

INSIDE...

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**POLITICAL
NOTEBOOK:**
*2018 NH Legislative
Session Summary*

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**New Hampshire/
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**VOLUME 27
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Associated Builders and Contractors, Inc. is a national non-profit organization whose mission is to represent the construction industry as a cohesive group of professionals, to serve as their vision and voice, and to pursue quality, common goals, and solutions to industry issues.

The NH/VT chapter is located at:
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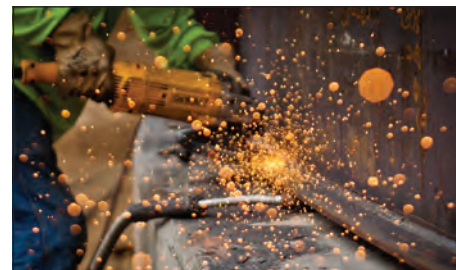
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Great Things are Accomplished When We Empower People to be Leaders

Every New Year is the time to reflect on our accomplishments. I am very pleased to share with you that our chapter is number one in the nation for retention!

Recently our chapter attained just shy of a 95% retention rate with our members. This is a significant milestone as we ranked number one across 70 Chapters throughout the United States. One might ask: "How was the accomplished?" The answer lies in the leadership of our members, Board of Directors, chapter president and staff.

Whether we are involved in managing a business, an association or aspects of our personal lives, leadership plays



a vital role in the outcomes achieved.

Leaders share a dream and direction that other people want to share

and follow. The leadership vision goes beyond mission and vision statements. The vision of leadership permeates the workplace and is manifested in the actions, beliefs, values and goals of an organization's champions.

In fact, like most of our members, their businesses were started because the founder had a vision about what he or she could create. Sharing that

vision with others in a way that compels them to act is the secret to a successful leadership vision. I am reminded of the quote: "leadership is about influencing people so that they come to share common goals, values and attitudes and work more effectively toward the achievement of the organization's vision."

Leaders need to be developed and inspired at all levels of an organization. To create a leadership environment, we must develop individuals to better influence others within the organization that will enable them to share the common goals, values and attitudes to work more effectively toward attaining ABC's vision.

As an association we continually work to ensure there's a connection between ABC, our members and their employees. Much of the effort comes through our ABC staff, Board of Directors and the leadership in our member companies. Our members can inspire with their own leadership reflecting the vision of ABC.

It is clear ABC has a profound, positive impact on our industry and it's clear the vision of free enterprise and the Merit Shop philosophy are understood and widely shared. It is the linkage of leadership through member companies, ABC staff and the chapter presi-

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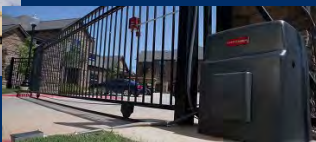
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CHAIR, FROM PAGE 3

dent that makes free enterprise the prevailing philosophy shared throughout our region.

This is accomplished through effective communication of the reasons and implications of the Merit Shop Philosophy such that both current and future members and other stakeholders understand their role in translating our vision in to reality.

ABC staff accomplishes their mission by clearly setting the direction and purpose of the ABC chapter, reflecting a caring

attitude through involvement with our membership, regularly displaying the strengths, culture and values of of ABC, inspiring the enthusiasm, belief, commitment and excitement in member companies, helping member companies believe they are part of something bigger than their daily work. Through the shared vision and our collective leadership, the long-term goals our association will be met.

Wayne Symonds

ABC NH/VT Chairman 2018

New Member Spotlight

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Welcome to ABC, Shari Durazzano!

How to Grow Your Business and Create Success:

An Interview with ABC NH/VT's New Membership Director Shari Durazzano

Associated Builders and Contractors of New Hampshire/Vermont is excited to welcome Shari Durazzano, as the new chapter Membership Director. For nearly 15 years, Shari has led a successful career managing membership growth and retention in the association world. She has been able to grow membership by leaps and bounds in her past work and it's clear through Shari's track record of achievements that she has a wealth of experience in membership sales and management, which she is excited to bring to ABC.

Shari believes the key to her success has to do with her passion to build relationships

between members and getting more people involved with the association. "Oftentimes the best business deals are fostered at an association networking event," says Shari. "It's why I find it so important to ensure people can connect with each other. At every event you will find me looking to talk with as many people as possible and listening to identify ways ABC can help them out."

Business-to-business development is only part of the equation, though.

Shari continues to develop creative ways to provide more value for members, by using innovative and creative resources. One such feature



she developed for a chamber of commerce, called the "Monday Minute," certainly gets attention. "I created the 'Monday Minute' video series to get people to share what they're doing. The tool was successful at the chamber of commerce and I think it will be popular among ABC members. Contractors are just so busy it can be hard to find time to talk about the great things they do. Our members build a lot of great projects and do wonderful things in our community. I want to bring that story to our social media followers."

The other side of that equation is making sure member companies are taking full advantage of everything ABC provides its members. Shari plans to increase ABC's

membership base, implement innovative ways to incorporate more membership involvement, and outreach to current and prospective members to find ways to help them in the industry. "I want to meet every member to have a conversation about their needs and enhance their membership in the ABC."

Shari takes on her new role with a smile, positive attitude, and enthusiasm. She strives at building relationships and promoting business. Shari was born, raised and educated in New Hampshire. She graduated from SNHU, magna cum laude, with a bachelor's in business administration and minor in marketing, a NHTI associates degree in Accounting and Pinkerton Academy.

Shari embraces the four seasons of the New Hampshire lifestyle. She spends her free time with her husband, two boys, golden retriever, and friends. She loves running, watching the football, skiing, and attending concerts. She is passionate about ABC core values because her dad worked in the industry.

Shari is proud to be part of the team and can be contacted at shari@abcnhvt.org or (603) 568-2743.

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VT Addresses Labor Shortage

To help address the labor shortage in Vermont, the Vermont Business Roundtable and regional partners from around the state launched the Vermont Talent Pipeline Management Program (VTPM) to bridge the gap between what employers need and what prospective employees have to offer. The Vermont Talent Pipeline uses an employer-led, two-phased supply chain approach to identify training demands for the most critical jobs and to supply programs for the workforce:

- 1. Demand-side** – Gain consensus on employers' critical job requirements
- 2. Supply-side** – Identify the best programs and improve talent flow

Associated Builders and Contractors NH/VT and some members have been actively working with the Vermont Talent Pipeline to improve the worker shortage, with a focus on improving career awareness. Local educators have responded positively to the employer demands for specific short-term credential programs; and college degree program needs to serve their industry.

One example of a training program to meet the needs of the industry includes a program developed by Burlington's Community and Economic Development Office (CEDO). In late April, \$65k was granted to by a Vermont's Department of Labor Workforce Education and Training Fund Grant to train underserved youth with the critical skills necessary to fill needed construction jobs in the Burlington area. ReSOURCE and Burlington's CEDO Workforce Program will train participants using the National Center for Construction Education and Research (NCCER) Core Curriculum with OSHA 10. The immersive 6 week curriculum includes: NCEER Core Essentials, OSHA10, employability/financial literacy training, and a 2 week Internship with a local company. After program completion, participants have the opportunity to interview for full-time positions with a local VTPM Construction Employer and receive a wage bonus, if hired. The program started in June with a pilot of 6 participants, and the talent pool will join the labor market in July of 2018.

Additionally, in early May the Vermont Career and Technical Education's (CTE) Buildings Trades instructors met with the NCCER (National Center for Construction Education and Research) and ABC NH/VT to adopt a standard curriculum for students. By the end of the day 16 Building programs in CTEs statewide agreed to implement the National Center for Construction Education and Research (NCCER) Core Curriculum with OSHA 10. NCCER Construction Core is the first course to be offered for CTE's youth programs, with potential for NCCER Carpentry 1. The CTE programs will provide students with projects and training to prepare them for the construction industry. Those completing the program have guaranteed interviews with the VTPM Construction Employer, as well as a wage bonus if hired.

To learn more about the Vermont Talent Pipeline, visit the website at www.vermonttpm.com. If you would like to get involved with other projects relating to the labor shortage in our industry, please reach out to the Associated Builders and Contractors NH/Vermont Chapter at (603) 226-4789.



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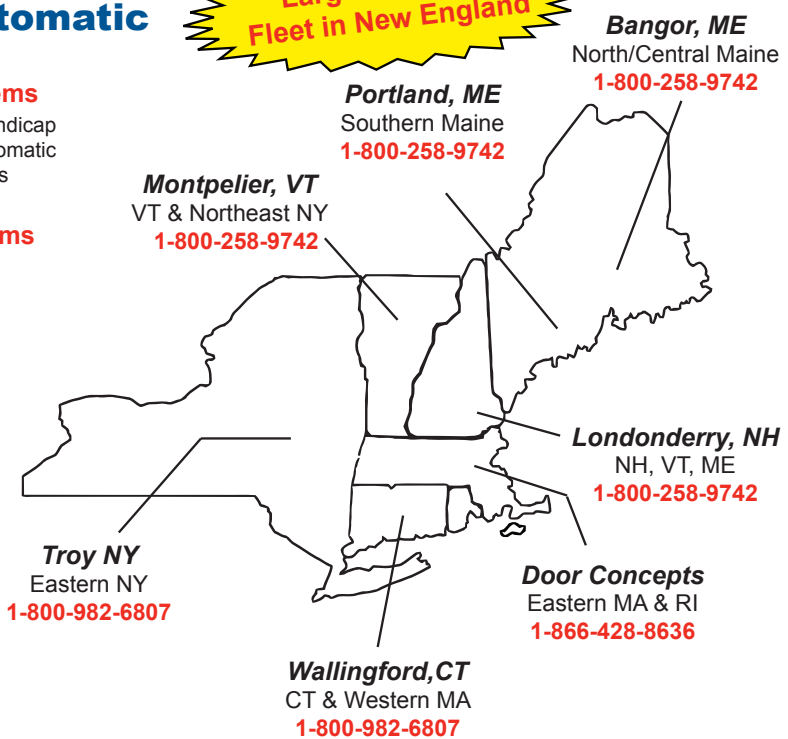
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Political Notebook: 2018 NH Legislative Session Summary

The 2018 New Hampshire Legislative session came to an unofficial close on Wednesday, May 23rd. It is unofficial because the Legislature will most likely come back for a day to deal with veto messages from the Governor. That will take place either in late Summer or the Legislature may wait until the Fall to consider vetoes.

At the direction of ABC NH/VT, Sheehan Phinney Capitol Group worked with Governor Sununu and Legislative leaders to ensure policies put forward in 2018 would benefit the industry while ensuring harmful, anti-business legislation was defeated. Below is a summary of the final outcome of some of the key bills Sheehan Phinney Capitol Group worked on with the Associated Builders and Contractors.

HUMAN RESOURCES LEGISLATION

DEPARTMENT OF LABOR BILL:

SB 318 This bill originally dealt with repealing certain provisions of the youth employment law governing the employment of 16 and 17 year olds. The bill was amended several times throughout the legislative process and was eventually adopted by both chambers and it addresses other labor laws in addition to youth labor laws. The final version establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends



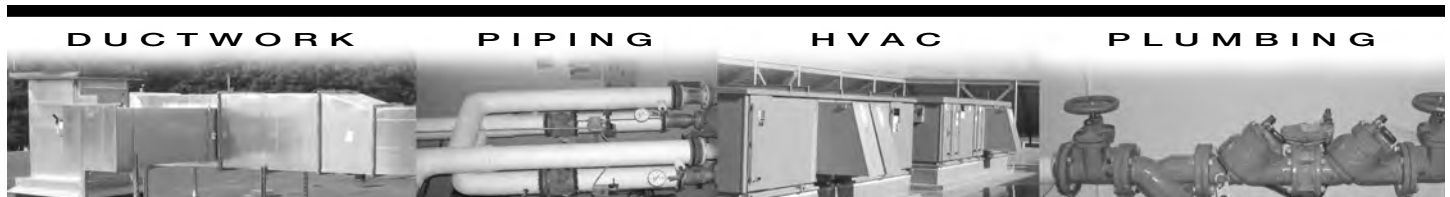
the requirements for employer retention of hour and wage records.

Regarding youth labor laws, the bill now allows 16 and 17 year olds to work more hours per week as follows: 30 hours a week during a 5 day school week; 40 ¼ hours a week during a 4 day school week; and

48 hours during a school week with at least 1 but no more than 3 school days.

The bill also addressed an ongoing issue between employees and their employer concerning uniforms for the work place. The law now states (change is underlined)- “Uniform” means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no

SUMMARY, TO PAGE 11



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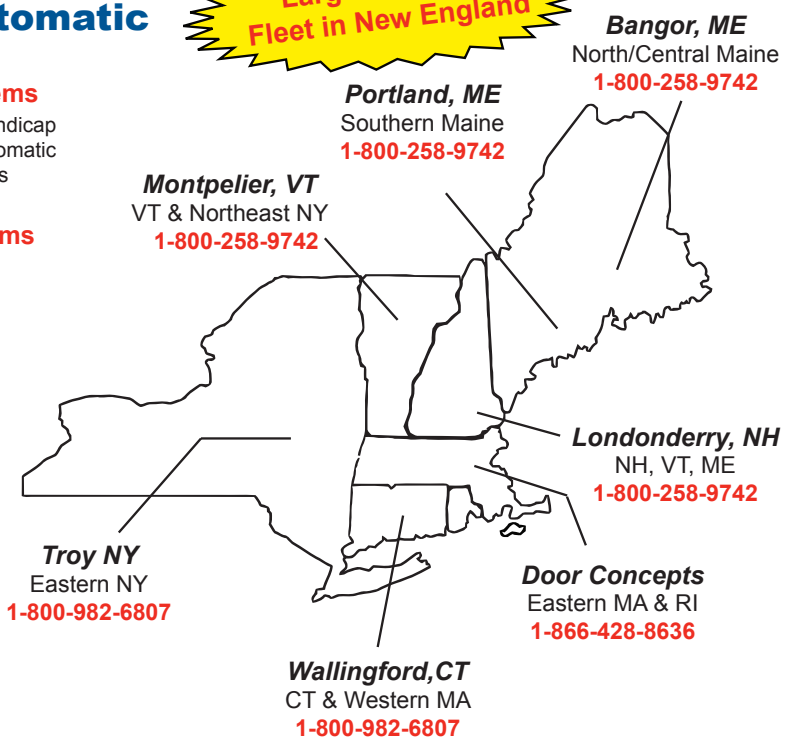
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SUMMARY, FROM PAGE 9

cost to the employee. An employee may purchase any other company garments or items if the employee chooses.

FAMILY MEDICAL LEAVE INSURANCE: HB 628 would have established a system of paid family and medical leave insurance. After passing the House by a slim margin, the full Senate voted along party lines to this bill to interim study by a vote of 14-10. An interim study vote is the polite way of killing a bill in the second year of the session. This bill would have created a paid medical leave program funded by an employee payroll reduction. The benefit would have been for 6 weeks and the program was optional in that you could opt-out at the time of being hired. ABC President, Joshua Reap, gave his first New Hamp-

shire testimony at a public hearing on the bill before the Senate Finance Committee outlining the concerns ABC members had with the structure of the bill and he was pleased to see the Senate vote to give this measure a longer look.

UNUSED VACATION TIME:

HB 1201 was relative to an employee's earned but unused vacation time. This bill would have required an employer to pay its employees for earned but unused vacation time. After passing the House by a slim margin this bill headed over to the Senate. The full Senate voted to kill the bill on a voice vote.

MEDICAID EXPANSION: SB 313

As drafted, the bill establishes the New Hampshire Granite Advantage Health Care Program which shall replace the current New Hampshire health protection program. Under this

program, those individuals eligible to receive benefits under Medicaid and newly eligible adults will choose coverage offered by one of the managed care organizations contracted as vendors under the Medicaid program. For the first time, this measure would use 5 percent of state liquor sales profits to serve as a taxpayer match for the New Hampshire Granite Care Advantage Health Care Program. This bill has passed both chambers and will be signed into law by Governor Sununu.

WORK SCHEDULES: SB 422, relative to advance notice of work schedules. This bill would have required an employer to give 14 days' advance notice of work schedules to its employees. The bill gained some Republican support on the Senate floor, but was ultimately tabled. A bill being

tabled in effect kills the bill, but still needs monitoring as it can be taken off the table at any time (with a simple majority), but with the session all but over for 2018, it will die on the table.

TAXES

BUSINESS TAXES: HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax. This bill changes the effective dates of the scheduled rate reductions to the business profits tax and the business enterprise tax, enacting those 6 months earlier than originally planned. It moved up the start date for the next round of business tax cuts to January 1, 2019, when the business profit tax will decrease from 7.9% to 7.7% and

SUMMARY, TO PAGE 13



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the business enterprise tax will decrease from .675% to .60%.

WORKFORCE DEVELOPMENT

JOB TRAINING: HB 1100, which passed both the House and the Senate, established a commission to review and evaluate workforce and job training programs in New Hampshire. The purpose of the commission is to review and evaluate all government funded workforce and job training programs in New Hampshire to ensure that they are effective, not duplicative, and that they are contributing to the needs of the workforce and the labor market. The Commission membership is made up of a list of stakeholders from around the State who are involved in various industries. We were able to ensure that ABC has a representative on this commission.

APPRENTICESHIP: HB 1327, which has passed both the House and the Senate, establishes the number of apprentice electricians that may work for a journeyman or master electrician. The goal of this bill was to get more young people/apprentices in the electrical industry. Currently the journeymen to apprentice ration is 1:1. This bill will now allow two apprentices to work under a journeyman's supervision.

CODES

BUILDING AND FIRE CODES: HB 1254 has passed both chambers and it establishes a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and

state fire code; and repealing the joint legislative oversight committee on the emergency management system. The moratorium portion of this bill was a late amendment that was tacked on at the very end of the process. The moratorium would have taken effect upon passage of the bill which would have created an issue because an important BOCA code that is sun setting this summer would not have been able to renew. We worked with the Conference of Committee Conferees to delay the start of the moratorium to July 1 to address the concerns of the building contractors.

CONCLUSION

As we head into yet another election season, ABC NH/VT will be engaged in the political process in Concord and around the state. Unlike two years ago, there will not be as many open state senate seats in 2018. At this point, only two State Senators of the 24 have announced they will not seek re-election. Compared to the 2016 election where there were 8 open seats up for grabs in the Senate as well as the Governor's office. Gov. Sununu will be running for re-election and, at the time of publication, there are currently two announced Democratic candidates looking to challenge him. The House should see a similar turnover rate as in past years, 30-35%, with the major change coming in who will be the next Speaker. Current Speaker, Rep. Gene Chandler, has already announced he will not seek the Speakership next year, opening up a contested race for this important and powerful position.



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Total Savings for Year: \$3,458

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—Pamela Volm
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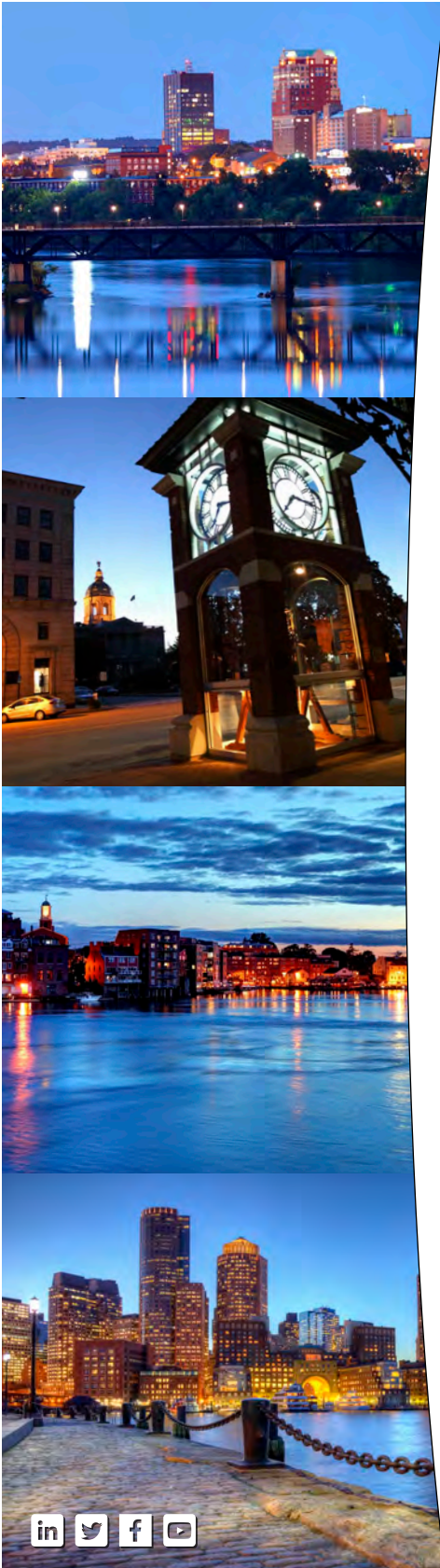
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News of Our Members

■ NORTH BRANCH CONSTRUCTION recognizes the value and importance of promoting from within a company. The firm recently named Katie Lopes of Concord, NH Marketing Manager. Lopes has been with the firm for over nine years, starting as a part-time Project Manager Assistant while continuing her education at New England College in Henniker, NH. After joining North Branch Construction full-time, she was soon promoted to Marketing Coordinator in 2011. Lopes currently serves on the Board of Directors for the NH/



Katie Lopes

VT Chapter of the Associated Builders and Contractors Young Professionals Group (ABC YPG).

North Branch Construction has partnered with Building on Hope for their 2018 project, the renovation of the Crisis Center of Central New Hampshire (CCCNH) emergency shelter in Concord, NH. Building on Hope is a community organization of volunteers who work with builders, architects, and designers to provide physical improvements to facilities associated with non-profit service groups.

CCCNH provides services for survivors of domestic and sexual violence in Merrimack County including emergency shelter, a 24-hour hotline, court and hospital advocacy,



Blunt Alumni Center, Dartmouth College

community education, and support groups. The renovation of their facility will provide an increased number of

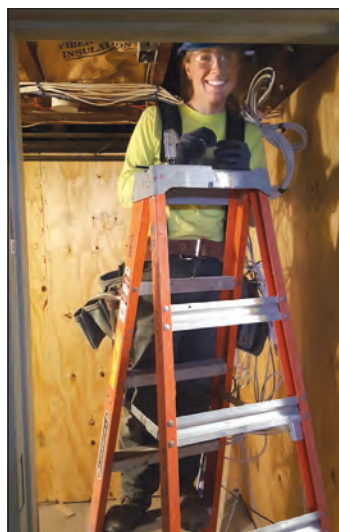
beds, totaling 24, making it the largest domestic violence shelter in New Hampshire.

North Branch Construction's contribution to the fast-track project is managing the renovation of the basement level, providing space for laundry and secure occupant storage. North Branch Construction's volunteer crew, led by John Connor, includes Joseph Campbell, Luc Carrier, Joel Chrisman, and Amelia DeVellis. The project was completed earlier this year.

North Branch Construction has recently begun the renovation of the Blunt Alumni Center on the Dartmouth College campus. The Blunt Alumni Center is a mixed-use building that provides both academic and administrative space to the college. Existing offices, breakrooms, restrooms, and a kitchen will all receive renovations and a canopy will be added at the Garden level exit to cover the existing exterior exit stairs. Renovations include a air conditioning system, new lighting and power distribution, new windows, and new finishes. This project will also reconfigure the existing layout of the building to provide four new seminar rooms, a new



NBC's carpenters, Joel Chrisman, and Amelia DeVellis



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Nathan Wechsler & Co., CPA41

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classroom, and a new restroom.

North Branch Construction has completed multiple projects on the Dartmouth College campus, most recently finishing the hyper-fast-track, total gut renovation and reconstruction of the four-story Morton Hall dormitory following a four-alarm fire that took place in late 2016 leaving the facility uninhabitable.

RPF ENVIRONMENTAL, INC.,

an environmental health and safety (EH&S) consulting firm, is pleased to announce that Ryan Daly has recently re-joined the company as an EH&S technician, after an



Ryan Daly

extended opportunity to travel. Mr. Daly seamlessly reintegrated with the team and is providing services to RPF Environmental's customers, including control projects requiring specialization in air sampling; water related field work; and management of asbestos, lead and other hazardous materials. Mr. Daly also participates in environmental investigations, industrial hygiene monitoring, building surveys, and other EH&S projects.

Mr. Daly earned a Bachelor of Science in occupational health from Keene State College. Since he first joined RPF Environmental in 2015, he continued his education by gaining several certifications and licenses for work involving asbestos; as well as on-the-job experience conducting water damage assessments, industrial hygiene and safety/OSHA con-

sulting, and other hazardous materials related projects.

RPF Environmental, Inc. has been awarded a New Hampshire state-wide contract through the NH Department of Administrative Services (NH-DAS) for hazardous material inspections, testing, analysis and air monitoring services. The contract service is available for all state agencies as well as other public entities and includes materials such as asbestos, lead paint, PCBs, universal wastes, and other hazardous materials. Of note, a primary service to be provided under the contract will be the performance of federally mandated building inspections prior to any renovation and demolition activity. RPF also holds a state-wide contract through NHDAS for air quality testing and mold assessments.

STRUCTURAL ASSOCIATES,

INC. (SAI) has begun work for the reconfiguration of the existing hydrant fuel system and aircraft parking apron in support of the new KC-46A tanker aircraft assigned to Pease ANGB. The reconfigured

ing apron.

This \$11.4 million project modifies the existing hydrant fuel system that SAI originally installed in 1996 and again expanded in 2001. SAI is self-performing the heavy duty concrete paving (175,000 sf) associated with the hangar taxiway and aircraft parking apron replacement. The project is scheduled to be completed by 30 November 2018.

The project is being managed from SAI's Portsmouth, NH regional office by Greg Halsey – Project Manager, Ron Millington – Superintendent, and Bret Weller – QC/Safety.

SAI and our project team are proud to support the NHANG in the assignment of the KC-46A to Pease Air National Guard Base and the 157th Air Refueling Wing.

The following ABC NH/VT member companies are also involved with the project:

Redi-Mix Companies - concrete materials

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RPF Environmental - Environmental testing



fuel system will permit direct aircraft fueling capability to the new aircraft from fuel hydrant pits located in the aircraft park-

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Stebbins Family and PROCON Receive Granite United Way 2017 Live United Award

PROCON Owners Mark and Sally Stebbins were honored with the Live United Award at the Currier Museum in Manchester for their impact on the 2016/2017 Granite United Way Campaign. The Stebbins Family “Get on the Bus” Challenge Match brought in twenty-five new corporate donors. The PROCON workplace campaign raised an additional \$68,000 that was matched by PROCON doubling the impact.

The Stebbins “Get on the Bus” Challenge Match involved each new corporate donor hosting a workplace campaign or pledging a corporate gift. In turn, the Stebbins Family committed \$50,000 to match new corporate gifts and all of the qualified business donors enjoyed a pair of complimentary tickets, lunch and a bus ride to a New England Patriots game with Mark and Sally.

Patrick Tufts, MSW, President and CEO of Granite United Way commented, “This Match has helped us tackle one of our greatest challenges – new business growth and retention – in a fun and engaging way. It has inspired hundreds of new employees, as well as business owners, around our state to see themselves as part of the solution to bring lasting change to our community.”

Tufts pointed out “Including the generous Stebbins Family Challenge Match of \$25,000 per year, the final investment will be well over \$330,000 in new dollars raised in two years. We are truly grateful for Mark and Sally’s creativity, support, and generosity.”

The Stebbins are longtime Granite United Way contributors, Pacesetters and Alexis de Tocqueville Society members. The family has supported the charity through personal contributions, corporate fundraisers and challenge matches for over 60 years.

MEMBER NEWS, FROM PAGE 23

■ The Residence at Silver Square is a new 68,000-square foot, 76-unit senior living community in Dover, NH. The new community, which was developed by LCB Senior Liv-

to the Merrimack landscape. Work on a new hotel, conference center, apartments, retail spaces and an office building is anticipated to begin in fall 2018 at the entrance of the



The Residence at Silver Square

ing of Norwood, MA, features a mix of 76 studio, one-bedroom and two bedroom senior apartments along with a Reflections Memory Care Alzheimer’s neighborhood to provide support and care for area seniors. First class amenities include community and private dining, multiple sitting areas and lounges, a bistro, media room, salon, activity room and fitness center.

This marks the second project between **ECKMAN CONSTRUCTION** and LCB Senior Living, having completed The Residence at Salem Woods, in 2016.

Residents started moving into the new community on Monday, February 5th. For more information about The Residence at Silver Square, or to schedule a tour of the facility, visit their website, www.residencesilversquare.com.

■ An upscale mixed-use development is about to be added

Merrimack Premium Outlets. Nashua, NH development company Monahan Companies joined forces with design-build firm **PROCON** of Manchester, NH as the architect and construction manager for the \$100M project.

The conceptual design features a 5-story, 124-room Fairfield Inn & Suites by Marriott with a 5,000 SF Conference Center for special events, training meetings and functions. The hotel amenities will include an indoor pool, fitness center, dining area, 24/7 business center and more. Three 5-story luxury apartment buildings will offer one and two-bedroom options totaling 192 units. Plans also include a 42,000 SF office leasing space along with 28,000 SF of street-level retail and restaurants.

Merrimack Park Place will be the first live, work and play development of its kind in the area providing an urban-style

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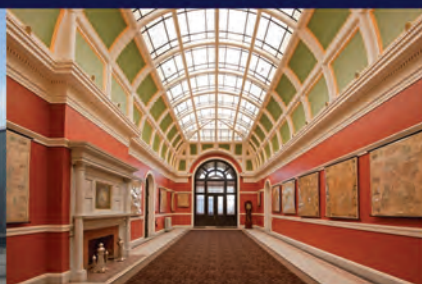


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MEMBER NEWS, FROM PAGE 25



PROCON: Merrimack Park Place, a live, work & play development (above); and the first AC Hotel by Marriott in NH (below)



walkable community. The 20-acre community will be just minutes from large companies like Fidelity, Anheuser-Busch, Atrium and BAE Systems.

Upon completion Merrimack Park Place will provide jobs for hundreds of people and likely attract additional shoppers to the area; not to mention the new apartment residents who will be taking advantage of every amenity the area has to offer.

PROCON started construction on the first AC Hotel by Marriott located in the Granite State. The 152,000 SF AC Hotel and Event Center is going up at 299 Vaughan Street in Portsmouth.

A key part of the deal between Portsmouth and the project developers is Waterfront Park. The companies decided an almost one-acre

waterfront parcel of land to the city as part of their agreement. In a January 2017 issue of Seacoastonline.com, Cathartes Principal Jeff Johnston commented about the project's impact on the area saying "The Waterfront Park and Greenway reconnects the North Mill Pond to the North End and offers a wonderful environment to the public for recreation along its pathways, boat launch and scenic vistas. It's a unique opportunity for the city."

This project is not the first time that XSS Hotels, Cathartes and PROCON have worked together. Previously, they joined forces on the nearly 400,000 SF Portwalk Place mixed-used development occupying a city block in downtown Portsmouth. Portwalk Place was one of first live/work/play campus-

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MEMBER NEWS, FROM PAGE 27

es in New Hampshire and was a strategic part of revitalizing the city's northern tier.

The AC Hotel and Event Center is expected to open in the summer of 2019 and will provide an additional accommodation option for tourists

and business travelers to the area.

■ **MERIDIAN CONSTRUCTION** installed a 100,000 sq. ft. retrofit of the sprinkler and fire alarm systems at Spaulding High School. Lavallee Brensinger were the architects of this aggressively scheduled proj-

ect to help assure proper fire safety measures for the safety of students, faculty and staff. Meridian only had the summer vacation to complete the work. Despite difficult existing conditions we completed the project on time.

■ **NORTHPOINT CONSTRUCTION MANAGEMENT LLC** is proud to announce the addition of Mackenzie Kane to our Design Team. Though Mackenzie has worked for NORTHPOINT the past 5 summers, she is now here to stay after recently graduating from Wentworth Institute of Technology (College of Architecture, Design & Construction Management) in Boston, MA, where she has earned her MASTER of ARCHITECTURE Degree. NORTHPOINT appreciates Mackenzie's dedication and commitment to her studies as well as her con-

tributions during each of our busy summers. Congratulations and welcome (back) to NORTHPOINT CONSTRUCTION'S Design/Build team.

Northpoint Construction Management LLC is proud to announce the addition of Claire Mullane to our Design Team. Claire has worked in the Architecture and design field since her graduation from Wentworth Institute of Technology (College of Architecture, Design & Construction Management) in Boston, MA in 2008. Most recently Claire has been working in the High End Residential field, with projects throughout the New England area, and prior to that has experience in Educational building development. Claire looks forward to joining the fast pace of design build and being a part of the team at Northpoint.



Clare Mullane



Spaulding High School sprinkler & fire alarm upgrade



Mackenzie Kane

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Merit Shop Construction and The Trump Labor Agenda

BY MAURY BASKIN

The second year of the Trump administration has been filled with controversies, but the labor agencies' deregulatory approach generally has been positive for the business community. Much remains to be done to reverse the holdover effects of the previous administration's anti-business agenda, but federal labor agencies are slowly reviewing and retracting some of the most burdensome regulations.

NLRB REVERSES COURSE

Throughout most of 2017, the National Labor Relations Board (NLRB) remained under the control of pro-labor holdovers from the Obama

administration. However, after Republican nominees were finally confirmed, the NLRB reversed three important Obama labor rulings in December 2017.

In the Boeing case, the new 3-2 Republican majority declared an end to the NLRB's unduly restrictive standard of review for employee handbooks. Overturning previous rulings that found neutral handbooks to somehow interfere with employee rights, the NLRB in Boeing specifically upheld employer "no camera" policies in the workplace. But the board further declared that all workplace policies that are neutral on their face should be upheld in future cases so long as they do not unduly infringe



on employee rights and are supported by legitimate business reasons. This is a significant win for employers in the construction industry.

In PCC Structural, again by a 3-2 vote, the NLRB declared

an end to inappropriate "micro units" in union elections, which the Obama administration had encouraged in a controversial 2011 case known as Specialty Healthcare. The new NLRB rul-

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LABOR, FROM PAGE 31

ing requires regional officials to give greater weight to employer evidence that petitioned-for election groups of employees share communities of interest with other workers.

Finally, a 3-2 vote in the Hy-Brand case overturned the prior board's radical expansion of the so-called "joint employer" doctrine, which had threatened to disrupt labor relations in the construction industry, among many other business sectors. Unfortunately, in an unprecedented action, an improperly delegated panel of Democrat-majority members of the NLRB voted to vacate the Hy-Brand decision in March 2018, leaving the joint employer issue in a state of some confusion. It is nevertheless expected that confirmation of John Ring as a new Republican board member will eventually lead to resolution of this and other pending issues in a way that will reduce regulatory burdens on employers.

Another significant action by the new NLRB was the issuance of a request for information (RFI) regarding the impact of the 2015 "quickie" election rules enacted during the Obama administration. Associated Builders and Contractors (ABC) and many other groups filed comments in support of changes to the election rules. The NLRB is now considering the comments and is expected to issue a notice of proposed rulemaking in the not too distant future.

PLA BATTLES CONTINUE

The Trump administration's efforts to pass a meaningful infrastructure bill in 2018 has raised the stakes regarding ABC's efforts to stop all government-mandated project labor

agreements (PLAs) on taxpayer-funded construction projects. ABC remains hopeful that the Trump administration will act in favor of fair and open competition in the construction industry on both federal and federally assisted infrastructure

Twenty-four state governments already have prohibited state government entities from forcing contractors to sign PLAs as a condition of performing work on public construction projects. More state governments are expected to sign similar PLA neutrality laws in the coming year

improvement projects.

President Obama's executive order encouraging PLAs remains in effect, and rescission of this wasteful order is long overdue.

Twenty-four state governments already have prohibited state government entities from forcing contractors to sign PLAs as a condition of performing work on public construction projects. More state governments are expected to sign similar PLA neutrality laws in the coming year, and Congress is considering federal legislation to the same effect in the Fair and Open Competition Act, supported by ABC.

Every union-sponsored legal challenge to such laws has been defeated, and studies continue to show that PLAs increase taxpayer costs by reducing fair competition without achieving any significant benefits.

DOL EXPECTED TO RESCIND 'PERSUADER' REPORTING RULE

As of this writing, the U.S. Department of Labor (DOL)

is expected to publish a new rule rescinding the Obama administration's unlawful 2016 "persuader advice" rule, which attempted to undo more than 50 years of enforcement policy under the Labor Management Reporting and Disclosure Act.

The Obama rule calls for employers and their advisors (lawyers, consultants and even trade associations) for the first time to file public reports describing any advice that "indirectly persuades" employees regarding unionization or collective bargaining. After ABC and several other business groups sued in federal court to block the Obama rule from taking effect, a federal judge issued an injunction, and the Trump labor department reconsidered it.

The new rule has been sent to the Office of Management and Budget for final clearance. It is widely expected that the DOL will rescind the Obama rule in its entirety. If so, employers confronting union organizing efforts will be able to obtain lawful advice on how to respond and communicate with their employees without having to file burdensome and intrusive reports with the DOL. This would be an important victory for the business community.

OSHA BEGINS ENFORCEMENT OF SILICA, BERYLLIUM AND INJURY REPORTING RULES

On March 25, 2017, OSHA published a new exposure standard for respirable crystalline silica. The final rule lowers the permissible exposure limit (PEL) from the 250 micrograms per cubic meter of air to 50 micrograms per cubic meter of air, averaged during an eight-hour day, with limited exceptions. Despite opposition from a broad coalition of business groups, the Court of Appeals for the D.C. Circuit upheld the tougher OSHA standard in late 2017, declaring that the new standard is "feasible." Nevertheless, negotiations over the interpretation of some aspects of the "Table I" enforcement continue, and some modest changes are expected.

Enforcement of OSHA's final rule on occupational exposure to beryllium, which likewise increases compliance burdens for businesses, began May 11, 2018. The new standard points directly to the construction task of abrasive blasting operations that use slags that contain trace amounts of beryllium.

Another significant regulation undergoing review by the DOL is the Obama administration's changes to the injury reporting rules. Effective Dec. 1, 2016, the previous administration imposed unprecedented anti-retaliation requirements that effectively prohibited employers from routinely requiring drug tests following workplace accidents and from awarding incident-based safety incentives to employees.

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Workforce Drug Positivity Is at the Highest Rate in a Decade

BY JOANNA MASTERSON, SENIOR EDITOR, CONSTRUCTION EXECUTIVE

Driven by increases in cocaine, methamphetamine and marijuana, drug use by the American workforce remains at its highest rate in more than a decade, according to analysis released by Quest Diagnostics. Nationally, the positivity rate for the combined U.S. workforce held steady at 4.2 percent in 2017, the same as in 2016, but a significant increase from the 2012 positivity rate of 3.5 percent (a 30-year low). By comparison, the overall drug positivity rate among American workers was 13.6 percent in 1988.

The analysis of 2017 data also suggests shifting patterns of drug use, with cocaine positivity surging in Nebraska, Idaho, Washington, Nevada, Maryland and Wisconsin; amphetamines positivity skyrocketing in Illinois, Indiana, Michigan, Ohio and Wisconsin, as well as the Mid-Atlantic and South; and marijuana positivity continuing its five-year upward trajectory, especially in states with newer recreational use statutes (Nevada, Massachusetts and California). Prescription opiate positivity rates declined 17 percent on a national basis.



For an interactive map with positivity rates and trend lines by U.S. zip code, visit dtidrugmap.com.

LABOR, FROM PAGE 33

Those rules remain in effect as of this writing, and in December 2017, OSHA put into effect the electronic reporting of injuries. The Trump administration is reconsidering some aspects of the new rules, which have not yet been announced.

'WHITE COLLAR' OVERTIME RULE CHANGE REMAINS UNDER REVIEW

In 2016, at President Obama's direction, the DOL issued a new rule that radically increased the minimum salary for executive, administrative and professional employees to be exempt from being paid overtime under the Fair Labor Standards Act. ABC, along with many other business groups, sued the department in federal court

and succeeded in blocking the new overtime rule from taking effect.

In 2017, Secretary of Labor Alex Acosta announced a RFI on how to reconsider the court-enjoined overtime rule. The DOI's reconsideration is still ongoing at this time. Meanwhile, President Trump's nominee to be the new Wage and Hour Administrator has not yet been confirmed, further delaying the review process. Still, it is expected that a less disruptive white collar overtime rule will be issued.

NEW OFCCP LEADERSHIP ANNOUNCES TRANSPARENCY GOALS; EEOC REMAINS UNDER CONTROL OF OBAMA APPOINTEES

Labor Secretary Acosta has appointed Ondray Harris as

the new director of the Office of Federal Contract Compliance Programs (OFCCP). This agency enforces the many anti-discrimination and affirmative action requirements for government contractors, including the construction industry. Director Harris has announced the intent to increase transparency and reduce the level of confrontation that existed between OFCCP and the contracting community during the Obama administration, while continuing to enforce the agency's statutory mission.

The Equal Employment Opportunity Commission (EEOC), remained under the control of Obama appointees throughout the entire first year of the Trump presidency. The confirmation process for new Republican members of the agency has been stalled in the U.S. Senate. At a time when the

#metoo movement and other discrimination concerns has heightened the need for clear administrative agency guidance to the business community, it is regrettable that the EEOC has continued to operate without a full complement of Trump-appointed members.

Maury Baskin is a shareholder with Littler Mendelson, P.C. in Washington, D.C., and general counsel to Associated Builders and Contractors. For more information, call (202) 772-2526 or email mbaskin@littler.com.

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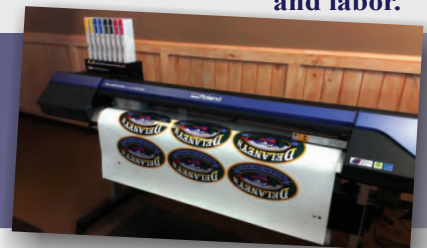
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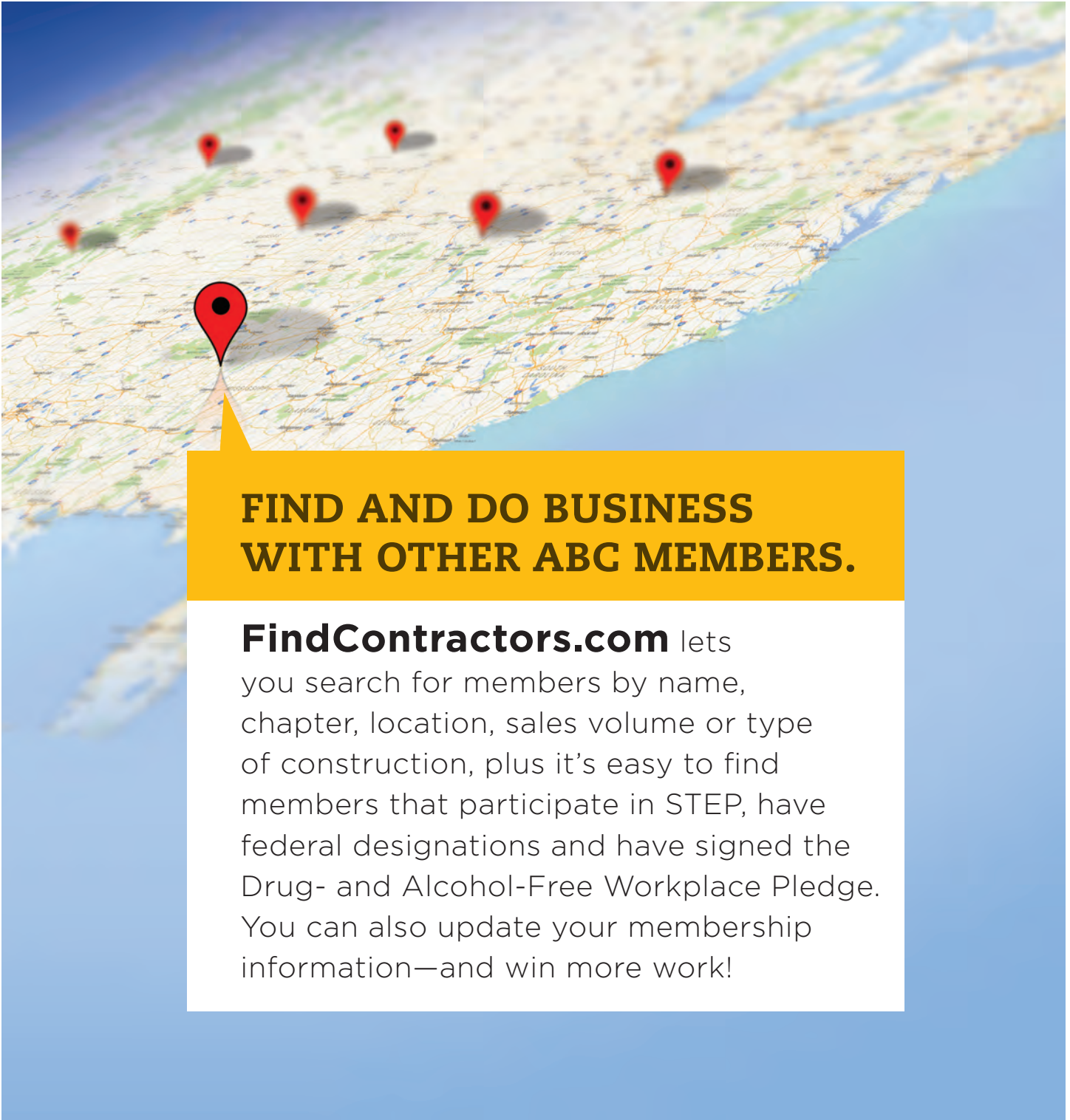
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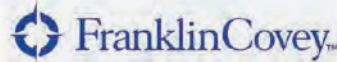


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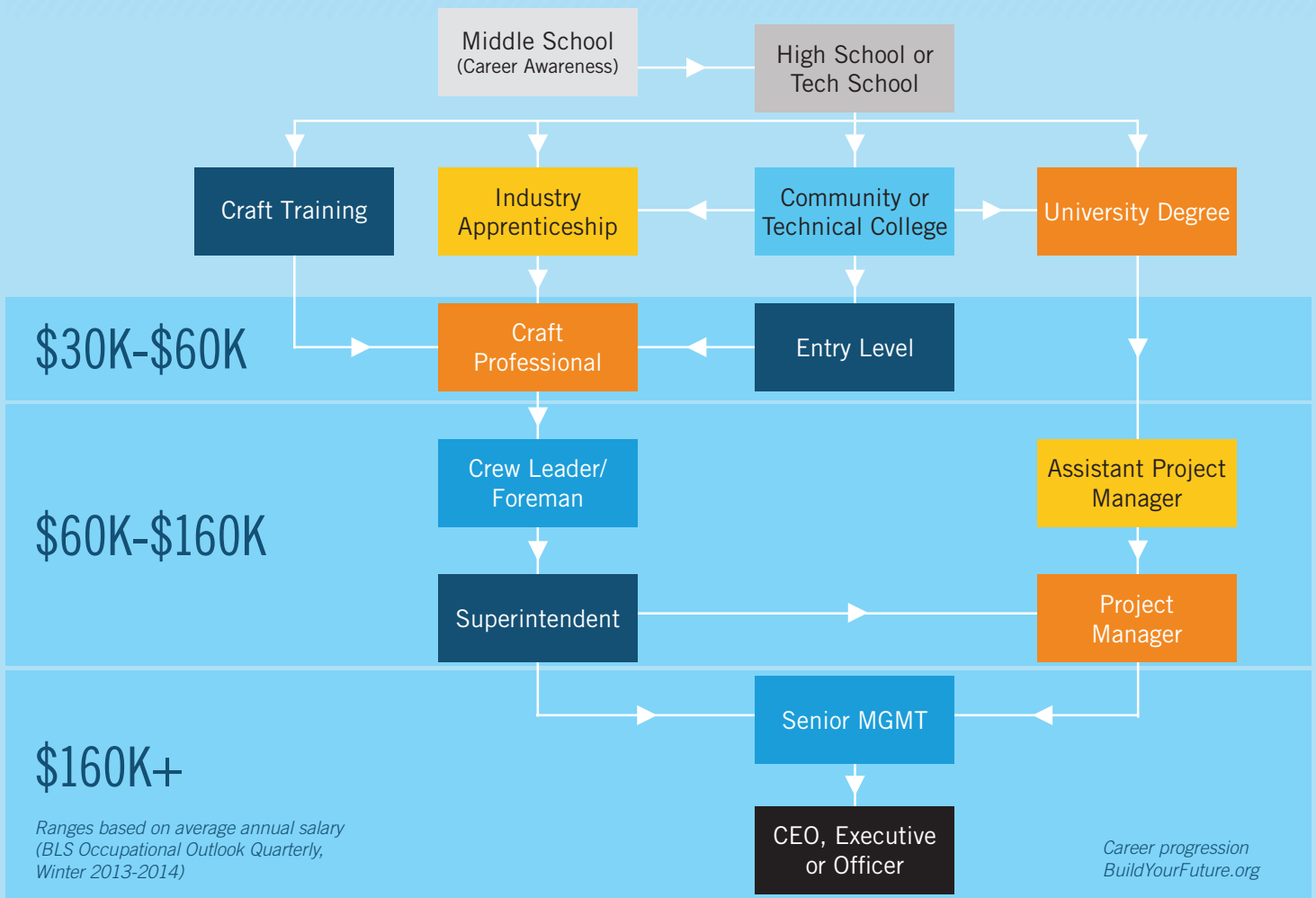
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US Department of Labor's 2013 Occupational Outlook Handbook

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