

ABC TODAY

March 10, 1999, Associated Builders and Contractors, Vol. 8, Number 4, Section 1 of 2

Congress Introduces Bill To Phase Out Death Taxes



Bill sponsors Jennifer Dunn (R-Wash.) and John Tanner (R-Tenn.) discuss the need to phase out death taxes.

ABC has affirmed its strong support for the bipartisan Estate and Gift Tax Rate Reduction Act, H.R. 8, which would phase out death taxes by 2010.

"Death taxes today allow the IRS to wage a full-scale assault on family-owned companies," said ABC President David Bush in a statement released to the news media.

The bill, recently introduced by Reps. Jennifer Dunn (R-Wash.) and John Tanner (D-Tenn.), would phase out death taxes by 2010 in 5 percent increments.

Bush said passage of the legislation "would help restore the long-term strength of the American family

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ABC Member Grinnell Wins Right To Train Replacement Workers

A federal appeals court has ruled that ABC member-firm Grinnell Fire Protection Systems, Exeter, N.H. can enroll striker replacement workers in existing ABC training programs. The court also has held that the Bureau of Apprenticeship and Training must consider Grinnell's request to create new training programs at Grinnell. The decision is a double victory for ABC, Grinnell and the Construction Legal Rights Foundation.

The case centered around the question of whether Grinnell, involved in a labor dispute with the Road Sprinkler Fitters Local No. 669, could enroll striker replacement workers in either an existing training program or create a new training program at Grinnell. The Bureau of Apprenticeship and Training said that Grinnell could not do either, citing a provision in the Code of Federal Regulations.

A U.S. District Court ruled that the labor dispute should not prevent the contractor from enrolling its employees in an ABC training

program. However, the court also said that Grinnell needed the approval of the union involved in the labor dispute to create a new training program.

The U.S. Court of Appeals for the District of Columbia Circuit disagreed with the second part of the district court's ruling, interpreting differently BAT's regulations. Section 29.3 (h) of BAT's regulations, says that a program proposed for registration must be approved by the union when an employer (or employers' association) is engaged in a collective bargaining agreement with the union that provides for union participation in the operations of the apprenticeship program, and "such participation is exercised."

Key Phrase

The appeals court focused on the phrase "such participation is exercised" in its decision. According to the court, the union was not participating in the operations of the Joint Apprenticeship and Training Committee (JATC) overseeing Grinnell's apprenticeship program.

The court wrote, "Throughout this litigation, BAT and counsel for DOL have consistently misrepresented the language of 29.3(h)," using the phrase "has been exercised" for "is exercised."

"There is no question ... that the union is not currently participating in the JATC program. The union represented at oral argument that it will certainly participate in the JATC program if the NLRB finds that Grinnell did not bargain in good faith to im-

parte, in which case the agreement is still in effect. Section 29.3(h), however, requires that the union participation 'is exercised,' not that it might be exercised pending the outcome of a case before the NLRB, nor, as BAT and [the Department of Labor] would have it, that it *has been exercised* at some point in the past."

The appeals court continued, "BAT's path from 'is exercised' to 'has been exercised' has yet to be explained and is, at best, incomprehensible."

The court said that since the union was not participating in the JATC, the union's consent is not required. The court also said that nothing in Section 29 grants BAT the authority to block Grinnell from enrolling in an already registered training program like ABC's.

ABC General Counsel Maury Baskin, who argued the case for both Grinnell and ABC, said, "The decision is significant in that it tells those officials who regulate apprenticeship training that they must not favor unions over employers and that the government must follow its published regulations in approving open shop apprenticeship programs."

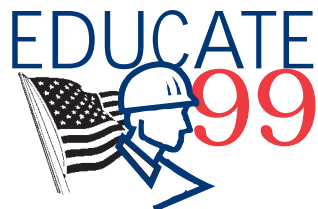
"If government agencies fail to follow their published regulations they will lose in the courts," he added.

The CLRFF assisted in the case.

Educate '99 Aims To Educate Employees

Educate '99, unveiled at the national convention, is ABC's new year-long program to tell ABC members' employees about the legislative issues affecting the industry. It is designed to encourage the employees of ABC members to get more involved in the political process.

ABC President David Bush said, "Educate '99 is an important component of ABC's strategy for 1999. Eighty percent of the construction work force is represented by employees of merit contractors. That's an enormous resource that hasn't been adequately tapped. Those workers can help shape the direction both the industry and the political landscape will take



by making their voices heard.

"It is critical to our industry that our members' employees realize their value as merit employees and it is critical that they understand why their job security and the health of the merit industry are tied directly to their level of involvement in the political process," he added.

ABC's field representatives will hold seminars at ABC member firms that say

they would like to involve their employees in the political process. Company representatives also can be trained to lead the seminars.

The seminar leader will explain what merit construction is; some of the issues facing merit contractors and workers, such as union-only agreements and job training; and what merit employees can do to help the industry.

Bumper stickers, t-shirts and bulletin board materials also will be made available during the seminars.

To find out how you can participate in Educate '99, contact your local chapter, your field representative or Chad Mitchell at ABC, (703) 812-2093.

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Outstanding Projects Receive Award of Merit at ABC Convention

ABC presented its prestigious Awards of Merit for outstanding construction projects at the national convention in Maui.

The Award of Merit is the second highest award in the Excellence in Construction competition. The awards honor the entire construction team on exceptional projects. Entries were judged on a wide range of criteria, including safety, complexity, unusual challenges, completion time, workmanship, innovation and budget.

Below is a list of the Award of Merit winners.

Commercial

Under \$2 million: CC Inc. Construction Services, Dorney Park Coasters Restaurant, Fudge & Taffy Shop, Allentown, Pa.; Phoenix Builders Ltd., Ruth's Chris Steak House, Northbrook, Ill.; **\$2-5 million:** Meyer Brothers Building Company, Harmon Industries-World Headquarters, Blue Springs, Mo.; Miller-Valentine Construction, Inc., Aristech Acrylics LLC Office and Research Facility, Florence, Ky.; **\$5-25 million:** Morse Diesel International, Inc., World Golf Hall of Fame, St. Augustine, Fla.; Wharton Smith Construction Group, FANTASMIC!, Orlando, Fla.; **\$25-99 million:** Big-D Construction Corp., Scott M. Matheson Courts Complex, Salt Lake City, Utah; Actus/Sundt, a Joint Venture, Bayview Family Housing, San Diego, Calif.

Electrical

Commercial-Under \$2 million: Gaylor Electric, RCI Vacation Plaza, Indianapolis, Ind.; **Commercial-\$2-99 million:** Riviera Electric, Inc., Colorado Springs World Arena, Colorado Springs, Colo.; **Industrial-under \$2 million:** Mills Electrical Contractors, OTN-USA Texas U1, McKinney, Texas; Westgate, Inc., West Hackberry, SPR, Raw Water Intake Structure Upgrade, Hackberry, La.; **Industrial-\$2-99 million:** SECO Industries, Inc., Shell URSA, Morgan City, La.; Industrial Specialty Contractors, Inc., CF Industries, Inc. Product Reconfiguration II Project, Donaldsonville, La.

Exterior Finish

Triangle Plastering Systems, Grapevine Mills Mall, Grapevine, Texas

Historical Restoration

Under \$2 million: Blanchard Caulking & Coating, Inc., St. Peter's Episcopal Church Restoration, Fernandina Beach, Fla.; Henry H. Lewis Contractors, Inc., St. Vincent de Paul Church, Baltimore, Md.; **\$2-99 million:** Charles Associations, Inc., The Ritz Theatre, Tiffin, Ohio; Caddell Construction Co., Inc., State House

Renovation, Columbia, S.C.

Industrial

Under \$5 million: Brown & Root, Inc., P-6 Conveyor Rebuild, Morenci, Ariz.; TIC-The Industrial Co., BHP Rod Plant Quality Upgrade, San Manuel, Ariz.; **\$5-15 million:** Trinity Contractors, Inc., Texas Lime Co., Kiln Feed and Crushing/Screening Facility, Cleburne, Texas; **\$15-25 million:** Koetter Construction, Inc., Forest Discovery Center, Starlight, Ind.; Cutler Associates, Inc., OSRAM SYLVANIA-Warehouse/Distribution Center, Bethlehem, Pa.; James Industrial Constructors, LLC, Epsilon MEGA Project Expansion III, Garyville, La.; **\$25-99 million:** Fluor Daniel, Inc., Amoco MX-2 Project, Texas City, Texas; JE Merit Constructors, Inc., Metaxylene Project, Corpus Christi, Texas.

Infrastructure/Heavy

Sundt Construction, Inc., Austin-Bergstrom East Runway System, Austin, Texas; Black Construction Co., Earthquake Damage Repairs of Commercial Wharf, Berths F3 to F6, Piti, Guam.

Institutional

Under \$2 million: Benchmark Construction Co., Inc., The Janus School, Mount Joy, Pa.; **\$2-5 million:** Heckathorn Construction Co., Inc., New Building for Central United Methodist Church, Rogers, Ark.; **\$5-25 million:** SpawGlass Contractors, Inc., Freedom House Alzheimer's Research Facility-Phase I, San Antonio, Texas; Thos. S. Byrne, Inc., Mary D. and F. Howard Walsh Center for Performing Arts, Fort Worth, Texas; **\$25-99 million:** Brasfield & Gorrie, LLC, McWane Center, Birmingham, Ala.

Interior Build-Out

Metropolitan Contracting Co., The Cloisters, San Antonio, Texas.

Interior Specialty

Cleveland Construction, Inc., Children's Medical Center, Augusta, Ga.; Industrial Corrosion Control, Inc., The Lynn Meadows Discovery Center, Gulfport, Miss.

Mechanical

Commercial-Under \$4 million: MIINC Mechanical Contractors, CompUSA Heritage Business Park, Grapevine, Texas; TDIndustries, Inc., Maxus Energy Tower, Dallas, Texas; **Industrial-Under \$4 million:** Stanley Jones Corporation, U.S. Postal Service AMC/P&DF, Atlanta, Ga.; Shanaham Mechanical & Electrical, Inc., Excel Waste Water Treatment Facility, Schuyler, Neb.; **Industrial-\$4-99 million:** Nova Group, Inc., Dredging Along Quaywall & Turning Basin, Aircraft Carrier, Naval Air Station, San Diego, Calif.

Mega-Projects-Over \$100 million

Centex Rooney Construction Co., Inc./Construct Two Construction Managers, Inc., A Joint Venture, Coronado Springs Resort, Walt Disney World, Lake Buena Vista, Fla.

Metal Building

Under \$2 million: Gorski Construction Co., Inc., Boar's Head Distribution Center, Spring City, Pa.; **\$2-99 million:** D.E. Harvey Builders, Inc., Continental Airlines IAH Line Maintenance Facilities and Consolidated Stores Expansion, Houston, Texas.

Public Works/Environmental

Under \$20 million: Cajun Constructors, Southside WWTP Grit Removal Modifications, Dallas, Texas; Allan A. Myers, Inc., Transmission Main & Mill Road Water Treatment Plant Modifications, Raw Water Pump Station, Yardley, Pa.; **\$20-99 million:** Williams & Associates, Inc., Waste Processing and Composting Facility for Crisp County, Ga., Cordele, Ga.

Renovation

Austin Construction Company, the Inn at Little Washington, Washington, Va.

Residential

Paul Risk Associates, Inc., Hamilton Barn, Lancaster, Pa.

Sitework/Landscape

Wondra Excavating, Inc., Germantown TIF #4 Northeast Interceptor Sewer, Village of Germantown, Wis.

ENR Editorial: Getting Out the Vote Is a Good Idea

The AFL-CIO is on the right track with its plans to educate union members about election issues, make sure that they are registered to vote and encourage them to actually do so. The elections in 2000 are going to be critical because the balance of power in Congress will be teetering, the presidency will be up for grabs and there will be a chance to shape local, state and national policy for the new millennium.

Organized labor's plan was tested in last year's elections and was proven effective. It isn't so much the money that unions spent on candidates but the voters that they turned out. The 1998 elections showed an almost never-before-seen degree of complacency in America, with a turnout of only about 31 percent of registered voters nationwide. That pathetic performance by the American people served to amplify the power of organizations that could deliver big blocks of voters oriented to a particular philosophy or cause.

That message and reality has some other organizations scrambling. "Unions have figured out that you don't have to spend money to win elections," David M. Bush, president of the Associated Builders and Contractors, told contractors at ABC's recent national convention. "You get the vote out, you win elections." At the convention last month, ABC kicked off its Educate '99 program, which will focus on the same issues as the union program: voter registration, voter outreach and education about the importance of being involved in the election process. It also will emphasize the right of all voters to make their own choices in the voting booth.

Both sides had better win on this issue. Voter complacency is one of the greatest threats to democracy. In countries with fledgling democracies, where those eligible to vote have had a taste of autocracy, dictatorship and oppression, voters consistently line the streets with almost a 100 percent turnout. They know the value of the ballot.

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Sign Up with CRS

If you haven't already, ABC would like you to sign up with the Contractors Referral Service.

Owners use the CRS when they are looking for ABC contractors to bid on projects, particularly projects that are out-of-state. For more information, call Sharon Schechtel at (703) 812-2014.

Congress Introduces Bill To Phase out Death Taxes

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business, which has been under duress as a result of the current tax structure."

He said the death tax has long been a threat to family-owned construction companies and the jobs they provide. "ABC believes that these businesses are worth preserving for the next generation." Death taxes not only jeopardize the survival of family-owned construction companies, they also divert funds to estate planning costs that could be invested in the business and its employees.

"We must continue efforts to remove this economic disincentive," Bush said. "We applaud the representatives who have introduced this common-sense tax reform and will work for its passage."

Thank You, Convention Sponsors

ABC gratefully acknowledges the generous contributions of the following sponsors that made many of the convention events possible.

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- SW&B Construction Corp.
- TDIndustries
- Tri-M Corp.
- Thermal Systems Group

Enough Said

Vice President Al Gore isn't shy about courting organized labor in his potential bid for the presidency. He told attendees at the AFL-CIO annual convention in Miami Beach, "You better believe that if and when I choose to run, I will certainly want the support of organized labor."

Also at the convention, the AFL-CIO leadership approved a \$46 million, two-year budget to keep activists in the field throughout the election cycle, *The Washington Post* reported.

Correction:

The Southeastern Pennsylvania Chapter won a Chapter Award of Excellence for Excellence in Membership Growth. Gus Perea of the Southeast Pennsylvania Chapter was Beam Club Man of the Year for Region 7.

National Center Gives Computers To First Place Craft Olympics Winners

National Center for Construction Education and Research President Dan Bennet told those attending ABC's national convention in Hawaii that the National Center would give a new Compaq computer to every first place winner in the national Craft Olympics competition.

In an interview with *ABC Today*, Bennet said, "Computers and their applications are being used increasingly by craft workers. Electricians look up National Electrical Code from a CD-ROM program instead of a cumbersome book. Field drawings are made on a hand-held or palm-top computing device then transmitted to the fabrication shop.

"Materials are 'drawn' on a computer which gives commands to a plasma-cutting machine which then cuts materials to exact shapes and dimensions. Power tools have computer chips in them which sense a problem and shut-off before serious injury can occur. The field worker can enter up-to-the minute reports into a hand-held computer which transmit directly into the overall project scheduling program," he said.



Bennet

He continued, "Digital photographs are taken at the site on a regular basis and sent via e-mail to the bond company to track progress. A carpenter pulls out an infra-red 'tape measure' and in the blink of an eye measures the length of a board more accurately than ever before. The measurement then is automatically transmitted to the hand-held computer and matched to the drawing. The examples are endless."

The computers are equipped with CD-ROM capability so that the trainees can use the NCCER's *Wheels*

of Learning craft curricula in a CD-ROM format. Bennet said users of CD-ROMs retain information at near twice the rate of conventional classroom learning. "ABC chapters using the National Center's CD-ROM program have seen a significant decrease in attrition of trainees," he said.

Bennet acknowledged Craft Olympics competitors as the "best of the best" and the contractors that make their training possible the "best in the world."

Ernst & Young Seeking Nominations For its Entrepreneur of the Year Contest

Ernst & Young is currently seeking nominations for its Entrepreneur of the Year award. ABC is proud to be the national industry sponsor for the real estate and construction category.

Nominees must be owners or managers pri-

marily responsible for the recent performance of a company that is at least two years old.

Founders of public companies are eligible, provided the founder is still active in top management.

Nominations must be received by April 9.

For a nomination form, call 1-800-755-AWARD or contact Pam Hunter at ABC, (703) 812-2069.

You can find out more about the award on Ernst & Young's web page, www.ey.com.

ABC TODAY

THE NEWS-MAGAZINE FOR MERIT CONTRACTORS

<http://www.abc.org>

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ABC Today (ISSN 0888014X) is published semi-monthly by Associated Builders and Contractors, 1300 North Seventeenth Street, Rosslyn, Virginia 22209, (703) 812-2000. U.S. subscription rates: \$42 for members and \$60 for nonmembers. Copyright 1999 by Associated Builders and Contractors. All rights reserved. Periodicals postage paid at Arlington, Va., and additional mailing offices. Postmaster: Send address changes to *ABC Today*, ABC, 1300 North Seventeenth Street, Rosslyn, Virginia, 22209.