



New Hampshire/ Vermont Chapter

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REGISTER TODAY ...

Business Development

ABC ANNUAL MEETING
Thu. January 26, 2012
Bedford Village Inn
Bedford NH
5:30PM

Training

**COMPETITIVE
PRESSURES:**
*How to combat the
Lowest Bidder*
Tue. January 24, 2012
ABC Training Facility
Concord NH
8:30 AM

*Call the ABC NH/VT Chapter
Office or register on our website.
www.abcnhvt.org*

Action

January 2012

MANCHESTER JOB CORPS CENTER PROJECT RE-SOLICITATION TO INCLUDE PLA REQUIREMENT -

Freedom Fighters Prepare!

The only businesses our government runs are the Post Office and the Railroads, and both of them are "bankrupt". But that will not stop them from thinking they know what is best for business success. As ABC members know, now they want to influence how we run construction projects funded with taxpayer dollars. This should be frightening news to all taxpayers.

On November 5, 2009, the US Department of Labor (DOL) cancelled its solicitation for bids to construct a new Job Corps Center in Manchester, NH under a government mandated Project Labor Agreement (PLA), which would require all contractors on the project to execute an agreement with the building trades unions. The cancellation came in response to a protest filed at the Government Accountability Office (GAO) on behalf of non-union contractors who represent over 90% of the construction workforce in NH. DOL cancelled the solicitation the day before the agency was required to submit justification to the GAO for the union-only requirement.

Not to be deterred, the DOL retained the services of a consultant, Hill International, to prepare a report justifying and defending a PLA requirement. The report has cost taxpayers \$130,000. DOL has also retained Hill International, at additional taxpayer expense, to represent them in anticipation of litigation when the project solicitation (expected very soon) is reissued, again with a PLA requirement.. The report includes a historical perspective on the use of PLA's, including reference to such projects as the Hoover Dam, nuclear facilities, NASA facilities, Disney World, General Motors, the Alaskan pipeline and petro-chemical plants. Interesting history but not quite sure what relevance they have to NH construction activity. As a matter of fact, the most notable construction project with a PLA in our region that was referenced was the "Big Dig" in Boston.

We all know how well that worked out, billions over budget and years over schedule. The report attempts to justify a PLA on the Job Corps Center by making a dramatic jump from providing a history lesson on PLAs to virtually insulting the vast majority of NH construction workers and companies by stating that "in the area of open shop contracting there appears to be rampant misclassification of employees and workers' compensation noncompliance". The report includes reference to testimony in legislative hearings and claims made by union-building trade representatives and other pro-labor representatives as evidence of the "rampant" violations. Although leaders of the NH Building and Construction Trade Councils were interviewed to obtain information for the report, only one non-union contractor is known to have been contacted to offer comments. No statistical information is provided in the report, because there is none available that substantiates the claims of "rampant" violations. However, the report suggests that a PLA is needed to enforce local, state and federal regulations, regulations that are already being enforced by the local, state and federal regulators.

The Hill International report recommends language for the Job Corps Center project that requires all employees who are not members of the union to become and remain members and that all contractors agree that all wages shall be subject to deduction for collection of union dues, regardless of whether an employee is a member of a union. Further, all contractors shall be required to pay contributions to union employee benefit funds. With over 90% of construction workers and companies in NH choosing to not be union, it is offensive for the DOL to be promoting their pro-union agenda by further delaying the Job Corps Center project. NH citizens can

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MANCHESTER JOB CORPS - CONT'D

be proud of the construction professionals working hard every day to build our schools, office buildings, hospitals and other facilities. Projects that were awarded through a process open to all interested and qualified bidders, union and non-union.

ABC is prepared to again, fight this union-only initiative. It is important for all taxpayers to understand the impact this decision will have on them. At a time when a challenging economy is dependent on real solutions for job creation and accountability for every taxpayer's dollar, this forced union initiative by the DOL needs to be stopped.

START 2012 OFF RIGHT, ABC'S ANNUAL MEETING, JAN. 26, AT THE BEDFORD VILLIAGE INN - *Business Development and Recognition of ABC's Leadership*

If you haven't already, you're encouraged to get your registrations in for ABC's Annual Meeting, Thursday, January 26th, at the Bedford Village Inn, Bedford NH. This event is always a great business development opportunity and is an occasion to recognize the chapter leadership for their service. As the leading construction industry organization in our area, ABC is dependent on active leadership to stay proactive and provide value to the growing membership. The Annual Meeting not only features recognition of the current leadership but as provided in the Chapter By-Laws, introduces the Slate of Officers and Directors for 2012. Below is the proposed slate; they will be confirmed by a voice vote of those companies present at the January 26th meeting. If any member has comments concerning the nominations process or the proposed slate, please contact the ABC NH/VT Chapter Office.

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Contact the ABC NH/VT Chapter Office or go to www.abcnhvt.org to register.

REMEMBER - POST YOUR OSHA 300 LOG - Beginning February 1st through April 30th, contractors must post OSHA 300 Log Summaries in a conspicuous spot on all construction sites. The summaries, which are an annual OSHA requirement, list the total number of job related injuries and illnesses that occurred in the previous year and were logged on the employer's OSHA 300 form. All summaries must be certified by a company executive and displayed in a common area where notices are typically posted.

ALSO, YOUR SAFETY SUMMARY FORM (In NH) -- Safety Summary Forms must be filed biennially by businesses with 10 or more employees. If you have filed in 2010, you will need to file for 2012. Go to www.labor.state.nh.us/safety-summary-interim.asp to see if you already filed, enter your Federal ID #, email address and year of submission. If you have any questions contact the ABC Chapter Office or email the Labor Department at safety@labor.state.nh. Those who file electronically should keep the NH Department of Labor updated concerning changes in the contact person's email address as well as any other pertinent information.