

ABC TODAY



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June 5, 2000 **GEORGE W. BUSH**

Mr. W. Thomas Musser
President
Associated Builders and Contractors, Inc.
1300 North Seventeenth Street, Suite 800
Rosslyn, VA 22209

Dear Tom:

I saw the news of the unanimous endorsement of the Associated Builders and Contractors. I am honored by your support.

Thank you very much for your strong vote of confidence. I look forward to working with you to encourage free enterprise and entrepreneurship. Please pass along my thanks to all the members of ABC.

Sincerely,

George W. Bush
P.S. Congratulations on ABC's 50th Anniversary

Congress Votes to Delay Development of Ergo Reg

Both the House and Senate recently approved measures that would prohibit OSHA funds from being used to develop, implement or enforce an ergonomics regulation.

The amendments, introduced by Sen. Michael Enzi (R-Wyo.) and Rep. Anne Northup (R-Ky.), were attached to the \$342 billion Labor Department fiscal 2001 spending bill, which passed the House by a narrow 217-214 vote and currently is being debated in the Senate.

In both chambers, partisan Democrats were unsuccessful in their effort to use parliamentary tactics to strip the provision from the bill.

"ABC thanks Rep. Northup and Sen. Enzi, and other members of Congress who recognized that we simply do not have the data to support moving forward with an ergonomics regula-

tion," said ABC President W. Thomas Musser.

"There is a lack of scientific evidence on the cause and remedies for the various aches and pains that fall into the category of 'ergonomic injuries.'

"Until we understand what activities in the workplace cause these injuries, and how we can prevent them, OSHA's continued work on ergonomics regulations is at best misguided and at worst, a waste of limited government resources and taxpayer dollars," he said.

For more information on the votes and ABC's position on ergonomics, visit www.abc.org/ga.

Please send your email address to your chapter so that ABC can respond to your requests in a more timely way.

Union-Only PLAs Come Under Fire At Congressional Field Hearing

A special field hearing of the Senate Subcommittee on Employment, Safety and Training in Irvine, Calif., this month brought attention to the many problems associated with union-only PLAs in a region where PLAs have increasingly been the subject of debate.

ABC member Rick Peters, of Riviera Electric, Alisa Viejo, Calif., and Donald Faulk, an apprentice with Mel Smith Electric in Fullerton, Calif., joined several other merit shop contractors in criticizing PLAs at the hearing. The hearing was held in Orange County because of the recent adoption of a PLA there that virtually guarantees that all work on county projects will go to union contractors over the next five years.

Peters said, "PLAs are bad public policy and the taxpayer is subsidizing the spread of union membership and the inefficient use of public funds."

"I personally have been involved in two cases in California where public agency staff conducted extensive review and recommended rejection of a PLA. The governing boards ignored their own staff's recommendations and approved the agreements," he said. "While I and other merit shop contractors are not oblivious to the political forces at play behind the scenes, it is disingenuous and bordering on deceit for unions to convey arguments they as knowledgeable, experienced construction leaders know are not true."

Faulk, enrolled in ABC's electrical apprenticeship program, said, "This country was based on the concept of freedom. ...Please do not take away my freedom or Orange County's freedom. Say no to PLAs."

He continued, "This is a larger issue than many people realize and would affect a lot more than just the construction crews, electricians, plumbers, HVAC and



From left, Jim Ryan, ABC communications specialist; Sen. Tim Hutchinson; and Bill Spencer, ABC vice president of government affairs.

fire protection crews. Project bids will be higher, project costs will increase, and quality will not improve."

Sen. Tim Hutchinson (R-Ark.), who chaired the meeting, said, "Simply put, a

construction contractor should not be forced to hire through a union shop, subsidize union dues and pay union wages in order to do business with the government." He said
(Continued on page two)

House Strikes Blow To 'Death' Taxes

The House overwhelmingly approved a bill (H.R. 8) that would repeal death taxes by 2010 through a gradual phaseout which would benefit small businesses owners who feel forced to restrict their company's growth to avoid passing a devastating tax burden on to their heirs.

The House voted 279-136

to approve the bill, creating what House Republicans called a "veto-proof" majority. The vote was bipartisan, with 213 Republicans, 65 Democrats and one Independent supporting the bill.

ABC President Musser said the legislation would help restore

the long-term strength of the American family business, "which has been under assault as a result of the existing tax structure."

He said the death tax has long been a threat to family-owned construction companies and the jobs they provide.

At press time, the Senate planned to consider the companion bill July 12.

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Exceptional Projects Receive Award of Merit Honors at Convention

ABC presented its prestigious Awards of Merit for outstanding construction projects at the national convention in Baltimore. The Award of Merit is the second highest honor in the Excellence in Construction competition. The awards honor the entire construction team.

Below is a list of winners:

Commercial

Under \$2 million: Brasfield & Gorrie, LLC, Alabama Ballet Project, Birmingham, Ala.; **\$2-5 million:** Shaw Construction, LLC, Vance Kirkland Studio, Denver; **\$5-10 million:** Structural Associates, Hancock International Airport Air Traffic Control Tower, Syracuse, N.Y.; **\$10-25 million:** Paul Risk Associates, Inc., Genesis Health Ventures Corporate Headquarters, Kennett Square, Pa.; **\$25-99 million:** Bill Harbert Construction, Missile, Space & Intelligence Center, Redstone Arsenal, Ala.

Electrical

Commercial—under \$2 million: TDIndustries, Delta Air Lines Terminal 4E Airport Renewal, DFW Airport, Texas; **Commercial—\$2-99 million:** Helix Electric, Inc., Ontario International Airport Project, Ontario, Calif.; **Industrial—under \$2 million:** E-MC Electrical Contractors, Inc., Six Flags Over Texas—Batman, the Ride, Arlington, Texas; **Industrial—\$2-99 million:** Interstates Electric & Engineering Co., Inc., New Sugar Beet Processing Facility, Moses Lake, Wash.

Exterior Finish

Two J's Painting, Inc., Waubensee Valley High School, Aurora, Ill.

Historical Restoration

Under \$2 million: Forrester Construction Co., Junior League of Washington, D.C. Headquarters, Washington, D.C.; **\$2-99 million:** Adena Corp., Templeton Blackburn Alumni Memorial Auditorium Rehabilitation & Addition, Athens, Ohio.

Industrial

Under \$2 million: Brasfield & Gorrie, LLC, Boeing Pneumatic Test Chamber,



David Rosenof, left, and Gary Glenwinkel, of Centex Rooney, Ft. Lauderdale, accept their Merit Award.

Decatur, Ala.; **\$2-5 million:** TIC—The Industrial Co., CWL Gas Turbine Relocation Project, Jonesboro, Ark.; **\$5-15 million:** TIC—The Industrial Co., Fort St. Vrain Unit #3 Repowering Project, Platteville, Colo.; **\$25-99 million:** JE Merit Constructors, Inc., Central Control Room Projects, Corpus Christi, Texas

Infrastructure/Heavy

Osborne Construction Co., Mather Memorial Parkway, Pierce County, Wash.; The Middlesex Corporation, Canton Viaduct Rehabilitation Project, Canton, Mass.

Institutional

\$2-5 million: Walker & Co. Construction, Inc., Morse Museum Expansion, Phase II, Winter Park, Fla.; **\$5-25 million:** The Haskell Co., Pembroke Pines Charter Elementary Schools, Pembroke Pines, Fla.; **\$25-99 million:** Penn-Co Construction, Inc., Lied Transplant Center, Food Nutrition Services Renovation & Expansion, Emergency Drive Realignment, Omaha, Neb.

Interior

Interior build-out: Paul Risk Associates, Inc., Genesis Health Ventures, Corporate Headquarters, Kennett

Square, Pa.; **Specialty Contractor:** Sigma Marble and Granite, Inc., Nancy Lee & Perry R. Bass Performance & Rehearsal Hall, Fort Worth, Texas.

Mechanical

Industrial—under \$4 million: TDIndustries, Wilsonart International Inc., Temple South Cooling Tower Replacement, Temple, Texas; **Industrial—\$4-99 million:** Nova Group, Inc., Hydrant Fuel System, West Ramp, Elmendorf AFB, Alaska; **Over \$100 million:** Centex Rooney Construction Co., National Car Rental Center, Sunrise, Fla.; BE&K Construction Co., U.S. Gypsum Wallboard Manufacturing Plant, Bridgeport, Ala.

Public Works/Environmental

Cajun Constructors, Inc., Haha Bayou Pumping Station, Clayton, La.; Trinity Contractors, GNB—Sodium Sulfate Crystallizer Project, Frisco, Texas

Renovation

Under \$5 million: Construction Managers of Ohio, Inc., YMCA 1999 Renovation, Dayton, Ohio; **\$5-99 million,** Nordby Construction Co., Monterey Plaza Hotel, Monterey, Calif.



Putting it Briefly

Drug and Alcohol Abuse Still Plague Construction

Drug and alcohol abuse continues to be a problem in the construction industry: The latest figures from the Department of Health and Human Services' National Household Survey show that 14.1 percent of the construction workforce used illegal drugs within the past 30 days. Approximately 12.4 percent of construction workers used alcohol heavily during the same period.

ABC has developed a drug testing program in partnership with Rapid Response/Instant Technologies, Norfolk, Va., that allows contractors to perform tests on the jobsite and in the office. Results are available in less than 10 minutes. Cost: \$11.50 per test. For more information, contact Rapid Response/Instant Technologies, (877) 384-DRUG.

Deadline for NOVA Awards Is Sept. 15

The deadline for nominations for the Construction Innovation Forum's annual NOVA awards honoring innovation in the construction industry is Sept. 15.

The Construction Innovation Forum is an international, non-profit organization that was formed in 1987 to recognize innovations that improve the quality, productivity and cost-effectiveness of the construction industry.

There is no entry fee, and you do not need to be a member of CIF to submit a nomination.

A copy of the nomination form may be obtained by calling the CIF office at (734) 995-1855 or downloaded from the CIF website at www.cif.org.

Member Wins Two Delta Air Lines Tickets

Congratulations to Mark Onslow, field operations director at Onslow-Sheffield, Inc., Brighton, Mich., who won two free Delta Air Lines tickets at a drawing at the 50th anniversary convention.

Delta is an associate supplier member of ABC and offers ABC members discounts to most ABC national meetings.

PLAs Come Under Fire at Hearing

(Continued from page one)

PLAs discriminate against those contractors that choose to work open shop and unfairly increases the cost of construction to taxpayers.

Hutchinson added that his Open Competition Act (S. 1194) would prohibit the federal government from discriminating in the

award of federally funded contracts on the basis of union affiliation.

Rep. Gary Miller (R-Calif.) also participated in the hearing.

The hearing was just the latest salvo in ABC's continuing effort to publicize the problems associated with PLAs.

ABC's California chapters, with the assistance of ABC National, have staged news conferences, written opinion editorials and met with elected officials to spread the word that PLAs are bad public policy.

See PLA Watch page three for more PLA news.



Are you an accredited quality contractor? To find out if you qualify, call (703) 812-2007.

PLAWATCH

• ABC's Woodrow Wilson Bridge Task Force continues its assault on a potential PLA on the rebuilding of this important Potomac crossing, educating decision-makers that the last thing this expensive and complicated project needs is the headache called a PLA. One potent educational tool is a new poll by the Weber Merritt research firm showing that 70 percent of area contractors would be less likely to bid on a public works project where a PLA is imposed.

• Prescient Duluth, Minn. Mayor Gary Doty showed last month that one can be pro-labor but anti-PLA when he vetoed a measure that would have forced businesses receiving \$25,000 or more in city subsidies to negotiate PLAs for construction projects.

• In the face of mounting opposition by ABC and other merit shop forces, the Sacramento, Calif. County Board of Supervisors canceled a bogus "PLA workshop" designed to pave the way for a PLA for a \$7 million airport garage.

• ABC's Heart of America Chapter is gallantly battling a PLA in Kansas City. Executive Director Carl Degen told a public works meeting that the PLA ordinance was "a solution in search of a problem" as well as being discriminatory and posing an onerous burden on city staff. Furthermore, Degen says that this PLA was routed through AFL-CIO headquarters in Washington, D.C. as others have been, and pointed out that Kansas Citians will be repelled by the idea that a labor deal governing construction in their city has to be first approved by union bosses in the nation's capital. In the meantime, the *Kansas City Star* has run a convincing series of anti-PLA editorials which have mentioned ABC and its sponsored studies.

• The Cleveland suburb of North Olmsted has once again escaped a PLA — the city council voted to table the motion for a citywide PLA. ABC Northern Ohio ran hard-hitting ads and galvanized members and employees into producing very impressive showings at meetings. Executive Director Mitch DaDante said that after one ABC ad lambasting PLAs and their supporters ran, a few councilmen asked him not to run the ad again.

By James Ryan, communications specialist.

Court Says Colorado Law Not Pre-empted by ERISA

A Colorado law requiring apprentices to work on a one-to-one ratio with journeymen is not pre-empted by the Employee Retirement Income Security Act (ERISA), said the U.S. Court of Appeals for the 10th Circuit.

ABC member-firm Willmar Electric Service had argued that since the company's training program—which used the *Wheels of Learning* curricula and included instructors from both Willmar and ABC—is governed by ERISA as an employee welfare benefit plan, the state law should be pre-empted.

Willmar is based in Willmar, Minn., but performs work nationwide.

The court disagreed with Willmar's argument, citing the U.S. Supreme Court *Dillingham* ruling. "As *Dillingham* pointed out, apprenticeship training standards are matters traditionally regulated by the states.

"The Colorado statute at issue in this case falls within that sphere. The appropriate degree of supervision required for apprentices performing electrical work is a matter related to occupational and public safety, and, as such, has traditionally been subject to the state's police powers," the court ruled.

ABC's Construction Legal Rights Foundation assisted in the case.

A Thank You to Our Convention Sponsors

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

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- Miller Electric
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- Square D Electric
- Sunbelt Rentals
- Wheeler/Rex



John Trimmer Honored



John Trimmer, ABC executive vice president from 1950-1982, right, receives his Leader of the Century award at his home from Bob Hepner, current executive vice president. Eight other industry leaders were honored at the convention. Congratulations John.

Mullan Awards Honor Outstanding Membership Growth in Chapters

The Charles A. Mullan Award is the most prestigious membership award that a chapter can receive. The Mullan awards are given each year to the chapter in each of ten divisions that demonstrates the greatest growth in its membership dues base.

- Div. 1: Mississippi
- Div. 2: Baltimore Metro
- Div. 3: Western Washington
- Div. 4: Rocky Mountain
- Div. 5: Pacific Northwest
- Div. 6: Northern Illinois
- Div. 7: Southeastern Michigan
- Div. 8: Lehigh Valley
- Div. 9: Texas Mid-Coast
- Div. 10: Alaska



Baltimore Metro Chapter Membership Director Christa Lucich, left, and 1999 Chapter President Mary Easto receive award for membership growth from Charlie Mullan.

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