to repeal the law, which requires federal, state and local governments to withhold 3% from their payments to contractors, ostensibly to guard against tax evasion. But the problem, as QCA pointed out, is that “construction pre-tax profit margins rarely exceed 3% and the 3% withholding bears no relationship to taxable income. Studies show that administrative costs to governments are more than the law will secure in revenue.” The repeal efforts are currently moving through both houses of Congress (H.R. 275, S. 292).

4. **Bid listing.** Members of QCA are also adamant about putting an end to the practice of “bid shopping,” wherein a general contractor, after winning a federal government contract, goes back to his subcontractors and tries to get them to lower their initial price that he included in the bid. If they refuse, the contractor will often “shop” the bid to other subs in order to get a lower price. The Construction Quality Assurance Act of 2009 (H.R. 3942) would cut down on bid shopping by requiring prime contractors to list in their bids subcontractors that would perform work of $100,000 or more.

5. **Multiemployer pension issues.** Due to the economic downturn that began in 2008, many multiemployer pension plans used by contractors to provide pensions for their workers are facing serious funding problems. “Contractors are doing the right things but continued market and economic problems are beyond employers’ control,” QCA said. “Congress needs to help the problems plans face now in order for employers and plans to survive and to find longer-term funding solutions. Continued contribution increases will make us non-competitive or put us out of business entirely.”

For more information about the Quality Construction Alliance, check out the group’s website at www.qualityconstructionalliance.org.
TAUC welcomes new affiliate member
Copper Range

THE ASSOCIATION OF Union Constructors (TAUC) is pleased to announce its newest affiliate member, Copper Range!

Founded in 2001, Copper Range specializes in developing products and services that solve business problems using the latest computer and communications technologies. For the construction industry in particular, Copper Range offers several high-tech solutions, including its patented CRScan, a wireless way of documenting employee access to jobsites. “As a cellular network application, CRScan is able to accurately check a worker’s credentials against a database of information almost anywhere in a fraction of a second with little equipment outlay,” the company explained. “It then provides up-to-date reporting of attendance, and compliance with drug test programs, safety training certifications, area access approvals, and any other rules required of workers by employers.”

Another product, CRTrack, is an asset tracking system that uses cellular and GPS technologies to locate assets. “An asset’s location is updated whenever a company employee scans its barcode or RFID tag using a miniature scanner attached to a cell phone,” Copper Range said. “With CRTrack you can also update other asset information, such as Hobbs meters or odometer readings, using a cell phone as an input device. And, all field-gathered information about assets is immediately viewable by asset managers through any Web browser running anywhere. Now you can save money by reducing your asset administration costs, keeping your equipment better maintained, and eliminating unneeded equipment rentals.”

For more information, check out the company’s website at www.copperrange.com.
MURPHY CO. ANNOUNCED that Stewart Taylor has joined the team as business development manager for its heavy industrial group.

Taylor brings more than 20 years of experience in the industrial construction industry, concentrating in the power, petro-chemical, refinery, automotive and manufacturing industries. As a business development manager, he will be responsible for developing new project opportunities and proposals, conducting market research and assisting with the pricing and negotiation of projects in the refining, petrochemical, steel, power, agricultural or other heavy industrial markets.

“Stewart’s extensive experience and contacts in the heavy industrial market are a perfect fit for Murphy,” said Tim Dace, vice president, heavy industrial. "With him on board, we plan to expand our national customer base even further.”

Taylor previously served as the director of business development at a major construction company in St. Louis. While there, he worked in conjunction with other divisions throughout the United States to assist in developing project opportunities in their regions.
Real commitment to safety starts at the top

BY TONY DOWNEY
Member Contributor

IN MY LAST column, I talked about the importance of getting every employee involved in creating a successful safety culture in the workplace. But what about the people who lead those employees? Contractors and owners obviously play a large role in contributing to a zero-injury atmosphere on the job. But it’s important for union employees to be reminded that their labor leaders are also concerned about safety. That’s why I hope that everyone reading this column will take a few minutes and log on to either the TAUC (www.TAUC.org) or NMAPC (www.NMAPC.org) Website to view an important new video jointly produced by both organizations. Entitled “The Importance of Safety,” it’s an informative and practical tool aimed at helping union construction workers understand that when it comes to safety, there’s no room for an “us versus them” mentality. Instead, safety is about “us,” period.

The video features the leaders of 13 international unions communicating a single message to their members: safety comes first, period. General Presidents Newton Jones (Boilermakers), Douglas McCarroll (Carpenters), Joseph Hunt (Ironworkers) and many others all took time out of their busy schedules to participate in this unprecedented TAUC-NMAPC effort. I hope that contractors take advantage of this resource and share it with all of their job crews. Whether your project requires the involvement of bricklayers, insulators, ironworkers or painters – or all of the above – each person on the payroll can take away something important from the video. It’s available on both websites in streaming format, and a DVD is available for purchase for a nominal fee of $20 for governing and LEO members and $30 for regular members.

The fact that TAUC, an organization made up of union contractors, teamed up with NMAPC to create a video that speaks directly to union employees says a lot about its members. Too often the mainstream news media focuses on the differences between labor and management rather than examine the myriad of concerns both sides share. But TAUC has always been dedicated to not just bridging the gap between contractors and the unions, but strengthening that bridge as well so everyone comes out a winner at the end of the day. Our members realize that the only way we can win is if everyone leaves the jobsite as healthy as when they arrived that morning.

In my last column I listed several ways contractors could involve employees in the safety process. Those tips included involving workers in safety planning, asking them how they think they could do their jobs more safely, and recognizing safe work habits and performance. Well, I’d like to add another item to the list: Let your union employees know that the presidents of their respective crafts not only agree with your emphasis on safety, they demand it. Show them the video or e-mail them the link so they can view it later at home.

Edwin Hill, president of the International Brotherhood of Electrical Workers, puts it this way in the video: “Safety is a jobsite issue that can never, ever be set aside. Now I know you’ve heard this message before. It may even sound like a broken record to you by now, sort of like the demonstration you see every time you board an airplane. But I urge you, brothers and sisters: Keep safety in your thoughts. You owe it to your coworkers, your employers, your families, and you owe it to yourself.”

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.
Making changes to make things better

BY GARY L. BOHN
Member Contributor

AS THE INCOMING chair of the TAUC Labor Committee, I wish to thank those past committee members and staff from TAUC whom I have had the privilege to work with. Kudos as well to Bud Burns and Gary Klibert, past chairmen of the Labor Committee, for their inspiration and leadership. TAUC committees have always worked well together, vetting an assortment of ideas from various members and others on how best to implement changes in how we do our business, with the intent of making union contractors more competitive, offering our customers better value and outcomes, and ultimately directing us in endeavors that can help us gain market share for the unionized sector of the construction industry.

I lobbied to become a member of the Labor Committee shortly after Kiewit Power joined TAUC some three years ago. I had been aware that the Committee was well along in the development of a working model for universal reciprocity for all craft union workers, whereby they could “follow the work” and travel to projects away from home or be able to work across craft lines to fill manpower shortages without the downside of losing health and welfare (H&W) benefits or pension credits in their local unions’ trust funds.

This is an idea that has been discussed by many in the industry for a long while, and has even achieved a moderate amount of support with certain international unions whose members often must travel in order to have anything near full employment. It has also been practiced on a limited basis in certain building trades councils where select business managers and trustees decided it was an idea that made sense and would be of significant benefit to their members. As a veteran of the Alyeska Pipeline and Prudhoe Bay Facilities work in Alaska more than 30 years ago, I saw firsthand how skilled craftsmen, when “following the work” as travelers, although drawing big paychecks from overtime work, often lost out on the benefits they had earned.

If we in unionized construction intend to provide a viable, efficient and mobile workforce as this current recession lifts and future projects start coming our way, we need to do a number of specific things to improve our business model. Many of the “mega-projects” proposed for our country will be built and maintained far from existing pools of skilled unionized labor. With that in mind, we need to be thinking about positive factors that make being a part of our industry attractive to young people. The ability to work anywhere in North America at your chosen trade, or on permit at a similar trade, while maintaining your H&W benefits and continually adding to your pension (universal reciprocity), is a strong selling point for choosing a career in the building trades that people can relate to. In addition to being a very positive motivator, it just makes good sense.

Accomplishing changes such as this provides an example of the “new thinking” necessary in order to draw the best people into the trades and keep them as members throughout their careers. The outstanding training that is offered in the various trade apprenticeship programs helps prepare employees to work safely, offers them a variety of valuable skill sets and teaches responsibility and leadership skills that can help ensure a lifetime of above-average wages and superior benefits. A trained and mobile workforce that can be utilized by union contractors is a key element needed to help increase market share in our industry. This is what our customers (the purchasers of construction services) want to see, not “business as usual.”

It is our intent that issues such as universal reciprocity for all unionized construction tradesmen become the standard way we do our business. In order to implement these changes it will take serious leadership and dedicated problem solving efforts with both organized labor and union contractors to work out the “how to” for the many complex issues surrounding this subject. We need to start the process now to achieve the goals we all share: to improve our industry in positive ways, grow our market share and ensure a secure future for our members. It’s the right thing to do.

Gary Bohn is the TAUC Labor Committee Chairman. A 45-year veteran of the heavy industrial construction field, he currently serves as senior advisor to Kiewit Power Constructors.
THE CONSTRUCTION USER earned a Gold Award in the 2009 MarCom Awards (www.marcomawards.com). The international awards competition recognizes outstanding creative achievement by marketing and communication professionals.

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COMING EVENTS

July 21, 2010
TAUC Executive Committee Meeting
Embassy Suites Chicago – O’Hare/Rosemont
Rosemont, Ill.

July 21, 2010
TAUC Board of Directors Meeting
Embassy Suites Chicago – O’Hare/Rosemont
Rosemont, Ill.

August 24, 2010
NMAPC Board of Directors Meeting
Washington, D.C.

August 25-26, 2010
Third Quarter NMAPC Labor-Management Committee Meeting
Washington, D.C.

August 26, 2010
NMAPC Owner Advisory Committee Meeting
Washington, D.C.

October 28, 2010
10th Annual Zero Injury Safety Awards
National Building Museum
Washington, D.C.

October 28-29, 2010
Fourth Quarter NMAPC Labor-Management Committee Meeting
Washington Court Hotel
Washington, D.C.

December 6, 2010
Joint TAUC Executive Committee and NMAPC Board of Directors Meeting
Washington Court Hotel
Washington, D.C.

INDEX OF ADVERTISERS

CONSTRUCTORS
Aker Construction .............................................Outside Back Cover
www.akersonsolutions.com
The American Group of Constructors .....................16
www.tagconstructors.com
Flour Constructors International, Inc. .........................23
www.mccarl.com
Kelly Steel ..................................................................22
www.mccarl.com
Midwest Steel .................................................................22
www.midweststeel.com
Stevens ...........................................................................23
www.stevensc.com

SERVICE PROVIDERS & EQUIPMENT SUPPLIERS
Fisher Tank .................................................................18
www.fishtank.com
Horizon Safety Group ..................................................23
www.horizonsafetygroup.com

 Kelley Steel Erectors ..................................................20
www.kelleysteel.com
Mecon Industries, Inc. ..................................................18
www.meconcom
Sargent Electric Company ...........................................26
www.sargent.com
SeaBright Insurance Company ................................. 6
www.sbic.com
Scaffold Industry Association ..................................... 3
www.scaffold.org

UNIONS
IMPACT .............................................................................6
www.impact-net.org
NLMCC/NECA-IBEW ..................................................Inside Back Cover
www.thequalityconnection.org

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