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TAUC 2015 State of the Union
Construction Industry Forum

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Wednesday, December 9, 2015

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Register for State of the Union Forum, Holiday Open House

AUC’s 2015 State of the Union Construction Industry Forum will take place Wednesday, December 9, 2015 from 8:00 a.m. to noon at the Mayflower Hotel in Washington, D.C. You can register online (it’s free!) at www.tauc.org/stuc.

The half-day seminar-style forum is a D.C. tradition, and gives union construction and maintenance execs a chance to hear from experts on a variety of hot-button issues that will affect their industry in 2016 and beyond.

This year’s keynote speaker is renowned economist Brian Beaulieu. Brian has served as CEO of ITR Economics™ since 1987 where he researches the use of business cycle analysis and economic forecasts to increase profitability. He co-authored Make Your Move, a book on increasing profits through business cycle changes. Brian has been providing workshops and economic analysis seminars in 7 countries to thousands of business owners and executives for the last 30 years.

Brian spoke at the 2013 State of the Union Forum and attendees are still talking about his presentation, so we’re very pleased to have him back this year! Be prepared for a fast-paced, high-energy overview of current economic and investment challenges and opportunities. And bring a pencil and paper -- you’ll want to take plenty of notes.

Also, be sure to mark your calendars for the night BEFORE the forum, when another D.C. tradition will take place: our annual Holiday Open House, scheduled for Tuesday, December 8 from 6 to 10 p.m. This year we’re doing things a little differently: instead of being held at the same hotel, the party will take place at Joe’s Seafood, Prime Steak & Stone Crab located at 750 15th Street, NW. Also, this year’s Holiday Open House is being co-sponsored by not just TAUC and NMAPC, but also North America’s Building Trades Unions, the North American Contractors Association and the General Presidents’ Project Maintenance Agreement.

Register for both events at www.tauc.org/stuc.

Construction & Turnaround Services Announce New Hires

Construction & Turnaround Services, LLC (CTS) recently announced the following new hires:

Ed Anderson, Senior Project Manager. Ed’s most recent position was with Nooter Construction, Inc., as Contracts Manager. Prior to joining Nooter, Ed spent four years with Delta Nooter as Operations Manager, and nine years with Serv-Tech/Delta Industrial Services as Project Manager and Operations Manager. Ed has extensive experience in both Project and Turnaround Management.

Eric Swyers, General Manager, Eastern U.S. Eric’s most recent position was President of SST/Pullman, and he has extensive experience in both mechanical and refractory services. Prior to joining SST, Eric spent over 15 years at CB&I with responsibilities ranging from field engineer to senior project manager. Eric was involved in maintenance, turnarounds and capital construction at numerous refining, chemical and power facilities throughout the U.S. and South Africa.

John Christian, Senior Project Manager. John comes to CTS from Air Products and Chemical Co., where he was employed for 28 years. John had many responsibilities while with Air Products, ranging from Assistant Plant Manager to his most recent position as Western Region Turnaround Manager, where he was responsible for turnarounds and projects at multiple facilities located in the western region of the U.S. and Canada.
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The solution to each of these challenges begins with understanding human behavior and recognizing that everyone’s mind works differently.
different parties, it became very evident that we all already knew what we needed to do; we just hadn’t done it. Our real challenge was not to create new procedures or checklists, it was to change behavior – a monumentally more difficult task than developing procedures.

Now, I am not advocating that everyone go out and get psychology degrees or go hire a bunch of psychology majors (although my son will be looking for a job after December!). My point is that we need to recognize the importance that psychology and behavior plays in our everyday challenges. I am still a big believer that the best way to tackle these challenges is through constant open and honest communication. As contractors, owners and labor, we must be willing to sit and listen to each other’s challenges, look internally and recognize our own strengths and weaknesses and listen to feedback without getting defensive. We also have to be willing to come together and work as a team to solve these issues. To me, that’s what TAUC and our tripartite philosophy is all about: creating an environment where we can get together, take a peek into each other’s minds and get a better understanding as to how we view the challenges so that we can work together to solve them. I would encourage you all to take advantage of this environment any chance you get and as frequently as possible.

Recently I was playing golf with the son who is graduating with the psychology major. I used to be a pretty good golfer back in the day, but like most of us, work, kids and life got in the way, and I really didn’t have time to play much. Now I am trying to play more, but my game really reflects my lack of practice. I had been hacking the ball all over the place and really getting frustrated. After another errant drive, my frustration boiled over and my son had had enough. He looked at me and said “Dad, you just need to forget that you used to be good at golf. You would enjoy it a lot more.” After thinking about it, I realized he was right. I now enjoy the game more and am even getting a little better. All of those dollars I invested in his degree are already paying off.

Questions?
Comments?
We want to hear from you!
E-mail Executive Editor David Acord at dacord@tauc.org.
Let him know what you thought about this issue, or suggest an idea for a future article!

OUR BELIEF IN TRIPARTITE IS INDUSTRIAL STRENGTH.
MC Industrial is a firm believer in the power of contractor, labor and owners working toward common goals. Together, we are accomplishing great things.
Team of Rivals

by STEVE LINDAUER

As I WRITE this in late September, the NFL regular season is finally underway. Now that the summer training camps and pre-season games are finished, the mood is different in the stadiums. I don’t see many relaxed faces in the stands or on the sidelines. Fans and coaches alike understand that it’s time to get serious. Each pass, touchdown or fumble will determine who makes it to the playoffs and, ultimately, the Super Bowl. Practice is over. From here on out, everything counts.

Of course, few of us can truly understand the pressure of trying to win a Super Bowl. But the path to success in the union construction and maintenance industry runs parallel to the path to success in the NFL. The environments may be different, but the principles are the same: in order to win on the gridiron or on the jobsite, you must have unrivaled focus and intensity.

Look at the head coaches prowling the sidelines. They don’t allow themselves to be distracted by screaming fans. They are locked in and focused. Their powers of concentration are off the charts. A UFO could land in the end zone during a fourth-and-one situation and they probably wouldn’t even notice.

The same is true for the elite players in the league. Throughout the season they must endure a constant barrage of questions from reporters, harsh criticisms from sports radio hosts and never-ending pressure from fans to sign autographs and pose for pictures — all while trying to prepare for the next game. The temptations can be overwhelming at times, but the true greats know that if they allow themselves to get distracted and start thinking about the wrong things, it will lead to disaster both on and off the field. Sound familiar to anyone who’s ever worked on a $100 million outage?

However, there’s an even bigger challenge every NFL player and coach must confront, a set of rivals more dangerous and powerful than anything they’ll face on the field: their own teammates and colleagues.

An NFL team is a paradox. On one hand, it’s an elite unit of like-minded professionals all focused on the same goal (winning). On the other hand, it’s a collection of individuals with personal and often competing self-interests. Three or four quarterbacks battle one another during summer camp in order to be named the regular-season starter. Running backs do the same thing — as well as cornerbacks, defensive backs and kickers. Can you blame them? The difference between being a first-string and third-string player can amount to millions of dollars, or whether or not you even make the team.

The same dynamic is present in team management. Show me an assistant coach, and I’ll show you a guy who probably thinks he can do a better job than the current head coach. Everyone is always jockeying for position, looking to move ahead.

And yet each Sunday afternoon during fall and winter, we expect these mismatched collections of egos and attitudes to work together as a single seamless unit and perform. But not just perform — win.

Succeeding in Spite of Ourselves

Because of its tripartite structure, the union construction and maintenance industry often functions more like a team than a traditional niche business. Our contractors, unions and owner-clients are uniquely interconnected and face many of the exact same perils as an NFL franchise. Let me try and count the internal rivalries in our own backyard:

Contractors versus unions: Both want to succeed, but have very different ideas of what success means...and how to achieve it.

Contractors versus other contractors: Pure competition, with each contractor trying to grab the next big project.

Unions versus unions: “My work versus your work.” Enough said.

Contractors versus owners: Battling over terms, money, deadlines, change orders, etc.

Owners versus owners: At the macro level, a never-ending war over market position, territories and stock prices.

Did I leave any out? Probably, but you get my point.

A good NFL coach understands his team’s internal rivalries and works to ensure they don’t negatively impact performance when it counts — on game day. The problem is, our industry doesn’t have a single “coach.” That responsibility falls on all of us — from the CEO of a nationwide contracting company to the local union business manager.

In a sense, we are all coaches and leaders of one kind or another. No one has the luxury of “just” being a role player. Look at safety, for instance. We constantly tell craftsmen that they need to be cognizant of not just their own safety, but that of others around them. We empower them to speak up and point out a safety concern even if it’s not in their immediate work area. We tell them not to be hesitant to tell a co-worker (or even a supervisor) that they’re not tied off properly.

As you watch the games on Sunday afternoons, I hope you’ll keep this thought in mind. Every time a quarterback
throws a perfect spiral into the end zone or a receiver makes a next-to-impossible catch with defenders crawling all over him, you’re witnessing two triumphs, one physical and one mental. You see, the quarterback can’t throw that perfect spiral if he’s thinking about the second-stringer standing on the sidelines waiting to take his job. And I guarantee the receiver will fumble the ball if his mind is dwelling on a big shoe endorsement deal rather than the route he’s supposed to run. In order to succeed, both individually and as a team, they have chosen to set aside these distractions. They have chosen to focus on what really matters, both in the immediate moment, at the “micro” level, and in the big picture at the “macro” level.

We talk a lot about growing our industry and opening inroads into lucrative new markets where our presence is currently limited – the Gulf Coast and Marcellus/Utica regions, to name a couple. Those are great goals, and we should definitely focus on them. But no matter how great a strategy we come up with, it won’t mean anything unless our entire team is focused on executing that strategy no matter what. That means letting go of traditional rivalries and decades-old rancor. It means setting aside the mistrust that previous generations thrived on and viewing the people you work with as partners instead of adversaries. It means replacing a spirit of petty competition with one of mature cooperation.

A coach can draw up a brilliant play on the chalkboard. But if the players are concentrating on their own internal rivalries – spending their energy on small battles rather than conserving their strength to fight in the big war – they might as well not even take the field.

It’s fourth-and-one. What are you focusing on?

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

by MARK BRESLIN

As a businessman and leader, I am continually asking myself: Where is the absolute best place to put my money, time and talent in order to receive a measureable return on investment? Where can I get the most leverage? Professionals in the union construction and maintenance industry ask the same thing in a slightly different way: How can I increase union market share and create more value?

Regardless of how you phrase the question, I want to present a brand-new investment opportunity, one that employers have generally ignored for years. In fact, it may be the most overlooked driver of opportunity, growth, profits and market share expansion in the entire industry.

Here it is: Let’s develop 10,000 new skilled foremen in the next five years.

Let’s build a world-class supervisory workforce that can create the opportunity for unions and contractors to exponentially expand their markets. Let’s make dead certain they have the latest communication, management, motivation and mentoring techniques to drive profitable jobs.

What’s more, let’s mandate that every single one of these new foremen must become certified. No exceptions. No more shoot-from-the-hip, old-school, figure-it-out-as-you-go-along approach. The new standard will be to have professional supervision on every jobsite on every crew, period. It will be a serious, over-the-top, ass-kicking, world-class, best-practice-oriented effort. We’ll call it the Construction Foreman Development Initiative.

What might we spend to significantly expand our union workforce and opportunity? How about $100 million to start? If you don’t have the spare cash lying around your office, I’ll drive you to the nearest ATM.

I know that sounds like a lot of money. But it’s actually chump change compared to many of the other investments we make in our industry on an annual basis. Think of all the time and money we spend on apprenticeship training – probably anywhere from $500 million to $1 billion every single year across all the trades. Why? Because it’s a long-term strategic investment, and without it, we won’t have a skilled, professional workforce. It is the rock-solid core of our development plan. But still, apprentices are at the bottom of the construction skills pyramid and generally don’t have a major impact on either growth or profit on today’s jobs.

Now think about all of the other things we spend money on each year: bargaining, organizing, legislative lobbying, legal expenses, marketing and public relations. Can we draw a direct correlation between any of these expenditures and a measurable increase in market share, union member hours, or projects secured? Not to any significant degree. For ten to twenty years we have been making investments at the highest levels, yet we more or less stay in the same competitive market position, or perhaps lose ground. Maybe it’s time to narrow our focus and invest in a new area.

What would our industry get for its $100+ million investment in creating 10,000 new skilled foremen? I would like to share five primary benefits of a Construction Foreman Development Initiative. Creating a concentration of resources around foreman training and development has the potential to generate the following opportunities for both labor and management:

1. Growth & Control of the Market. Those who control the supply and demand of superior supervision in our industry have the greatest ability to grow – and also to control the market. With so many Baby Boomers retiring, foremen are a rapidly diminishing commodity. Our industry growth is 100% dependent on the ability to effectively manage more work, more volume and more union members. The formula is simple: More foremen = greater volume capacity. This is basic math and basic business growth strategy. Grow capacity, grow volume, grow market share. Fewer foremen = smaller contractor volume, smaller union memberships and smaller labor organizations. Foremen are the Force Multipliers of our industry.

2. Immediate Recognized Proven Value. Call up any union contractor in the U.S. or Canada today and ask them if they are interested in hiring a really great foreman. Tell them you have one available and ready to go to work. I guarantee that they will find a way to put that individual to work tomorrow. This is called “market need fulfillment.” And you know what else? Great foremen also create strong job growth. That contractor will find a way to build a crew
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Oakbrook Terrace, IL ✔ Portage, IN ✔ Detroit, MI ✔ Pittsburgh, PA
TAUC Welcomes Carhartt H2H Donation

by DAVID ACORD

The Association of Union Constructors (TAUC) is pleased to welcome aboard Carhartt as a financial supporter of Helmets to Hardhats (H2H), the nonprofit organization dedicated to helping transitioning active-duty military service members secure quality careers in the construction industry.

TAUC CEO Steve Lindauer (pictured below) participated in a July 28th ceremony in Washington, D.C. where Carhartt presented H2H with a $100,000 check and committed to donating $100,000 annually going forward. Mr. Lindauer has a seat on H2H’s Board of Trustees and serves as Secretary of the Executive Committee; TAUC is also a Platinum Sponsor of the organization.

Brent Booker, Secretary-Treasurer of North America’s Building Trades Unions, attended the event, along with other industry officials and veterans.

“This funding will help secure the futures of brave men and women who defended our country and are now transitioning to careers in the building trades,” said Rep. Donald Norcross (NJ-01). “My own son, a United States Army veteran, is a ‘Helmets to Hardhats’ success story, working as an IBEW electrician. There are more just like him who will benefit from this generous donation from Carhartt.”

“Those who fight for their country shouldn’t have to fight for a job upon their return to civilian life,” said Linda Hubbard, president and chief operating officer at Carhartt. “Helmets to Hardhats and Carhartt are similar in that we both value the importance of hard work and have a great respect for those who work with their hands. As a company that builds product for hardworking trades and craftspeople, we are proud to support a group that connects service members with skilled training and construction careers. Everyone deserves the chance at landing a quality career—especially those who have served our country.”

“Since the program’s inception in 2003, we have successfully transitioned nearly 20,000 program members into quality building and construction trade careers as well as management positions like controllers, safety project managers, project managers, and dispatchers through our partner companies,” said Darrell Roberts, executive director of H2H. “No matter which path our participants take, it costs close to $1,000 for one vet to successfully utilize the program. Carhartt’s donation will go a long way in helping many veterans achieve new, lucrative careers.”

L-R: Cpl Jason Stolecki; Carhartt Pres./COO Linda Hubbard; Steve Lindauer; SSgt Stephan Nutter; H2H Exec. Dir. Darrell Roberts
EVERAL YEARS AGO, many of the international unions began addressing some of their perceived (and real) internal problems with rank-and-file members by creating and implementing “Codes of Excellence” or “Codes of Conduct.” These codes outlined what was expected of a highly-trained, safe, drug-free, skilled professional union workforce. The effort was a huge success, and paid almost immediate dividends as the codes were embraced by both contractors and the owner-client community. The underlying principle of the codes was simple: in order for us to survive as an industry, we have to be the best, not just say we are the best.

Soon, others in the industry took their cue from this initiative. For example, the NMAPC recently created a set of “Tripartite Principles of Conduct” that was inspired by the union codes, and included them in the latest edition of the National Maintenance Agreement (available at www.nmapc.org/agreement). The principles outline what is expected of signatory contractors, participating International and Local Unions, and Owner/Clients that utilize the NMA.

At our most recent TAUC Local Employer Organization (LEO) Committee Meeting held in Baltimore on August 20th, we discussed at length the possibility of creating a similar set of principles for our LEO members. It would provide a baseline of what our member contractors and traveling national contractors can expect when they contribute to our Industry Advancement Funds (IAF) and are performing work in our geographic areas.

Although we have just begun to outline what these principles will be, I believe it is safe to say that they will break down into several well-established categories: safety and health services and products; education and training; industry promotion and advocacy; regional recruitment and retention; substance abuse testing; Taft-Hartley funds; collective bargaining services; and labor-management cooperative efforts at the local level.

One of the biggest advantages of being a TAUC LEO Member is having the opportunity to sit down with your peers from across the country and discuss both problems and solutions -- to address the issues that we are all facing in the industry. There is no need for any LEO Member to reinvent the wheel on their own. By creating these principles of conduct or excellence, we are simply formalizing the base level that can be expected from any LEO Member. We know that our LEO organizations can range dramatically in size and resources, but at the same time, we believe that creating a formalized set of principles will help all LEOs understand what is expected of them. And of course, we believe such a code would also help contractors, who contribute to our IAF’s, to better understand how they can take advantage of what we collectively have to offer.

The only way to change the negative perception that some people have of our LEO Members is to deal with the issue head-on. What better way to prove to our contractor members and traveling national contractors the value of contributing to our IAF’s than to create a document that declares our commitment to the highest ethical principles in the industry?

I believe that our LEO Members are the cream of the crop of local employer organizations across the country. A code of conduct or excellence would be a great way to show everyone what we do and how much we can accomplish for the union construction and maintenance industry throughout the country.

Bill Kroeger is the TAUC LEO Committee Chair and Vice President of Labor Relations for the Associated General Contractors (AGC) of Missouri.
Drug Testing & Legal Marijuana: What Should Contractors Do?

by ROBERT L. DUPONT, MD
PRESIDENT OF THE INSTITUTE FOR BEHAVIOR AND HEALTH, INC.

The recent shift in drug policy to legalize recreational and medical marijuana in several states has made the United States the first nation in the world in which the sale and use of marijuana is legal. This shift has created significant concerns for many employers, employees, and job applicants about workplace drug testing in general and testing for marijuana specifically. Earlier this year the Institute for Behavior and Health, Inc. released a report providing guidance for employers about drug testing employees and job applicants for marijuana use in the workplace in the context of the current legal environment. This article is adapted from that report.

When considering the role of workplace drug testing in the unsettled context of legal marijuana, it is important to focus on the fact that workplace drug testing is an essential tool in confronting today’s growing drug abuse problem – a problem that is not limited to marijuana. The use of all illicit drugs, including marijuana, and the misuse of prescription drugs cause significant problems for employers and for employees. That is why an effective drug-free workplace program includes drug testing for marijuana and other drugs.

Workplace drug testing programs provide important outcomes for employers and employees. Long before the legalization of medical and recreational marijuana, a study in Washington State (Wickizer et al. 2004) showed that in the construction industry (along with manufacturing and services), injury rates declined significantly following the implementation of drug testing. Moreover, the use of drug testing was associated with a reduction in the rate of serious injuries involving four or more days of lost work for construction and services groups.

Given this backdrop, the following recommendations are offered to employers so that they can address this frontline issue.

Consider the Legal Complications of Workplace Marijuana Testing

While state and local laws are important for all, employers must not forget that the sale and use of marijuana for either recreational or medical purposes remain illegal under federal law in all 50 states. Even in states that have legalized marijuana, many employers must test their employees for marijuana and hold those who test positive accountable under federal government mandates. These federally mandated drug tests are required for millions of workers including commercial drivers, airline pilots, flight attendants, railroad engineers and conductors, workers in nuclear power plants and many others in safety-sensitive positions.

Additionally, numerous employers in every state receive federal grants for a wide variety of projects. In the state of Colorado, where marijuana is legal for both recreational and medical purposes, the state Supreme Court recently ruled in Coats v. Dish Network that an employer was free to consider a marijuana test a violation of the company’s policy because of the federal law, even though the employee had a valid medical marijuana card and claimed not to have used the drug on the job.

This and other rulings from states with legal medical and recreational marijuana have implications for future marijuana statutes in other states. For example, several states allowing medical use of marijuana now require an employer to show impairment before taking action against an applicant or employee who tests positive for marijuana. These provisions pose a significant limitation to workplace drug testing programs for marijuana.

The complex and often conflicting requirements regarding the identification of “impairment” demonstrate the value for workplace drug testing policies to be specific and state that the presence of a marijuana metabolite or THC in the employee’s body is itself a violation of the employer’s drug-free workplace policy. Because marijuana is a confusing issue for employers, employees and job applicants, the best way to avoid the confusion is to have a zero-tolerance policy in place that is not based on “impairment” but rather is a simple and strict standard of no use. This is called a per se zero tolerance standard. Any positive drug test is per se evidence of a violation of the employer’s drug-free workplace policy. These policies seek to prevent impairment in the workplace.

Per se policies that restrict all illicit drug use, including marijuana use, by employees and job applicants are supported by the fact that marijuana is illegal under federal law nationally (and is illegal in the majority of states under state law as well). All federal agencies that require drug testing mandate testing for marijuana and
use the zero tolerance per se standard, including the U.S. Department of Transportation, the Department of Defense, and the Nuclear Regulatory Commission. This per se standard has been successfully used in these settings for three decades with little controversy.

**Provide Clarity in Drug-Free Workplace Policies**

Employers using drug testing should also make testing procedures a part of a comprehensive policy that promotes essential workplace priorities including safety, health and productivity. Illicit drug use, including marijuana use, is a threat to each of these goals. Every employee must be informed of the company’s substance use policy and the reasons for that policy. Drug testing needs to be described in a written statement of the employer’s substance use policy. This policy statement must clearly lay out the elements of the drug testing program including who is subject to testing, how testing is administered, how positive results are confirmed, and the consequences of positive drug test results. Supervisors and human resources staff should be trained in the employers’ substance use policies and procedures and be able to explain them to all employees and job applicants.

Employers conducting workplace drug testing should provide educational opportunities for employees about substance abuse. Programs focused on wellness and/or employee assistance programs should provide education, screening and follow-up services for employees’ drug and alcohol problems. This may include return-to-work agreements provided through employee assistance programs. Provisions for assisting employees with substance use problems should be known to all employees. Encouraging employees to seek treatment confidentially, apart from a testing event, without jeopardizing their jobs is a practice that can help guide employees to recovery. As part of a drug-free workplace, an employer’s substance use policy should address employees under the influence and it should provide training to identify behaviors and related signs and symptoms of substance use.

**Specifically Address Marijuana in Employee Drug Testing Policies**

All employers in states with legal marijuana are cautioned to pay close attention to the specifics of state and local law. It is important for the safety, health and productivity of the workforce to continue testing employees for marijuana along with other drugs. Workplace drug testing policies need to be reviewed by attorneys who are familiar with federal, state and local laws related to drug testing and particularly related to marijuana.

The New Mexico Court of Appeals ruled in August 2014 in *Vialpando v. Ben’s Automotive Services and Redwood Fire & Casualty* that medical marijuana recommended by a physician to treat an individual’s pain following spinal surgeries for a workplace back injury should be reimbursed by the worker’s employer and insurer. Even some legal professionals mistakenly believe that marijuana recommended by physicians should be treated in the same manner as are prescribed drugs. This is based on the inference that these recommendations are in fact medical marijuana “prescriptions” which they are not. Medical marijuana recommendations should be reviewed as are other non-prescription recommendations unless state law provides instruction otherwise.

**Considerations for Employers of Different Sizes**

Drug-free workplace policies and programs differ depending on the size of the workforce and on whether the employer operates within a single state or many states. Despite these important variations, the principles articulated in this article can guide specific policies in these various settings. Among employers located in multiple states and localities, drug testing policies can be universally adopted across locations — e.g., the use of Department of Transportation guidelines can be used for all employees.

*Continued on Page 23*
The Association of Union Constructors (TAUC) is pleased to announce that the winner of the 2015 The Construction User photo contest is TAUC Governing Member Songer Services.

The winning photo was taken by Songer Project Coordinator Brock Jarka during the reline of the largest blast furnace in North America. The photo depicts a crawler crane setting structural steel for a new stainless steel granulator stack on the furnace.

Songer served as the general contractor for the $70 million reline project, which was completed under the terms of the National Maintenance Agreement in 50 days (seven ahead of schedule) in the summer of 2014, following five months of pre-outage prep work at the facility. The reline will provide 12 years of campaign life and increased capacity to the furnace, which was built in the mid-1970s.

“We ran 300 men a shift for 50 days straight, seven days a week, two shifts a day, for a total of 310,000 craft man-hours,” explained David Toennies, Songer’s Vice President of Operations. “We replaced the existing Paul Wurth Bell Less Top charging system with an updated, Second Generation Paul Wurth Bell Less Top.” Iron ore and other charging materials are fed through the Paul Wurth Top and distributed evenly throughout the furnace, which is more than 50 feet in diameter and roughly 300 feet tall.

But replacing the charging system was just the beginning. “We also replaced six rows of copper cooling staves inside the furnace,” Toennies continued. “There are almost 50 staves in a row, each one roughly four by ten foot. We also installed a new furnace hearth refractory and tap hole refractory.”

There was plenty going on outside of the furnace, too. A new stainless steel granulator stack was installed that is 11.5 feet in diameter and 276 feet tall. “We had three crawler cranes working on this job at the same time, and the swing radiuses for all three cranes intersected – we were in a tight space,” he added. “We had to very carefully coordinate our lifts.” At one point, Songer had to transfer two (2) 75-ton lock hoppers from one of the crawler cranes to an overhead crane in mid-air. “We installed a 120-inch diameter goggle or isolation valve, and replaced sections of the hot blast main expansion joints and refractory.”

With so much going on in such a small footprint, coordination was key. “All of the work was layered work, so we had guys working on top of each other,” Toennies said. “Again, the space was really tight, so we had to coordinate and plan out the work during the pre-outage to make sure our supervisors understood the job and could direct the men so that we were successful.”

Eight different building trades crafts worked on the reline project:

- Ironworkers Local 395
- Boilermakers Local 374
- Pipefitters Local 597
- Laborers Local 41
- Operators Local 150
- Bricklayers Local 4
- Teamsters Local 142
- Carpenters Local 599

“It went very well, and we received quality craftsmen from the local unions,” Toennies said. “The building trades were able to fulfill all manpower requirements for the project. It was a very good job for Songer.”

TAUC congratulates Songer Services and all of the union craftworkers for a job well done!
Selected 2015 Photo Contest Entries

TAUC wishes to thank everyone who submitted photos this year. It was incredibly tough selecting a winner — we hope everyone who entered will try again next year! On these pages you’ll find a selection of other impressive entries.

The Magic Hour: From TAUC Regular Member API Construction Company comes this beautiful evening shot of Xcel Energy’s new Cherokee 569-MW 2x1 Combined Cycle Power Plant in Denver, Colo. API provided and installed all insulation and lagging and scaffolding on Units 5 and 6. Kiewit was the prime contractor on the project.

Photo by: Brittany Lauterbach

Big Job: In this photo, TAUC Regular Member ClearPath Underground Solutions LLC uses horizontal directional drilling to install a drainage system between two reservoir ponds at American Electric Power’s facility in Cheshire, Ohio. The job was performed on a tight grade and included wire-line services. A 48” hole was drilled through solid rock to install the pipe for transportation of water between reservoirs.

Photo by: Rod Riley
Three Weeks Later: Check out these amazing “before” and “after” photos of a 21-day project at the Ford Dearborn Body Shop in Michigan. TAUC Regular Member Walbridge Tooling Services LLC demolished 450,000 sq. ft. of old tooling and installed and powered-up 1,100 truckloads of new tooling in just 21 days -- widely accepted as the fastest complete body shop conversion ever done. The shop was converted to build the new aluminum F-150 truck.

Photo By: Mike Schumacher
Blue Skies: TAUC Regular Member Imperial Crane Services sent in this gorgeous photo of a project on highway IL-20 spanning the Rock River just south of Rockford, Ill. Working for Civil Inc., Imperial Crane used four cranes to set up a new bridge. The cranes had to match up and connect all of the beams from the abutment to the corner pier in the middle of the river.

Photo by: Mark Preisot

Men at Work: TAUC Governing Member Atlantic Plant Maintenance submitted this photo of a millwright preparing a bearing cavity for reassembly on a GE 7F gas turbine unit at a power company in the northwest U.S.

Photo by: Glenda Elles
The Economic Collapse of 2008 – the worst since the Great Depression – sent financial markets reeling and turned the construction and maintenance industry upside down. As the crisis deepened, union contractors and Carpenters in both New York and New Jersey realized that in order to survive, they would need to rethink their entire growth strategy and radically overhaul their existing business model. What happened next is a case study in flexibility and innovation – one that union contractors and their labor partners can’t afford to ignore.

In the past, carpenters and contractors had separate labor-management organizations in New York and New Jersey: the Empire State Carpenters Labor Management Funds and the New Jersey Carpenter Contractor Trust. As officials from both groups analyzed the post-2008 economic landscape and discussed how they could remain competitive, they made a tough choice. In 2014, a merger was finalized, and the new independent, nonprofit, labor-management cooperative became known as the Carpenter Contractor Trust of New York and New Jersey, or CCT for short. The partnership combined the resources of the Northeast Regional Council of Carpenters’ (NRCC) 30,000 members and more than 1,000 participating contractor partners.

Change was in the air. However, despite all of these major improvements, an important question remained unanswered: How do you create a fundamentally new structure within your own organization as it pivots to meet the challenges of a new business era, while simultaneously addressing the needs of your customer base – i.e., builders and developers in the construction industry?

Or, as Kevin P. McCabe, President of the CCT, put it: “If no one knows you have something to offer that is distinctly and historically different from the past, how do you convey the message?”

The CCT set about the hard work of winning the “hearts and minds” of their customers in New York and New Jersey. Their message was simple and straightforward: “We are a different kind of union from the past, and we are here to work with you.” To back up that message, McCabe and CCT created “Four Pillars,” a set of principles that cleanly and elegantly summarized what union contractors and Carpenters had to offer: Skillset, Flexibility, Equity and Productivity.

“We know what we’re good at, and it was vitally important that we had a message to convey to our potential business partners that we were serious about working with them in a collaborative manner,” said McCabe. “Our ‘Four Pillars’ slogan demonstrated that we understood their needs, and we also wanted to communicate what we had to offer.”

McCabe also sought to improve and increase the new group’s marketing efforts. “We often don’t think of union carpenters and contractors as marketers, and that is an incorrect assumption,” he said. “Why would you not tout the strength and skillset that our members have with a message that is worth repeating as often as possible?”

Supporting North America’s Energy Infrastructure
Matrix NAC is a top tier construction and maintenance company that builds and maintains infrastructures critical to North America’s energy, power and industrial markets.
He embarked on a talent search, knowing that success hinged on finding the right personnel to spread the word both internally and externally. In 2013, he hired a marketing manager who could corral the efforts of the entire team and implement the marketing strategy with his overall guidance.

Shortly after the merger, it became apparent that having a staff member based in Albany, the capital of New York, was also necessary, and so a marketing associate was hired there last fall.

In a large and diverse state like New York, having a person who can meet the leadership of the various locals and the contractor organizations is critically important, according to McCabe. “We’re all familiar with computer time, but face time is still the decisive difference,” he said. “It was critical that our New York members knew they had a point person in their midst who could not only listen to their needs but could attend meetings and functions where their presence would be needed.”

Another marketing assistant, well-versed in social-media, was also brought on board in Edison, New Jersey, and the results were immediate. CCT’s Facebook page added more than 1,200 “fans,” and there has been increased activity, interest and interaction in recent months. The total number of CCT’s Twitter followers also jumped 50% in just three months.

Augmenting the in-house team are two consultants with deep experience in video, content and public relations. Videos highlighting union carpenter and contractor activities are a mainstay on the new CCT website (www.cctnynj.org/), and a crucial step in gaining search engine recognition. CCT also created several new print brochures – one explaining how the new organization works, and another focusing on the training carpenters and contractors receive under the Infection Control Risk Assessment guidelines, along with pamphlets related to mill cabinetry and residential construction. Two additional brochures with emphasis on flooring and highways/heavy construction are in the final stages of production. Additionally, CCT issues regular press releases, op-ed pieces to local media as well as contributing bylined articles to industry publications.

“The Carpenter Contractor Trust is a terrific asset for us because of its emphasis on marketing, an activity generally not associated with carpenters or contractors,” says Todd G. Helfrich, President and CEO of the Albany, N.Y.-based Eastern Contractor Association, a TAUC LEO Member. “The CCT provides us with a team of experts, from print and digital products to social media, ensuring that all of us are moving forward in the same positive direction for promoting our businesses. This became especially true when the CCT opened an Albany branch last year, adding a dedicated professional to the New York market.”

“The marketing challenges of the Carpenter Contractor Trust demands a dynamic, creative and diligent effort to attract new projects and promote the modern business...
model represented by our carpenters and contractors in both New Jersey and New York,” added Michael Capelli, Executive Secretary-Treasurer of the Northeast Regional Council of Carpenters. “The CCT has been highly successful at meeting these challenges and promoting our message both to the businesses in our construction industry and to our local communities. The CCT’s professional team has delivered across the wide spectrum of marketing campaigns, which has ignited newfound interest in the skills and capabilities of carpenters and contractors throughout both states.”

All these efforts have coalesced to produce a unified marketing strategy that is demonstrating measurable signs of success. However, no one is resting on their laurels. In fact, in addition to the Four Pillars, another slogan prevails at the CCT: in the words of Kevin McCabe, “We’re believers in constant improvement.”

Tom Perić is the president of Cherry Hill, N.J.-based Galileo Communications Inc. He writes frequently about the construction and the heating and cooling industry. He provides public relations counsel to the Carpenter Contractor Trust.

### Operation Force Multiplier

**Continued from Page 11**

can get the title of “foreman” in just one day with no leadership or management training whatsoever, thanks to the employer’s lazy-ass advancement of the “best guy” theory.

How would foremen perform if we gave them two years of focused attention similar to what we give to apprentices, then launch them onto the jobsite as true certified professionals? I think an additional one to two percent net profit on every job is not an unreasonable expectation.

**Summary**

Of course, the obstacles to making this investment are considerable. Existing foremen will push back. Contractors don’t want to give up their guys for training. There aren’t a lot of first-class legitimate trainers out there. And opponents of certification will pop up on both the labor and management sides. But none of it matters. The bottom line is, the investment is an area of major opportunity, despite the problems. We

- have spent billions of dollars thus far to stay in the same place.
- Taking a fraction of that money and focusing on those who can truly make a difference – our foremen – is an idea worth considering. I salute the innovative union and contractor leaders who are already working on these initiatives within their own organizations. But if we want to tackle the broader challenge of market relevance, this has to be an industry-wide effort.
- So what do you say? Invest $100 million and in return certify 10,000 foremen and an unstoppable industry force multiplier in return. How does that sound?
- Don’t hesitate — this special offer starts now.

Mark Breslin is a strategist and author of several books, including most recently, The Five Minute Foreman: Mastering the People Side of Construction. Visit his website at www.breslin.biz or contact him at (925) 705-7662.

### Drug Testing & Legal Marijuana: What Should Contractors Do?

**Continued from Page 15**

to help employers ensure they cover their workforce consistently.

**Explore Insurance Benefits for Drug Testing Program**

Insurance companies may reimburse employers for effective safety programs that meet state standards by giving discounts on premiums. Drug testing can be an important part of the safety program but there are no current benefits for drug testing alone. Employers should explore the opportunities for reimbursement from insurance companies for programs that include drug testing.

**Summary**

Employers must consider state and local law, as well as federal law. Employers must get legal advice on the current status of drug testing because laws and their interpretation are subject to rapid change. Remember that drug testing, while extremely important, is only one part of a comprehensive company policy to create and sustain a drug-free, productive and safe work environment.

For more information about marijuana and testing in the workplace, including a review of improvements in the science and technology of drug testing, consult the full report Workplace Drug Testing in the Era of Legal Marijuana, available online at: http://ibhinc.org/pdfs/IBHReportWorkplaceDrugTesting.pdf.

Robert L. DuPont, MD is President of The Institute for Behavior and Health, Inc., a non-profit organization that promotes new ideas to reduce illegal drug use. He was the first Director of the National Institute on Drug Abuse (1973-1978) and second White House Drug Chief (1973-1977).
OVER THE PAST several years, the union construction and maintenance industry has endured a concurrence of economic, regulatory, and legislative challenges. Some would describe these challenges as a “perfect storm.” The list is familiar to everyone: the 2008 recession and the shaky recovery that followed; a series of aggressive EPA regulations threatening the future of coal-fired power plants; sweeping health care changes; and the battle over multiemployer pension reform, just to name a few.

Through it all, I have been encouraged by the way in which TAUC members, the building trades, and our owner-client partners responded to these challenges. I have witnessed firsthand the power that comes from an unwavering commitment to labor-management cooperation. When we are working together and share the same goals, we are able to confront even the toughest problems head-on and find solutions that benefit everyone.

Another important lesson we have learned during this “perfect storm” is that in order for our industry to not only survive but thrive in the coming decades, we must focus more than ever on advancing our top priorities on Capitol Hill. Like it or not, the government is playing an ever-increasing role in our day-to-day business, and we must ensure our voices are heard.

Within the past year, we partnered with Jim Kolb of Summit Strategies to provide additional guidance and insight on the major policy and regulatory issues facing our members. Jim, who is based in Washington, D.C., is working hard to educate Congress on how our industry works and the important contributions we make to jobs, the economy, manufacturing, and energy independence.

Earlier this summer, TAUC’s Board of Directors took another important step forward by voting to reorganize and relaunch our Government Affairs Committee. I was honored to be elected Chair of the committee. Our goals are simple:

• Keep TAUC members informed about important legislative activities.
• Create opportunities for dialogue with all levels of government.
• Increase TAUC’s influence in the development of public policy on issues of critical importance to our membership.
• Work with TAUC Staff in monitoring relevant proposed legislation at the federal, state, and local level.

Immediately after the Board’s vote in May, we hit the ground running. In June, we solicited all TAUC Governing Members and Local Employer Organization (LEO) Members on who would be interested in serving on the Committee. Nine individuals have been tapped to represent our members. You can see their names and organizations listed at right.

We have already held two meetings. At our last meeting in August, we reviewed a comprehensive list of pressing industry issues compiled by Jim Kolb and Todd Mustard, TAUC’s Senior Director of Government Affairs and Membership Services. After in-depth discussion, the Committee has decided to focus on three core issues for the remainder of 2015:

Focusing on TAUC’s Top Priorities
by JAKE LOCKLEAR

TAUC Government Affairs Committee

This committee is made up of Governing, LEO and Affiliate Members interested in participating in the government affairs activities of The Association of Union Constructors (TAUC).

Jake Locklear (Chair)
President & CEO
Atlantic Plant Maintenance

Patrick Baker
Executive Director
Great Lakes Fabricators & Erectors Association

Bill Brown
President & CEO
Ben Hur Industrial Constructors, LLC

Geoff Eobstel
Assistant Director
Mechanical and Service Contractors Association of Eastern Pennsylvania

Robert C. Hoover
Vice President
Matrix North American Construction Inc.

William C. Ligetti
Executive Director
Ironworker Employers Association of Western Pennsylvania

Tim Linville
Executive Vice President
Construction Employers Association

Josh Schaufelberger
Director of Industry Relations
Southern Illinois Builders Association

LeRoy Stromberg
Chief Operating Officer
Alberici Constructors

Clinton Suggs
Executive Director
Parkersburg Marietta Contractors Association

Jeremy Zeller
Director of Projects - Concrete Services
Walbridge Aldinger Company
1. Multiemployer Pension Reform. At the end of the last Congress, legislation was enacted providing flexibility to take necessary action for the most distressed multiemployer pension plans to avoid plan insolvencies. Unfortunately, this legislation did not include provisions giving all multiemployer pension plans the flexibility to address their long-term viability through the use of “composite plans.”

Federal law currently limits plan sponsors to offering either traditional defined benefit pension plans or 401(k)-style defined contribution plans. Each of these options has certain weaknesses, with defined contribution plans struggling to successfully provide adequate and secure income to retired workers, and defined benefit plans placing financial risks on employers that are driving them out of the system. Composite plans provide a voluntary way for companies to bridge the gap between these two options, combining the lifetime income payments of defined benefit plans with the predictable cost structure of defined contribution plans.

Congress will need to authorize the use of composite plans by multiemployer pension plans. At this point, legislation has not been introduced to authorize composite plans. TAUC and its union construction association partners are working to communicate the urgent need to finalize pension reform.

2. Environmental Regulations: The EPA recently issued its final Clean Power Plan, implementing regulations that require carbon-dioxide emissions from power plants to be reduced by 32% below 2005 levels by 2030. Bills are being considered in both the House and the Senate that would block the rule from being implemented until all court cases related to the rule are exhausted. TAUC’s position is that the Clean Power Plan, while well-intentioned, will irreparably harm the nation’s electricity grid by forcing the closure of numerous coal-fired power plants and eliminating thousands of good-paying middle-class jobs.

3. Affordable Care Act “Cadillac” Tax — The Affordable Care Act imposed a 40% excise tax on the value of “high-cost” employer-sponsored health coverage that exceeds specific benefit thresholds — initially set at $10,200 for self-only coverage and $27,500 for family coverage — beginning in 2018. This “Cadillac Tax” has the potential effect of both increasing costs and weakening benefits provided to our employees and their families through multi-employer health and welfare plans. Two bills have been introduced in the House to repeal the tax. We are working to support the repeal efforts.

TAUC will continue to track these and other important issues impacting the businesses of union contractors. We will also remain active in our legislative coalitions with other union contractor national trade associations. We highly encourage any TAUC member who is interested to attend next year’s Quality Construction Alliance National Issues Conference taking place May 10-12, 2016 in Washington, DC. More information on this past year’s conference can be found at www.qualityconstructionalliance.org.

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

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

Ironworkers
S A F E T Y, Q U A L I T Y, P R O D U C T I V I T Y

These are numbers you can’t ignore:
Over 3,000 Contractors,
100,000 Ironworkers
and billions of dollars
in contracts for the world’s most recognizable projects.
There are literally
thousands of reasons
to put your trust in
Ironworkers

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When my son and his family came in for the holidays last year, he was wearing a t-shirt with a picture of a human brain on it. The caption below read “There is no app for that.” As most of you know, an application or “app” is a specialized program that can be downloaded onto mobile devices such as iPads, iPhones, etc. That led me to think about how technology relates to safety in our everyday world.

A myriad of resources exist that include “apps” in the Safety, Health, Environmental, and Risk Management fields. Although these apps are no substitute for comprehensive safety and health policies and testing procedures, when used correctly, these technological tools can provide significant benefits and access to information. Certain apps that I have used and suggest you check out are the following (all of these are available in the iTunes and Google app stores for various prices, and many are free):

- **OSHA Heat Stress** – Allows workers and supervisors to calculate the heat index for their worksite, and displays a risk level to outdoor workers.
- **NIOSH Ladder Safety** – Uses visual and audio signals to make it easier for workers using extension ladders to check the “angle” the ladder is positioned at, and provides useful tips for using extension ladders safely.
- **SKYPAW dB meter** – One can use this app to turn your iPhone into a professional sound level meter in the field. I use this one frequently to measure random noise levels in the field.
- **NIOSH Pocket Guide to Hazardous Chemicals** – Provides immediate access to a comprehensive chemical hazards database.
- **Pocket First Aid** – Provides the latest up-to-date emergency information from the American Heart Association – i.e. First Aid, CPR, etc.
- **Fall Clear Lite** – Evaluates required clearances for several fall arrest scenarios that the user identifies by selecting an applicable pictogram.
- **Incident Cost Calculator** – Determines the financial costs of a workplace incident by reviewing injury scenarios from a number of industries.
- **I-Auditor** – Used to build checklists, conduct inspections in the field, and manage report filing. An excellent app for supervisors/foremen in the field for observations and assessments as they walk around the job.
- **Nobels Riggers Reference** – Allows you to look up Working Load Limits for various types of riggings (wire rope slings, chain slings, synthetic slings), check crane signals and whistles, and estimate the included angle of a lift. A few of our pipefitter supervisors have also told me they utilize the app for rigging and signaling, particularly for calculating load lifting requirements.

Admittedly, in today’s connected society, there is not much need to memorize anything anymore. If I were to ask my grandkids or nieces to rattle off the U.S. presidents or state capitals, they would reach for their iPhone or iPad and Google the question or just ask Suri.

Yet of all the tools at our disposal – including those I just listed -- the one that we tend to use the least in life and the workplace is stored inside our skull: the human brain. When you think about it, there are critical tools that no app can replace. They are your own common sense, experience and general “know how.” No digital link can replace them; they must be hard-wired in our own brains.

For example, at all of our refinery projects, craft personnel in the field are the first to encounter changed...
environmental conditions. Some of the facility processes have materials that are very odoriferous, and workers don't need the atmospheric technology (i.e., gas meters) to tell them to back away and move upwind. I can recall a specific project at a refinery in Philadelphia when the crew opened up a vault, and immediately smelled an odor that caused their eyes to water and made them sick to their stomachs. While they couldn't identify the specific named chemical right away, they nevertheless closed the vault and put on respiratory protection before going back in.

Additionally, our own safety procedures require drivers of company vehicles to do a “360 degree” walk around their vehicle before entering in lieu of using back up cameras or blind spot warning devices. We want them to rely on what they see, not what a piece of technology tells them.

I also remind people that if you cannot hear your co-worker talking to you, or if you have to shout to be heard when an arm’s length away, you are at or over the OSHA Permissible Exposure Limit of 90 dB. In other words, it is too noisy. You should not rely on an app to tell you to wear both ear plugs to protect your hearing.

Dangerous chemicals, heavy equipment and loud machines are common at worksites, but our experiences and common sense keep us safe.

Many years ago, a college professor of mine used to say “repetition is the heart of learning” which eventually leads to memorization. This idea supports our emphasis on regular safety refresher training in all areas of the industry. But we have to be careful. The human brain consumes huge amounts of energy, as much as 25 percent of our daily supply, and is always looking for the easy way out. Basically, it can slip into a kind of “complacency mode” which makes learning new ways of doing things difficult. So how do we adapt?

The human brain has a “habit-based system,” but it also has an “intellectual system” that analyzes cognitive, rational, and logical ideas and changes. Unfortunately, our habit-based system is going to fight us every step of the way when meeting with the intellect side, especially when confronting changes to safety routines. With the help of technology – even certain apps – we can receive the necessary reminders to help integrate these new safe habits into our daily jobs.

There will never be an “app” that can duplicate the functions of the human brain – it’s just too unique and complex. But technology can help us use our brains better, particularly when it comes to safety communication and training, both on and off the job.

So definitely take advantage of the great apps at your disposal. But don’t forget to use your brain too – and have a safe day!

Joe Lasky is Chair of the TAUC Safety and Health Committee and Director of Corporate Safety, Health and Environment for Scheck Industries.
Manpower: Customers Want to Know, “Where's the Data?”

by JACOB SNYDER

The union construction and maintenance industry is constantly evolving. As time passes, new technologies, methods and market factors dictate the way we do business. More often than not, our customers guide us in the direction we need to go through the questions they ask in the project bidding process. Depending on the factors affecting the market, customers have focused on areas such as price, technology (think Primavera scheduling or 3D modeling) and safety. However, the first question many customers are now asking is, “Where are you going to get the skilled manpower required to complete this project?”

As union contractors, we have long been able to rely on the fact that the unions train a local workforce available to us whenever we pick up the phone. There may not always be the exact number of people with the exact skill set we need for every project, but the system has worked well and most customers have accepted our answers regarding our plan for manpower. However, given the current increase in demand for construction labor in many parts of the country and the increased pressure from shareholders, rate payers, and company executives, our customers are asking for more. They want data. They want details.

Vague answers and generalities are no longer adequate to win projects. Famed management consultant and engineer W. Edwards Demming said, “In God we trust, all others must bring data.”

So, the question looms: How is the union construction and maintenance industry going to answer the customer’s call to be data-driven when it comes to providing skilled manpower? We need to be able to answer two questions: 1) How can we verify the skills of an individual craft worker? and 2) How many craft workers are available for a given project?

The contractor community has often relied on internal labor studies as a means to answer manpower questions. While these can be invaluable in the planning process if done correctly, oftentimes many contractors simply call the union hall and ask if the people will be available for a given project and ignore issues of skill sets all together. More often than not, the business manager will answer, “Yes, manpower will be available,” and the contractor will move on to the next craft. It shouldn’t surprise anyone to learn that this type of information is largely useless unless a trained labor relations professional conducts the study and knows how to drill down and ask the right questions. The fact of the matter is, most union contractors are small in size and lack the labor relations staff needed to adequately compile the data and analyze the labor market. So, what else can be done to help us provide the data needed to satisfy our customers?

To answer the question about skills, I think we have several examples to look at in the industry already. The Boilermakers have a MOST database that provides individual profiles highlighting welding certifications, drug test status, rigging credentials and other training information. The Ironworkers issue individual ID cards with QR codes that can be scanned by any smart phone to bring up someone’s training profile displaying all of the training and skills they have. These programs are models for the industry and provide contractors with the ability to verify the skill sets of the craft workers we hire.

We need to begin a dialogue with all of our union partners to ensure that each craft has a system in place to easily demonstrate the skills of the manpower they refer. It is not efficient or impressive to a customer to have to call the hall and ask them to look up paper training records for each individual.

To answer questions about craft workers available for a given project, it is going to take some work to develop the necessary databases and tracking mechanisms. However, our ability to do this will be a differentiator in the marketplace.

At our most recent TAUC Labor Committee meeting in Baltimore, Maryland we met with Boilermakers International Vice President David Haggerty. One of the major topics we discussed was manpower, and it was encouraging to hear about the Boilermakers’ electronic manpower delivery system. The Boilermakers have developed an online system that allows them to track their members so that they can provide data at any given time. While Mr. Haggerty noted that the system is still somewhat new and its capabilities are still being explored, it is a promising development. This system is cutting edge and may be a template for others to use.

The Labor Committee also discussed the manpower tracking that has been performed by the Boilermakers in the Ohio Valley for
many years. Twice a year, the owners, contractors, and labor reps for the Ohio Valley come together to review the manpower in the area for the coming six months. The union publishes a spreadsheet with each local’s demographics relative to total members, certified welders and apprentices. They also provide a manpower demand estimate for each week during that six-month period. This data helps all three parties plan for the upcoming season. If this type of data were available for all crafts in all areas, it would be a true game changer for the union construction industry.

We are in a war with our competition to win market share. Our ability to answer the manpower question will be a major factor in determining the outcome of this war. Famous French General Napoleon Bonaparte said, “War is ninety percent information.” So, our mission is to find a way to obtain, develop and deliver the information needed to win our war. What are you going to do to help in the war effort?

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

TAUC Issues Statement on Clean Power Plan

IN EARLY AUGUST, the Environmental Protection Agency released the final version of its controversial Clean Power Plan. TAUC CEO Steve Lindauer issued the following statement in response:

“Although we must still closely scrutinize the details of the Clean Power Plan, the broad outline of the final rule is troubling, to say the least. Despite the major investment by energy producers in technology to reduce the environmental impact of electricity generation and the significant reductions in emissions from the power sector over the past two decades, EPA’s proposal calls for impractical and expensive reductions in carbon emissions.

“In mandating a 32% cut in power plant emissions from 2005 levels - an increase from the already unrealistic 30% cut the agency originally proposed - EPA’s plan will inflict far-reaching damage on U.S. power plants, the union industrial construction and maintenance industry and its skilled workforce, and U.S. consumers. The fact that EPA extends the mandate deadline from 2020 to 2022 is cold comfort for the hundreds of coal-fired power plants that will be unable to meet the government’s extreme demands. Many plants will have no choice but to shut down, further reducing the strength and reliability of the U.S. energy grid and guaranteeing vastly higher utility bills for American consumers.

“The closure of coal-fired power plants will also spell disaster for skilled union craft workers and their union contractor partners. Rather than slashing carbon emissions, the Clean Power Plan will instead slash tens of thousands of good-paying middle-class jobs.

“The Clean Power Plan is well-intentioned but misguided, and its release is far from the end of this battle. TAUC intends to closely monitor forthcoming legal actions by the U.S. utility industry and numerous states to prevent EPA from taking these reckless and far-reaching steps. Where appropriate, TAUC intends to support these and other efforts for the sake of not only the union construction and maintenance industry but also U.S. consumers.”
Establishing a Cybersecurity Data Breach Response Policy

by STEVE FELLMAN
TAUC GENERAL COUNSEL

URING THE LAST few years we have seen major data security breaches in many branches of the federal government as well as large corporations like Home Depot, Sony, United Airlines and others. Fiat Chrysler recently announced a huge recall to install firewalls in vehicle computer systems to prevent hackers from causing the cars to malfunction. More than forty states already have laws addressing cybersecurity, and Congress is considering a national law dealing with breaches of data systems.

Contractors have data systems that carry a significant amount of personal employee data. Contractors working on government projects may have data on their systems that is considered non-public/classified. In recent Congressional testimony, a group of well-known hackers gave multiple examples of how easy it is for sophisticated hackers to access “well protected” data systems. In their testimony, they described hacking into the Microsoft system.

Every contractor should establish a Data Breach Response Policy that will enable you to act quickly in the event of a breach. There is no standard definition for a data security breach, but the proposed federal legislation defines a security breach as “a compromise of the security, confidentiality, or integrity of, or loss of, data in electronic form that results in, or there is a reasonable basis to include has resulted in unauthorized access to or acquisition of personal [or otherwise protected] information....”

Here are some steps to follow:

1. Appoint a Data Security Incident Response Team (the Team). These individuals should be given the authority to take immediate action in response to a data security breach.

2. Provide the Team with the names of legal counsel and IT experts they can contact for immediate advice in the event of actual or suspected data breaches.

3. Review company insurance policies and confer with your insurance carriers or brokers to make sure that action taken by the Team to mitigate potential data losses does not result in the carrier claiming that you have waived coverage.

4. Make a list of the various types of data contained on your system and determine what data is protected under federal law and the laws of the states in which you do business, and what action is required in the event of a data breach.

5. Establish a schedule for notifying top management, the company Board of Directors, affected individuals and law enforcement officials of the actual or potential breach.

Unfortunately, the threat of cybersecurity data breaches cannot be ignored. Many national CPA firms are now recommending that their clients include a data breach response program as part of mandatory management practices. If you wait until you experience a security breach before taking action, you may find that the costs of repairing the breach, both in terms of lost client confidence and out-of-pocket damages, are astronomical. If you set up your team and response program before an incident occurs, you will be in a position to immediately mitigate your damages and let your clients and your employees know that you have done everything possible to fully protect their interests as well as the interests of the company.

Steve Fellman is a shareholder with GKG Law in Washington, D.C. He is also general counsel to The Association of Union Constructors.
The weather is getting cooler, and the World Series is just around the corner! General managers are busy putting together what they hope will be championship-level teams.

Here at The Association of Union Constructors (TAUC), we have our own GMs – Governing Members, those who choose to step up and take a larger leadership role within the organization. TAUC is very proud of our Governing Members – and we want you to consider joining this special team-within-a-team.

Join Now & Participate in Upcoming TAUC Committee Meetings!
December 8, 2015, Washington, D.C.
Go to www.tauc.org/stuc for more info

ARE YOU TAUC GM MATERIAL?

The weather is getting cooler, and the World Series is just around the corner! General managers are busy putting together what they hope will be championship-level teams.

Here at The Association of Union Constructors (TAUC), we have our own GMs – Governing Members, those who choose to step up and take a larger leadership role within the organization. TAUC is very proud of our Governing Members – and we want you to consider joining this special team-within-a-team.

Join Now & Participate in Upcoming TAUC Committee Meetings!
December 8, 2015, Washington, D.C.
Go to www.tauc.org/stuc for more info

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

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

Don’t delay – become a TAUC Governing Member Today!
Contact: Todd Mustard
Senior Director of Government Affairs and Member Services
(703) 524-3336 x112
tmustard@tauc.org
Coming in Early 2016

The National Maintenance Agreements Policy Committee, Inc. (NMAPC) is pleased to announce a new comprehensive web-based portal for all things related to the National Maintenance Agreements (NMA). The NMA I.Q. eLearning Resource Center will be a valuable tool for newcomers to the NMAPC Program as well as seasoned veterans seeking a specific piece of information — and everyone in between.

www.NMAIQ.org