

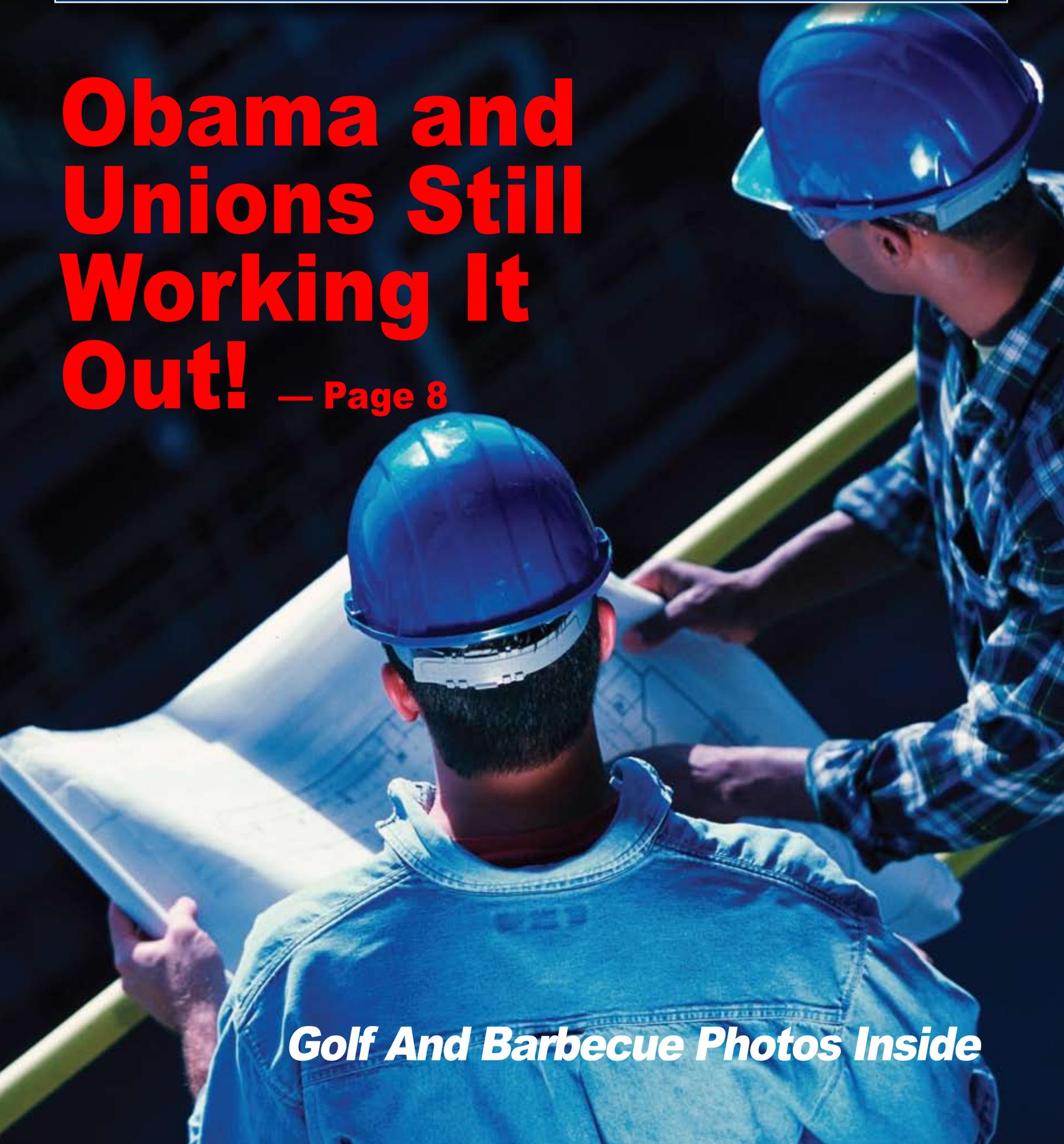
FALL 2009

OFF THE WALL

An Industry Publication by the Wall-Ceiling & Carpentry Industries of New York, Inc.

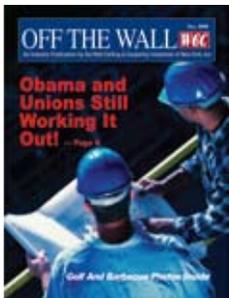
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Golf And Barbecue Photos Inside



CALENDAR

2009				
NOV	11 (WED)	7:30 AM	BOARD MEETING	OFFICE
	19 (THURS)	6:00 PM	MEMBERSHIP MEETING	TBD
DEC	8 (TUES)	4:00 PM	BOARD MEETING	NO. HEMP. CC
	8 (TUES)	6:00 PM	CHRISTMAS PARTY	NO. HEMP. CC
2010				
JAN	13 (WED)	7:30 AM	BOARD MEETING	OFFICE
	19 (TUES)	6:00 PM	MEMBERSHIP MEETING	TBD



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OFF THE WALL

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It's the Law!



*From the
Executive Director
Joseph Olivieri*

We Are Doing The Right Things...

This is still a very difficult time for the industry and your Association continues to work with our unions to formulate pricing that will help stimulate work.

The Building Trades Employers Association, of which we are a member, is working closely with its members on PLAs. The SCA (School Construction Authority) just completed a PLA agreement that we hope will stimulate union work in schools in NYC. In fact, 23 new school buildings, adding more than 13,000 school seats opened across all five NYC Boroughs for the start of the 2009-2010 school year and the City is on track to create 110,000 seats by 2012. This will be meaningful for us..

Other Project Labor Agreements are being worked on too, including an Interior Construction PLA and an outer borough PLA.

But while the awarding of projects remains a primary concern and one that your Association is making progress with, collecting money has been a vexing problem, and in this regard, our efforts have paid off big time. Your Association, along with the carpenters union and Cordo Company as advisor, has been able to modify the Prompt Pay Law. We are proud to announce a new bill was recently enacted by the New York State Legislature and signed into law by Governor Paterson.

This new Prompt Pay law will help all our contractors meet their obligations. Failure to pay contracts in a timely manner often jeopardizes the operation of contractors, sub contractors and material suppliers

and places the wages, benefits and jobs of employees at risk. The law ensures that payments required by construction contracts will be made in a timely manner as it provides the Department of Labor with greater authority to address violations of the statute that deprive employees of money they have earned. Contractors, sub-contractors, and material men who are paid promptly upon satisfactory completion of the work are then in a better position to pay their employees. Alternatively, binding arbitration will also be made available as a remedy to seek prompt payment.

Essential elements of the new law are:

1. Expands the construction contracts to which the law applies to all contracts above \$150,000, residential track developments above 75 units;
2. Requires payment post-approval within 30 days and prohibits contractual provisions that seek to circumvent the requirement;
3. Authorizes a sub-contractor to seek expedited binding arbitration in clear cut violation situations and prohibits contractual provisions which seek to prohibit the use of arbitration; and
4. Authorizes a sub-contractor or trustee of a benefit fund to seek redress for non-payment of wages at the Department of Labor once a violation of the Prompt Payment Law is established.

The law is designed to work as follows:

- Owners, GC's, contractors or subs can establish any contract they

want except payment after approval cannot be longer than 30 days and no contract can negate this provision or prevent binding arbitration.

- After work is performed and approved and the owner is paid (or anyone above in the chain), the person who performed the work must be paid in 30 days.

- If payment is not received after the 30 day period the contractor harmed may give notice of a violation to the non-paying party and that party has 15 days to cure.

- If after 15 days payment is not received, the aggrieved party has the discretion to seek expedited binding arbitration and the prevailing party will get attorney's fees.

- The aggrieved party may at the same time, or post arbitration, seek an investigation of the issue by the department of labor.

- The department has the authority to investigate a failure to pay wages occasioned by a violation of the general business law prompt payment provisions and issue a "statement setting the appropriate remedy."

- A union official and/or trustee may seek the same remedy from the department.

It is important to note that action by the Department of Labor presumes a violation of the Prompt Payment law that has resulted in the failure to pay wages and benefits. The Department will not get in the middle of a commercial dispute between two contractors.

Prompt Pay reform is a tremendous accomplishment and we applaud the Governor's signing this bill that will help to protect our contractors and the men and women they employ.

Yet, while we are greatly appreciative of the monumental step the new Prompt Pay Law generates, there is much more we need to accomplish. Your Association is also looking at insurance pricing and other options to help members be more competitive in a market that is struggling to make positive movement but continues to create concern.

We will keep you informed.

— Joe Olivieri



*From the
PRESIDENT
Michael Weber*

Pay Attention To Your Bottom Line

Here today gone tomorrow. The recession is taking hold on the economy in the Northeast. Now, more than ever contractors need to focus on running their business as lean as possible. Contractors who are not savvy and mindful of their costs tend to make poor business decisions that may jeopardize their ability to survive. It all comes down to survival of the fittest in times like this. It is vital to pay attention to your bottom line, make sound business decisions and with a little luck you will endure these hard times and still be around when the economy turns. Don't sink your ship with the anchor.

By now, you are all aware of the change in leadership at the New York City District Council of Carpenters. The Council is currently headed up by Frank Spencer, Eastern District Vice-President, along with Peter Thommassen. Our board is currently working with Frank and his team to discuss the change in leadership and the impact of Judge Haight's decision as related to our Collective Bargaining Agreement. We will keep you informed as our discussions progress on this matter.

Furthermore, I would like to show appreciation to all of the members that attended the conference in Puerto Rico. The weather was great; the conference was a success and informative seminars were given. One of the highlights was the presentation by John Rapaport. I would like to acknowledge John A. Rapaport, Director of Operations and General Council of Component Assembly Systems, Inc. for his educational seminar on Building Information Modeling (BIM). I want to promote the walls and ceilings membership to learn more about this subject matter. It is the new wave of the future so all should be on board with it.

Finally, I want to applaud all of the people who were awarded the Thomas Nastasi, Jr. Scholarship. It was a pleasure to review all of the applications and as always, very difficult to make the final decisions. Congratulations to all the winners listed below.

And, I look forward to seeing everybody at the Annual WC&C Christmas party. — *Mike Weber*

2009 Thomas Nastasi, Jr. Scholarship Awards

- Alexander Luke Viola
- Alexis Marie Mandato
- Amanda Rose Hrehorovich
- Christa Andra Crosby
- Danielle Cassidy
- David Campos Percevejo
- Edward J. Crean
- Emilija Bitinaityle
- Gene Vincent Thomsen
- Janiene C. McMaster
- Julianne Fairbrother
- Justine Hoch

- Kaitlin M. Ehl
- Kaitlyn Zaino
- KaylInn Catherine Gruenfelder
- Lauren Cassaretti
- Lauren Walsh
- Mary Alice Limperopulos
- Michael Manozzi
- Nicholas Charles Englese
- Robert Francis Loftus
- Sinead Gourley
- Taylor Walsh
- Whitney McKenzie

**Lumber Association's
Person of the Year**



Carmen Arguelles

Marjam Supply Company's Carmen Arguelles was chosen NY & SLA (New York and Suburban Lumber Association) Lumber Person of the Year. She is the first female in 120 years to be so honored. Those who voted for her were her peers in the industry.

Carmen's award was presented at a regional dinner in her honor in Queens on Oct. 1, 2009. She will be honored by the NRLA in February, along with the other regional recipients of the award.

WC&C members are often involved in activities or achieve goals which bring credit to themselves, their companies and their workers. We would like to let other members know of your exploits by publishing them in our "In The NEWS" segment in each issue of Off The Wall.

We invite you to send us your news. It can be as simple as a few lines or it can be a complete press release. We do reserve the right to edit as necessary. If there is a photo available in conjunction with the item, please include that too.

Please email your material to dgumbrecht@aol.com.

Ronsco, Inc. "Ryan's Walk" Team Raises \$100,000 For Walk Now For Autism Speaks

Ronsco, Inc. announced their record-breaking participation at this year's *Autism Speaks' Walk Now for Autism Speaks* through their "Ryan's Walk" team. The 1.5 mile Walk was held June 14, 2009, starting and ending at the South Street Seaport in Manhattan.

This year, "Ryan's Walk" became the first team in New York to reach a \$100,000 goal. "Ryan's Walk" was also honored this year to lead the Walk as Grand Marshall. Ronsco has showed its support for Autism Speaks in two previous years, raising \$65,000 their first year and \$86,000 their second year.

Lee Zaretsky, President of Ronsco, first got involved with Walk Now for Autism Speaks for personal reasons and has since recruited the support of his company, members of the construction industry, friends and family members to create a



"Ryan's Walk" team members gather at South Street Seaport after their record-breaking participation.

team of 75 people. As a Grand Club Member of the *New York City Walk Now for Autism Speaks*, Lee says "This Walk is our way of ensuring future generations will not have to live through what we do with autism and of helping and connecting with those who are affected by it in any way today."

Walk Now for Autism Speaks is the largest grassroots walk program in the United States and is the signature fundraising and awareness effort for Autism Speaks. Events take place across the United States, as well as in Canada and the United Kingdom. Driven by the families and friends of those affected by autism, *Walk Now for Autism Speaks* aims to generate funds for autism research as well as raise awareness for this complex disorder.

RONSCO, INC.

Ronsco, Inc. (Ronsco) is a full-service carpentry contracting company dedicated to meeting a client's drywall, acoustical and carpentry needs. Ronsco's team is trained in the latest technology and green construction practices, ensuring cutting edge solutions for complex commercial, institutional, retail, banking, hotel, residential and mixed-use construction assignments. Since 1960, Ronsco's clients have relied on the most knowledgeable management team in the industry, a talented union workforce, an unparalleled dedication to quality and a commitment to safety.

Michael Weber Honored at Good Samaritan Golf Tournament



2009 honorees, Michael Weber, Island Acoustics and William Maiorino, MD, with Charlie Bove', Good Samaritan Executive Vice President and CAO.

The 12th Annual Good Samaritan Golf Classic raised more than \$340,000 to benefit the Good Samaritan Hospital Foundation with Health Care Professional Education being highlighted. The event held in July at two spectacular courses, Southward Ho Country Club, Bay Shore and St. George's Golf and Country Club, East Setauket, with more than 300 golfers participating.

Honorees recognized at the event, William Maiorino, Sr., MD, and Island Acoustics represented by Michael Weber, president of WC&C. William Maiorino, Sr., MD, has been a valuable member of the Good Samaritan medical staff since 1961. He played an important role at this year's Golf Classic through joining the committee, donating his time-share in St. John's for the auction and bringing new golfers to the tournament. Island Acoustics was honored for the many years of generous donations the company has secured for the hospital.

The 2009 Classic sponsor was Astoria Federal Savings. Other major sponsors included Bower & Lawrence, Wiedersum Associates Architects, South Bay OB/GYN, Lewis, Johs, Avallone & Aviles, LLP, Island Acoustics, Master Mechanical, Hunter EMS, Sandler O'Neill & Partners, L.I. Anesthesiologists, PLLC, Lessings, Inc. and TD Bank. In honor of Good Samaritan's 50th anniversary, Stifel Nicolaus sponsored a special putting contest.

Since the tournament began it has raised almost three million dollars. Good Samaritan Executive Vice President and CAO Charlie Bove' recognized the tournament's sponsors and supporters at the awards dinner. "We're especially grateful to all of our corporate sponsor and individuals who work together to make the Golf Classic such a tremendous success."

During the awards presentation Golf Classic Chairman, William Laverty of Wiedersum Associates Architects, thanked all the sponsors for their generosity and participation at the Classic. As returning Chairman in 2010, Mr. Laverty will help raise funds for Good Samaritan to continue its mission of delivering the highest quality health care possible to the community.

WC&C Hosts Future of BIM Seminar Held for Construction and Design Professionals

The Association of Wall-Ceiling & Carpentry of New York hosted the Future of BIM, its first Building Information Modeling (BIM) seminar on Tuesday, September 29, 2009 at the Carpenters Labor-Management Technical College in lower Manhattan. Over 200 architects, design professionals and wall-ceiling contractors were in attendance to learn practical knowledge from professionals who have used BIM on New York City construction projects.

The seminar included three session panels. Jonathan Mallie and William Sharples from SHoP Construction Services presented “New Updates in BIM Technology”. John Rapaport of Component Assembly Systems and Anthony Mann of E-J Electric Installation Co. presented “What Subcontractors Are Doing in this Field”. Lastly, a discussion led by Glenn Gawronski from Turner Construction Co. on the use of BIM in the brand new Yankee Stadium was held. Architects and Engineers who participated in the program will receive three professional development hours for attending the seminar.



John Rapaport of Component Assembly System discusses “What are Subcontractors Doing In This Field” to large group turnout.



The FTC Gets Serious About Green Marketing Claims

Citing a “virtual tsunami” of environmental marketing claims during the past few years, the Federal Trade Commission (FTC) recently announced several initiatives designed to ensure that such claims do not confuse or mislead consumers. These initiatives are particularly relevant to any one promoting green developments, touting building materials as green, or otherwise



attempting to obtain a green certification for a project, explains construction law firm Seyfarth Shaw, LLP.

When the going gets tough, and it sure is tough these days, there is an increased temptation to jump on the currently fashionable bandwagon.

In the construction industry, as elsewhere, that bandwagon is colored green. But those who would be green must also be careful, lest they get beaten black and blue, and, worse, wind up the financial red.

In a new issue of its Construction Law Report — *Green Building in Construction*, Seyfarth Shaw addresses two major areas of concern—advertising greenness and contracting drafting issues arising in green construction.

First, Eric Boyd describes the work of the Federal Trade Commission and its Green Guides.

Second, David Blake, a LEED AP, looks at the new AIA Document A201-2007 General Conditions through a green lens. As always, you should consult knowledgeable counsel of your choice.

The complete report is available on the Seyfarth Shaw web site at <http://www.seyfarth.com/index.cfm/fuseaction/publications/publications/publications.cfm>. •

NYC Tracking Inspectors With GPS

New Tracking System Will Pinpoint Locations of Inspectors While On Duty

The NYC Department of Buildings announced a new program that uses global-positioning system (GPS) technology to track the locations of the Department's 379 inspectors throughout the City. The Department of Buildings (DOB) will begin to implement a new tracking system for the first group of inspectors through the use of GPS technology installed in their Department-issued cell phones. By the end of September, the routes of all construction inspectors, as well as inspectors from the Boilers, Cranes and Derricks, Electrical, Elevators and Plumbing units, are being monitored electronically through their cell phones. This program will better ensure the integrity of all inspections, while helping supervisors dispatch resources more efficiently and provide employees with greater security during the course of their duties.

“This new GPS-tracking system is a simple, innovative way to ensure inspectors reach their assigned locations and are held accountable for their important work,” said Commissioner LiMandri. “With this

technology, our inspectors can respond to a building-related emergency faster than ever before, and we can provide them with a greater measure of safety when they are working in the field.”

“We have asked the construction industry to raise its standards, and this new tool will help us raise ours,” said First Deputy Commissioner Fatma Amer. “Our job is to assess the safety of buildings throughout the City. This technology allows us to manage our resources more effectively and get the job done.”

Using a web-based system, inspection unit heads will be able to monitor the real-time movements of their inspectors from a computer at their work station or any other computer. For security purposes, inspection unit heads each will receive a confidential log-in name and password to access the tracking system and monitor the locations of their inspectors. The daily routes of inspectors generated from the new tracking system will be electronically recorded and stored in a Department database. •

Bloomberg Signs Construction Site Safety Measures

By Paul Bubny, GlobeSt.com, Bloomberg

Mayor Michael Bloomberg recently signed a quartet of bills intended to stiffen oversight at construction and demolition sites and bolster standpipe and sprinkler safety. The signing, which follows approval of the measures by the City Council, follows the enactment in June of five other laws drafted in response to the fatal 2007 fire at 130 Liberty St., the former Deutsche Bank building.

Introductory Number 993-A, mandates that plans be submitted to the Department of Buildings for review before a permit for demolition work is issued. Three other bills--994-A, 999-A and 1000-A--establish uniform color-coding of standpipe and sprinkler systems, require site safety managers to conduct regular checks of standpipes at construction and demolition sites and require both a master plumbing or master fire-suppression license and a permit to cut and cap standpipes or sprinklers during demolition projects.

In June, Bloomberg signed bills that, among other things, prohibit smoking at construction sites or on any floor where asbestos abatement activity is taking place. “As you may recall, the fire at 130 Liberty was started by a lit cigarette that had been left at the site,” Bloomberg said when signing those bills. He also signed measures establishing a framework for issuing permits on asbestos abatement projects, requiring the city's Department of Environmental Protection to provide guidance to contractors on how to maintain safe abatement project sites and mandating that the DOB, DEP and Fire Department develop a process to share building inspection data among the three departments.

These new laws, involved input from presidents Gary La Barbera of the Building and Construction Trades Council, Lou Coletti of the Building Trades Employers Assoc., Stephen Spinola of the Real Estate Board of New York and Frank Garito of the Environmental Contractors Assoc. of New York City. •

Obama and unions still working it out



By RANDOLPH HEASTER
The Kansas City Star

Organized labor has been waiting for this for years, perhaps even decades: There's a Democrat in the White House, and Democrats have tight-fisted control of both the U.S. House and Senate.

So the Employee Free Choice Act, labor's long-touted bill to make it easier for American workers to join a union, a bill that President Barack Obama gave full-throated support to in the 2008 campaign, should be a slam dunk to pass, right?

Not so fast. As many of us honor the American worker on Labor Day, the relationship between Obama and the country's unions is still evolving.

Labor voices were muffled for eight years under the Bush administration, but there's no question now that unions are being heard at the White House on a host of issues.

But are the unions just one small constituency that tries to influence the president's policies, or is Obama succumbing to the every whim of Big Labor like a New Deal Democrat?

"The unions definitely have the ear of this president," said Gary Chaison, industrial relations professor at Clark University in Worcester, Mass. "They like what Obama's done so far, but they certainly haven't been overwhelmed by him."

Countered Michael Frank, vice president of government relations for the Heritage Foundation, a conservative think tank: "Obama and labor have been walking around in the same hot tub for last seven or eight months. It almost takes my breath away how the interests of the unions are taken care of in virtually every piece of legislation that's passed so far. It's all being done in an insidious, under-the-radar kind of way."

Union leaders have applauded appointments Obama has made to federal labor agencies and boards, along with the job creation in the stimulus package and job preservation in the auto industry. They are fully behind his push for health care reform.

But his long-term standing may hinge on what happens with the Employee Free Choice Act, which would revise the 1940s-era National Labor Relations Act.

Labor backers say the NLRA is antiquated and has essentially ended organizing in the private sector, where less than 8 percent of employees are unionized.

By contrast, when the public sector is taken into account, 12.4 percent of the entire work force, or 16.7 million workers, belonged to unions in 2008. But in 1983, 20 percent of workers belonged to a union. At organized labor's

peak in the 1950s, nearly one-half of workers were union-represented.

Labor thinks the Employee Free Choice Act, or a version of it, could reverse its declines.

The bill would make it easier to join a union by letting a majority of employees in a workplace sign cards indicating they would like a bargaining unit. Under the current system, a card-signing campaign is followed by a secret-ballot election conducted by the National Labor Relations Board.

Labor groups contend employers have too much time between the card-signing and the election to harass and intimidate employees.

"It's almost impossible to organize anymore," said Rick Klingenberg, the vice president of United Auto Workers Local 710 in Kansas City. "Given the time between the card check and the election, companies can hold mandated meetings for employees to give their views. We have to rely on people voluntarily showing up someplace after work. They don't want to meet after listening to the company's scare tactics.

We need a level playing field."

Business groups argue that many employees just sign the cards to end the harassment from organizers and prefer to vote against representation in a secret-ballot election. (The card-check bill would allow a secret-ballot



election if 30 percent of the workers want it.)

The U.S. Chamber of Commerce has lobbied aggressively against the bill. It points out that the bill has two other provisions that employers should be concerned about, said Randel Johnson, the chamber's vice president of labor, immigration and employee benefits.

Under the current labor laws, bargaining over a contract continues until both sides reach an initial agreement. Union supporters say employers can use delay tactics to avoid reaching a first contract, frustrating the work force and eroding union support.

Under the bill, the dispute would be sent to arbitration, ensuring that an initial contract could be reached.

The act also contains stiffer penalties for violating the law. "Supporters of EFCA have been quick to demonize employers and mischaracterize existing law," Johnson said in a statement. "But you won't find union leadership discussing details of the bill, if they can help it. This is because changes to its three major components represent the most radical threat to balanced labor law in decades."

It is not yet eight months into Obama's term, so perhaps it is still too

early in assess how friendly he and labor ultimately will be. But the clock is running, analysts say, given that mid-term elections tend to go against the incumbent party.

This current period may be the unions' best chance for significant changes in federal labor laws since the early days of the Carter administration, said John Schmitt, an economist with the Center for Economic Policy and Research, a liberal think tank.

"If we don't see real labor-law reform by 2010, I don't think we'll see it again in my lifetime," said Schmitt, 47.

The union movement remains firmly behind Obama, supporting his push for health care reform. After that is accomplished, the AFL-CIO thinks the Employee Free Choice Act will move higher on the Obama agenda, said John Sweeney, the retiring president of the AFL-CIO.

Labor understood that Obama first had to deal with the national economic crisis.

"I believe the president has been focused on very serious problems that he has inherited and has been addressing these issues as quickly as he can," Sweeney said. "He has made it clear (he) supports the Employee Free Choice Act and will be speaking out more publicly after we pass health care."

The question among union observ-

ers is whether Obama will spend the political capital to push the bill through.

In 2007, he co-sponsored the Employee Free Choice Act in the Senate. But recently he said a compromise could get the votes needed in the Senate to get the bill passed.

"And what I think we have to do is find ways in which the core idea of the Employee Free Choice Act is preserved, which is, how do we make it easier for people who want to form a union to at least get a vote and have an even playing field?" Obama said at a town hall meeting in May in New Mexico. "I think it's going to have a chance for passage, but there's still more work to be done."

That has raised questions about whether Obama will go to the mat for labor.

At a recent forum of area union leaders, Billy Thompson, the president of Teamsters Local 838, said: "He ran on supporting the Employee Free Choice Act, and I'm still waiting for that to come out to the forefront. Evidently it's on the back burner."

Clem Wittman, a retired autoworker, agreed. "I thought that bill would be automatic, because it won't have a chance in 2010 in an election year," he said. •



It's The Law

By Erwin Popkin

Erwin Popkin is legal counsel to the Association of Wall-Ceiling & Carpentry Industries of New York, Inc. and maintains practice in Mineola, NY.

The U.S. Office of Management and Budget recently extended its approval of the newly revised Form I-9 (Employment Eligibility Verification form) until a new expiration date of August 31, 2012. Consequently, the form available online at www.uscis.gov now reflects a new revision date of August 7, 2009.

Until August 31, 2012, employers can still use the version of the Form I-9 with the revision date of either February 2, 2009 or August 7, 2009, for all new hires and reverifications. Revision dates are on the bottom right corner of the form. For more details and a printable version of the correct form, go to www.uscis.gov/I-9

Gov. David A. Patterson signed a bill September 8, 2009, to strengthen the state's prompt payment requirements to ensure that employees, contractors, and subcontractors are paid in a timely manner after completion of work under a construction contract (A. 6493).

The new law, which took effect immediately, expands the number of projects that are covered by the requirements and creates two new enforcement mechanisms for employees, contractors, and subcontractors.

Under the law, the threshold for contracts covered by the prompt payment requirement is lowered from \$250,000 to \$150,000, from 9,000 square feet to 4,500 square feet for residential projects, and from 150 units to 75 units for public housing.

In addition, the law authorizes the use of binding arbitration to resolve payment disputes and makes certain contract provisions

that delay payments unenforceable. The law also allows employees, unions and contractors to file a complaint with the state Department of Labor to report prompt payment violations.

Under the state's prompt payment law (Section 756 of the state General Business Law), final payments are generally required within 30 days of approval of a final invoice in a construction contract.

The U.S. Department of Labor (DOL) recently issued proposed regulations to implement President Barack Obama's executive order requiring government contractors to advise employees of their rights under the National Labor Relations Act (NLRA) to join and form labor unions. The executive order was one of four pro-labor orders aimed at federal contractors issued by Obama in the initial weeks of his presidency.

A carpentry company and its president that engaged in a double-breasting scheme are liable to several New York Carpenters' multi-employer benefit funds for \$2.5 million in unpaid contributions and other costs, a New York federal court August 13 ruled. The U.S. District Court for the Southern District of New York adopted the recommendation of U.S. Magistrate

Judge James Francis IV to hold Perimeter Interiors and Susan Reidy, its president and owner, jointly and severally liable for approximately \$2.5 million in unpaid fringe benefit contributions, prejudgment interest, attorneys' fees, and other costs.

In 2005, an auditor for the Carpenters' funds

determined that Perimeter owed a principal amount of approximately \$1.6 million in contributions for covered employees from 2002 through 2005. The auditor also discovered that Perimeter maintained a secret bank account for illegitimate purposes and made payments from the secret account to Speedy, along with payments to "cash," and 109 individuals.

Perimeter and Reidy asserted that the secret account was used to avoid taxes and skim money, according to court documents.

After the Carpenters brought suit under ERISA and LMRA, Perimeter failed to respond to discovery requests or provide business records while Reidy declined to be deposed and ultimately invoked her Fifth Amendment privilege against self-incrimination, refusing to answer any questions.

The magistrate, in his determination of damages, also noted that Perimeter and Reidy "... produced nothing, have refused to answer a single question, have set up a bank account to defraud the [Carpenters], and have written checks to individuals who previously performed covered work... Consequently, fringe benefit contributions are owed for all 109 individuals."

Speedy and Perimeter were alter egos that were both bound by the collective bargaining agreement, the magistrate concluded. In addition to sharing employees and a business address, Speedy's accountant testified that Reidy was his "primary contact as Speedy," and that her husband would not understand what they were "talking about from a general ledger point of view."

"In sum, the companies' management, supervision, employees, business purpose, and ownership are strikingly similar, and the two companies are thus alter egos of one another. Checks made to individuals from Speedy's account will therefore be considered to have been paid from Perimeter's account."

A regulation requiring that federal contractors use E-Verify, the federal government's electronic employment verification program, went into effect September 8 after two federal courts denied motions for an emergency injunction.

The district court for Maryland had upheld the E-verify regulation August 26. In addition, the U.S. Court of Appeals for the Fourth Circuit September 9 also rejected a motion filed by a business and contractor groups to block implementation of E-Verify.

Under the rule, all federal contractors must include an E-Verify contract clause in solicitations for new contracts. In addition, all federal contracting officers must modify, on a bilateral basis, existing indefinite delivery and indefinite quantity contracts to include the clause for future orders if the remaining period of performance extends beyond March 8, 2010.

Gov. David A. Patterson signed the State Green Building Construction Act (A.7246) August 26, requiring that construction of new state buildings and significant renovations of existing state buildings comply with green building standards.

The law amends a similar law enacted in 2008 by making the state Office of General Services (OGS) the primary state agency responsible for implementing the act. The new law also adds an article to the state Public

Buildings Law establishing the Act.

OGS, which oversees state facilities, will promulgate regulations that establish the green standards. Under the 2008 law, the state Department of Environmental Conservation was responsible for setting the standards. "The state of New York is committed to integrating sustainable design principles and energy efficiency into its building design and construction projects," Patterson said in a statement.

The Department of Labor's Employee Benefits Security Administration's enforcement activities will include a "brand new contributory plan criminal project" to prosecute violators who fail to forward participant contributions to employee benefit plans, Assistant Secretary of Labor Phyllis C. Borzi said September 14.

The program is designed "to target the most

egregious and persistent violations and to protect the most vulnerable employee populations, by pursuing criminal prosecution of individuals who commit crimes involving contributory health and retirement plans," Borzi told an employee benefits conference sponsored by the Labor Department and the American Society of Pension Professionals and Actuaries.

Examples of violations that would fall under this new enforcement project include embezzlement of plan assets, "primarily amounts withheld from employee checks but are never forwarded to their ultimate destination," Borzi said. She said another violation is "knowingly filing false 5500 forms" regarding employee plan contributions.

The criminal project is in addition to the department's ongoing compliance efforts to address the issue of delinquent participant contributions, which Borzi said remains both a problem and a priority for the department. •

Large Upcoming Construction Projects in the U.S. Northeast

Data Provided by RCD Project Research

The accompanying table shows 10 of the largest upcoming construction projects in the U.S. Northeast. They are all in the planning stage and are mainly new projects, but may also involve additions and/or alterations.

Shopping centers, hotels, office buildings, medical buildings, educational buildings, libraries and museums, sports and entertainment complexes, industrial projects and government buildings will all be covered on a rotating basis.

There are several reasons for highlighting upcoming large projects. Such jobs have often received a fair amount of media coverage. Therefore, people in the industry are on the lookout for when job-site work actually gets underway. And, as showcase projects, they highlight geographically where major construction projects are proceeding.

Finally, total construction activity is comprised of many small- and medium-sized projects and a limited number of very large developments. But the largest projects, simply by their nature, can dramatically affect total dollar volumes. In other words, the timing and size of these projects have an outsize-influence on market forecasts.

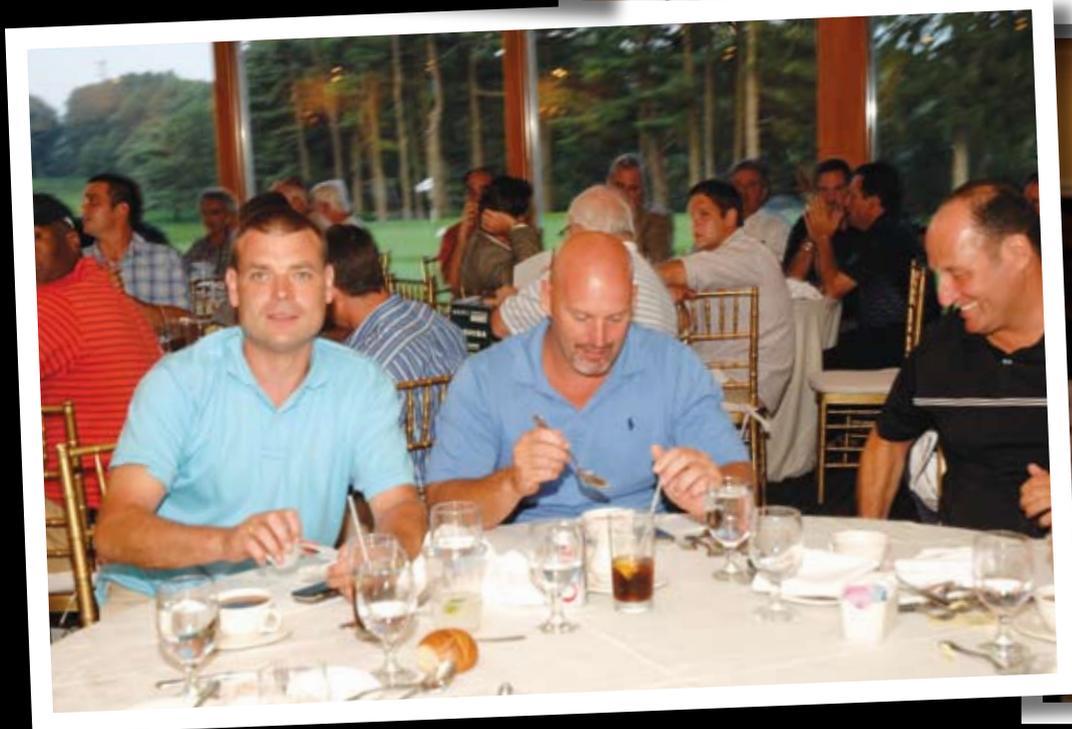
PROJECT TITLE AND OWNER/DEVELOPER	LOCATION	CURRENT STAGE	PROJECT VALUE U.S. \$ MILLIONS
BETH ISRAEL DEACONESS MEDICAL CENTER Beth Israel Deaconess Hospital	Boston, Suffolk MA	Conceptual Drawings	\$1,000
DESTINY USA RESORT PHASE 2 Pyramid Companies Destiny Field Office	Syracuse, Onondaga NY	Design Development	\$1,000
BEACON HARBOR MIXED USE VLG Real Estate Developers Bethlehem,	Albany Co NY	Schematics	\$1,000
CONEY ISLAND REDEVELOPMENT Thor Equities	Brooklyn, Kings Co NY	Proposed	\$1,000
YONKERS WATERFRONT MIXED USE Struever Fidelco Cappelli LLC	Yonkers, Westchester Co NY	Master Planning	\$1,000
GATEWAY REDEVELOPMENT PROJECT Cappelli Enterprise Inc	Yonkers, Westchester Co NY	Master Planning	\$1,000
TUXEDO RESERVE SOUTH VILLAGE The Related Companies	Tuxedo, Orange Co NY	Conceptual Drawings	\$1,000
WESTWOOD STATION New England Development/Packard Dev	Westwood, Norfolk MA	Working Drawings	\$1,000
MASHPEE WAMPANOAG CASINO The Waterford Hotel Group	Middleborough, Plymouth Co MA	Proposed	\$1,000
HUDSON YARDS MIXED USE DEVELOPMENT The Related Companies	New York, NY	Proposed	\$1,000

Data source: Reed Construction Data/Tables: Reed Construction Data – CanaData.



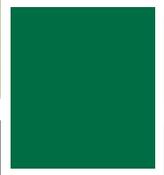
W&C Golf Outing

North Hempstead Country Club
The Village Club at Sands Point
August 3, 2009



MORE...





Bimboy: Web-Based Services Take The Hassle Out Of Managing Subcontractors

By Jeff Yoders
Building Design+Construction

As general contractors look to technology for an edge in the slowing commercial construction market, Web-based bidding programs are helping them to connect bid information, subcontractors, and proposals. A 2008 survey by the Construction Financial Management Association found that 62% of general contractors participated in Web-based construction bidding, vs. 43% in 2006.

Web-based bid invitation programs, such as iSqFt.com, SmartBidNet.com, and Smart-projectnews.com, give general contractors a private, secure place to invite subcontractors and suppliers to view and bid on their projects, distribute construction documents, and streamline the bidding process. The leader in the industry is Cincinnati-based iSqFt with about 700 contractor customers that each pay a fee of \$1,800 to \$10,000 with extra fees to add users and pre-qualification tools. SmartBidNet and the recently launched Smart Project News are quickly gaining customers.

SmartBidNet: Managing subcontractors

SmartBidNet, College Station, Texas, is the brainchild of founder and president James Benham. Benham invented the program while he was a student at Texas A&M as a replacement for fax-based subcontractor management services such as Bidfax. Unlike other programs, SmartBidNet is aimed directly at the general contractor. It makes mundane tasks such as subcontractor bidding, RFIs, and the sharing of construction documents easier.

In SmartBidNet's simple interface, general contractors can create a "favorites" list of subcontractors organized by location, skills, federal minority status, and other criteria, all for an annual fee. Bidders such as subs have free 24-hour access to project plans, specs, and other information on any project a general contractor posts to its SmartBidNet page. SmartBidNet also offers comprehensive subcontractor prequalification without extra fees. SmartBidNet charges \$4,000 a year for its service and only charges extra fees for fax communications.

SmartBidNet has 30 employees, 17 of whom are software engineers, and releases an updated version of SmartBidNet every month. Recent improvements to the site include streamlined imports to Sage Timberline Office and open integration.

Smart Project News: Supplying leads

Smart Project News is a recently launched online sub-

scription service created to provide both general contractors and subcontractors with project information and leads. Users can browse thousands of commercial construction projects from parent company Reed Construction Data's North American project databases and quickly identify the jobs with the most potential. (Note: Reed Construction Data and BD+C are owned by the same parent corporation, Reed Elsevier, Inc.)

Smart Project News users can select a specific project stage—planning, bidding, post-bid, etc.—to search for project opportunities, or they can cast a wider net and search for all projects in the database. Users can also limit their searches by distance, Zip code, (e.g., "10-mile radius from Charlotte, N.C."), project value, bid date, and owner type. You can also limit searches to prequalified and invited bidders. You can save projects you're interested in into a tab on the Smart Project News site and submit bids online. Users can also set up automated e-mail updates for projects in their area.

The project listings provide names and phone numbers of the entire Building Team for a post-bid project; for most projects, the service also supplies plans that can be downloaded as image files. For projects in the planning stage, Smart Project News provides an owner contact, general project information telling where the project lead was originally published, and special categories (e.g., "federal stimulus package project").

Subscription costs for Smart Project News are determined by the location (state, province, or metro area) but average around \$1,800 a year. Customers can also go to smartprojectnews.com and buy leads by the project through Reed Construction Data's SmartLeads service, at \$150 a project. The service was launched in August.

"As bonding is ratcheted up we're seeing prequalification happening more often," said SmartBidNet's Benham. "Our sales cycle has picked up as a result of that. Our customers are fighting for the work out there." •

Barbecue '09



Westbury Manor • August 18, 2009



Busy, Fun-Filled Evening...



Technology can make portable safety records possible, expert says

Three industry experts discuss the need to maintain portable safety records that encourage workers to be accountable for their actions. Meanwhile, Associated General Contractors Director of Safety and Health Kevin R. Cannon said changes to procedures for maintaining the records may raise privacy issues. However, he noted that finding a way to make safety records more available should be achievable with today's technology.

Proposal For Portable Safety Records Is Generating Dialogue and Controversy

ENR viewpoint kicks off a national safety discussion

By William J. Angelo ENR

In an industry already in crisis—with rising jobsite deaths and injuries and now in a rush to start and complete economic stimulus projects worth many billions of dollars—where, ultimately, does responsibility for worker safety lie? Does it, as some argue, rest partly with individual workers, or should employers, project owners or even the government be held fully accountable when there is an accident on a construction site?

Earlier this year, ENR published a Viewpoint titled, “We Need Personal Safety Records,” by Peter Lupo, director of safety for T.B. Penick & Sons Inc., a San Diego-based general contractor. In it, Lupo said, “I am convinced the only way to etch safety indelibly in the hearts and minds of workers is to engage each individual in a way that he or she cannot ignore, a way that makes the worker personally accountable for the individual's actions.”

Lupo suggested the Occupational Safety and Health Administration create and maintain personal safety records (PSRs) for workers, “similar to a driving abstract, a credit history or a criminal record,” listing safety infractions, incidents and accidents. Workers with good records would be in high demand, while a poor work history could result in “fines, demotion or other sanctions,” he said.

Lupo's Viewpoint resonated with many readers and drew multiple comments on our Website, enr.com. That led ENR to further develop the issue with two enhanced View-

points arguing pro and con: another from Lupo, and one from Pete Stafford, executive director of CPWR, the Center for Construction Research and Training, Silver Spring, Md., which is union affiliated.

While Lupo would like OSHA to be the PSR gatekeeper, the agency declined comment. Perhaps the insurance industry, having a vested financial interest in safety and controlling much industry data, should assume the role. However, that could be a problem. “PSRs would have to be regulated by OSHA or another government agency because releasing the data necessary could compromise an insurers duty to protect the policyholders' confidentiality,” says an industry insider.

But record keeping is only one aspect of this complex issue, and many questions remain. For instance, if a worker is dunned for poor safety practices, will a safe worker receive a higher wage rate? If a worker has an unsatisfactory safety record, will he or she ever be able to work in construction again? And what about supervisors—should they be held accountable for their workers? One member of the American Society of Safety Engineers, Des Plaines, Ill., noted, “While I like the idea, it is a bit over the top when you consider that OSHA will not even enforce the act that created the agency.”

Jay Greenspan, chairman of safety consultant JMJ Associates, Austin, Texas, agrees with Lupo's sentiment but disagrees with his strategy. He compares PSRs to road speed-tracking signs that flash if the driver exceeds the speed limit. “Would you call the police and report yourself?” he asks.

E. Colette Nelson, executive vice president of Alexandria, Va.-based American Subcontractors Association, led an ad hoc discussion with members who initially thought PSRs were a good idea but changed

their minds as they delved into the topic. “Contractors are interested in having accurate safety information on employees but they are concerned about privacy, the paperwork burden and recording accidents or incidents versus infractions,” says Nelson. “Members also raised questions as to what happens when someone is injured due to the negligence of another employee, especially on multiple- employer sites. Also, just how long does an infraction last on the PSR—a lifetime or can you remediate?”

The Construction Users Roundtable also discussed the issue. Arthur L. Goehry, safety committee member and senior director for project management at Johnson & Johnson, New Brunswick, N.J., wants to remove incentives and penalties. “Being refused possible employment should be reason enough for an employee to maintain a good safety record.”

Jerry Gorski, national chairman of the Associated Builders and Contractors, Arlington, Va., and president of Gorski Engineering Co. Inc., Collegeville, Pa., says...“On [ABC] member jobsites we expect all trades to watch each others' back, because everyone is accountable.”

The American Road & Transportation Builders Association, Washington, D.C., liked the idea. “An informal survey of safety leaders from ARTBA member companies confirms that unsafe employee acts are the primary cause of accidents,” says Bradley M. Sant, ARTBA vice president of safety and education. “The portable safety record is a good idea, especially if coupled with portable safety training records, but a government bureaucracy is not the way.”

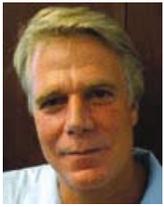
Associated General Contractors of America, Arlington, Va., Director of Safety and Health Kevin R. Cannon says, “While the suggested solution raises some important

privacy questions, given today's technology, finding a way to make safety information more readily available without controversy should be achievable."

Unrealistic Plan Poses Many Problems And Won't Do the Job

By Pete Stafford

Everyone reading this column agrees we want workers and contractors to have safe jobsites, but a personal safety record will do nothing to improve jobsite safety and could actually impede efforts to improve it. In practice, personal safety records are unrealistic.



STAFFORD

How will the federal Occupational Safety and Health Administration maintain "report cards" for some 11 million people in our industry, especially as many workers move from site to site with multiple employers in different states? What about the 2.5 million people classified as "independent contractors"? Under Mr. Lupo's system, are they "employers," or, since many work on sites as if they were wage-and-salary employees, would they be assigned worker cards?

Before discussing the problems such a system would cause, we should look at the big picture, using Bureau of Labor Statistics' data. Firms with fewer than 20 employees make up 90% of all U.S. construction establishments. They employ 40% of all workers, yet they suffer 55% of all fatalities. Large companies with more than 1,000 employees, usually with well-funded safety programs, have about half the rate of injuries and illnesses of companies with fewer than 50 employees.

The BLS data also holds somber statistics. Four workers, on average, die every workday on U.S. construction sites. Some 400,000 construction workers are injured annually; almost half are serious. Tens of thousands are exposed to hazardous chemicals, dust and fumes that can lead to serious, even fatal, illnesses later in life. Our work is so dangerous that we experience 22% of work-related fatalities but employ 8% of the workforce.

Yet a personal safety record puts responsibility squarely on the shoulders of those who have the least control over their situation and who will suffer the consequences of others' actions. Workers don't design jobs or draw

up schedules. They can be sent to a site without engineering controls, personal protective equipment or a safety plan or manager. They can be assigned a task requiring training but not receive any. They can be given poorly maintained tools and equipment that fails. Under Mr. Lupo's system, workers in these situations would be blamed if they were injured. His April 6 column describes a worker who "chose" to ignore safety rules. But he doesn't mention companies that choose to ignore safety regulations.

In fact, personal safety records would act as a disincentive for contractors to develop and maintain a positive safety culture. Contractors would risk improbably small chances of an OSHA fine. Site personnel not directly affected by fines could push workers to meet unrealistic timetables. Meanwhile, injured workers could be laid off or blacklisted. The system would disproportionately punish them for their employers' failings.

If incorporating a safety culture on a jobsite is our goal, then personal safety records works against it. Occupational psychology and organizational behavior research leaves little doubt that blaming victims who step forward and marking their permanent records for future disciplinary purposes is unlikely to result in the kind of change and risk reduction we all want.

What's more, personal safety records could easily exacerbate the problem of under-reported injuries. Recent research determined injuries among Hispanic workers are likely to be underreported to government sources. Our researchers found occupational deaths among Hispanic construction workers almost tripled from 1992 to 2006, but nonfatal injuries increased only by 92%. Oddly enough, nonfatal injury rates for Hispanic construction workers are lower than that of all other construction workers, yet Hispanic workers have higher fatality rates. The reason? Perhaps it's because jobsite fatalities almost always are reported, but injuries aren't. We know, anecdotally, workers on too many jobsites are encouraged to look the other way.

Workers who suffer injuries in silence or contractors who ignore injury reporting would make data reporting problems worse. Researchers already must allow for limitations in data collection. Unreported injuries would make data used to determine causes of injuries and illnesses less reliable, which would hamper our ability to develop useful interventions and evaluate their effectiveness.

If the problems generated by these scenarios aren't enough, personal safety records would create a nightmare of record keeping, paperwork and waste of taxpayer dollars.

There are 10.8 million people in the U.S. construction workforce. OSHA is already short-staffed and overburdened; in Florida, there is a ratio of one inspector per 176,000 employees. Do taxpayers really want to see OSHA's budget expand for this kind of record keeping? Shouldn't OSHA's priorities be enforcement of current laws and regulations and building safety cultures on worksites?

Consider the ramifications of this idea on the Occupational Health and Safety Act as written. Would personal safety records force a re-opening of the OSH Act? If so, that would consume the time of OSHA officials, who should be focused on protecting workers' health and safety, as well as Congress, which should be handling critically important issues affecting us all.

I can see how, in frustration, Mr. Lupo devised the personal safety record. In his original column, he profiled the incident of a worker who had been trained three times in fall protection and was wearing a harness. The worker "disconnected his lanyard to climb across some formwork that was being stripped. He fell 14 ft and severely injured his knee." He then notes, "The incident will cost the company over \$130,000 in workers' compensation cost claims alone," plus lost productivity on the site and among managers.

But this account gives no root-cause analysis of the incident and many facts are not known. Did the worker disconnect because he needed a tool out of his reach? Did a piece of the form give way? Was he being rushed on an assigned task? Did a foreman see him and fail to correct his behavior? Was he distracted, perhaps by a live load overhead? Since there was a recognized fall hazard, were passive controls considered? Learning safety practices requires feedback that is frequent, immediate and relevant to the work.

We believe many, if not almost all, workers' fatalities, injuries and illnesses are not self-induced. For example, one-third of workers killed by crane loads were not even involved in crane work, according to our research. Mobile cranes, which are often rented, were involved in 78% of deaths. Does that mean workers or even their supervisors were not properly trained in their operation?

What about workers who have career-ending illnesses and injuries, despite their efforts to work safely? Punishing physical work takes its toll: Back injuries result in more days away from work than any other type of injury. Repetitive-motion damage is one of hundreds of problems that also include contact dermatitis, silicosis, cancer and other conditions and

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Portable Safety Records

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illnesses not in a worker's control.

So when a well-trained worker abandons safety procedures, contractors should establish a process of progressive discipline rather than reach for personal safety records. Even better, contractors could use safety programs to focus on mentoring and encouraging workers and foremen to share near-misses to raise safety awareness on the job. A group of our researchers developed such a program, which has shown promising results of more reported safety behaviors and less pain and injuries.

While I disagree with Mr. Lupo's solution, I commend his desire to see construction injuries and fatalities reduced. He essentially poses the question, "Just who is responsible for jobsite safety and health?" The short answer is that we all are, beginning with the owner, project manager, architects, engineers, designers, general contractor, subcontractors, safety managers, foremen and yes, of course, the worker.

Just as well-trained, competent workers should shoulder their responsibility, the owner must start the process by requiring architects to identify safety hazards in their drawings, managers to designate safety personnel to build in safety systems, pre-project planning to identify hazards and plan for specific controls, contractors to be prequalified based on metrics indicating both past safety performance and the adequacy of planned safety practices prior to awarding contracts, along with the subs. They can ask if safety has been designed into the job by matching manpower and scheduling, and deliberately not stacking trades, by establishing safety committees, by encouraging managers, foremen and superintendents to engage workers in reporting unsafe working conditions and enable them to stop work without reprimand if they perceive a dangerous condition they cannot control. They could use safety programs with positive feedback that encourages everyone to maintain a safe jobsite.

By law, the employer is responsible for providing a safe and healthy jobsite. While workers must take responsibility for safety on the job, those responsibilities come with rights. Owners and contractors also have rights and responsibilities, one of which is to engineer safety into their jobs and factor those costs into their bids and bottom lines.

Pete Stafford is executive director of CPWR—The Center for Construction Research and Training, Silver Spring, Md. He can be reached at (301) 495-8500 or website@cpwr.com.

Accident Prevention Is Everyone's Responsibility

By Peter Lupo

The reaction from readers to my article "We Need Personal Safety Records," which suggested the federal Occupational Safety and Health Administration create and maintain personal safety records for individual workers, was a wide-ranging display of emotion and opinion. Reactions varied from enthusiastic to cautious to indignation at the idea individual workers should be held accountable for working safely.



LUPU

I was pleased by the spectrum of responses and hope this suggestion will launch an open dialogue about accountability for workplace safety. The issue cries out for input from stakeholders representing labor and management, and a viable plan will have to address all parties' opinions and concerns.

Looking at the feedback, there is evidently general agreement that the current record of three deaths per day at construction jobsites is abysmal and unacceptable. This is the starting point at which to craft a just and effective plan.

First, I would like to clarify a few points that were misunderstood or misinterpreted by some readers. I am not suggesting employers relinquish their accountability for the safety, health and well-being of their workers. I believe the current requirements should remain intact and be vigorously enforced. Contractors must continue to be responsible for safety training, ensuring safe and healthy workplaces and fostering a culture of safety throughout their organizations and worksites. I also support the existing method of regulating by statute safety engineering of materials and equipment.

However, the current system of regulating workplace safety is not wrong, but incomplete, because a critical component is missing: worker accountability. We need to make workers part of the safety infrastructure so all stakeholders are motivated and incentivized to achieve the same safety outcomes. My proposal is not about finding a scapegoat; it is about strengthening the overall safety infrastructure.

The intent is not to punish wrongdoing or point fingers. Rather, it is to allocate responsibility for safe practices to all parties, including workers who have the most at stake and are in the best position to ensure safe practices. I look for an outcome that will

give workers a seat at the table and involve them proactively in training, transparency and safe practices.

Several readers expressed concern OSHA may not be the appropriate agency to administer a personal safety record system. If it is not, an independent board, possibly from labor organizations, apprenticeship programs or training and accreditation groups, could step up to the plate and take on this role.

One reader suggested employers engage independent consultants to review accident reports and provide verification of the number of accidents and the cause or responsibility for them.

Other readers proposed a starter plan, perhaps some sort of voluntary system. One idea specified a voluntary safety scorecard, a wallet-sized card containing a record of an individual's safety history. Participation in this sort of voluntary program could be a first step toward a nationwide change in practices.

Many wrote to point out ways in which personal safety records might benefit safety-conscious trades, potentially making them eligible for bonuses, awards, special projects or other incentives. A clean safety record also could be used to gauge wage increases or other employment perks.

Clearly one of the greatest benefits of personal safety records is giving employers a tool to evaluate the safety history of prospective employees. Just as they currently review traffic abstracts for drivers and operators, employers would have access to objective data about past incidents and injuries and how these relate to the tradesperson's ability to do the job.

To those who fret this might be considered a form of profiling, I respond: Yes, that is the point! A program of personal safety records could enable employers to hire safe crews and make workers confident in their co-workers. More importantly, it would have a proactive influence, motivating and incentivizing careful, safety-conscious tradespeople to use best practices.

Several readers asked how the program might be implemented. How would employees' work records be measured? What if an employee failed to report an injury in order to protect his or her safety record? What if a worker was involved but not responsible for an incident? Of course, issues like these will have to be worked out. This is where industry experts will help develop solutions. In fact, several readers pointed out precedents. For instance, Canada has a personal safety accountability system that could serve as a model, and the U.S. Federal Rail Road Ad-

ministration allows for fines to individuals from \$500 to \$22,000 for violating rules.

Even more daunting than executing a plan, political pressure was seen as an obstacle to implementation. Several writers mentioned potential push-back from recalcitrant employers who do not have a strong safety ethic, and others pointed out entrenched labor interests may resist change and try to doom any meaningful effort to hold employees accountable for safety. Ultimately, it is workers who stand to benefit most from an effective system of personal safety records. With tools such as anonymous calls to a site's general contractor or to OSHA, employees can exert leverage over their employers in the interest of their safety. Furthermore, any labor or civil rights leader willing to "protect" employees by allowing them to kill or maim themselves or others on a jobsite needs to rethink their position.

I believe all construction trades have ample access to the resources, equipment and information necessary to enable them to take an active role in worksite safety. All apprenticeship programs teach safety, and apprentices are exposed to OSHA rules and procedures as well as Web-based resources and local experts. They also receive additional safety instruction through "journeyman upgrades" and other advanced trainings.

I believe all workers want to work safely in a safe environment. If I had told you back in 1990 that workers at a site would not be permitted to work more than six feet off the ground without 100% fall protection, you probably would have responded with disbelief. Today it is the law.

Many important and challenging issues have been raised in response to my proposal to establish a system of personal safety accountability in the construction industry. I acknowledge the devil is always in the details, and I agree it is imperative all stakeholders take part in the resolution of this issue.

Yet I remain convinced that, in our industry safety is everyone's business and everyone's responsibility. I repeat: Safety consciousness is possibly the most vital professional qualification for any construction-related tradesperson. With so many lives at stake, a worker's professional reputation seems reasonable collateral to ensure accountability for safety includes those whose very lives are on the line.

Peter Lupo is director of safety for T.B. Penick & Sons Inc., San Diego. He can be reached at (858) 558-1800 or petel@tbpennick.com. •

Keeping Unscheduled Time

by George Ambler, Image

"Every leader should routinely keep a substantial portion of his or her time—I would say as much as 50 percent—unscheduled. ... Only when you have substantial 'slop' in your schedule—unscheduled time—will you have the space to reflect on what you are doing, learn from experience, and recover from your inevitable mistakes. Leaders without such free time end up tackling issues only when there is an immediate or visible problem. Managers' typical response to my argument about free time is, 'That's all

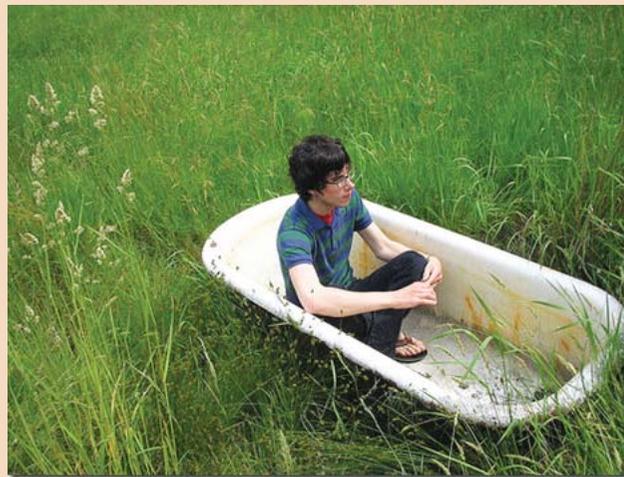


Photo by Bombardier

well and good, but there are things I have to do.' Yet we waste so much time in unproductive activity—it takes an enormous effort on the part of the leader to keep free time for the truly important things."

— Dov Frohman

Making time to reflect and think is a critical leadership practice. In its simplest form, reflecting is just thinking about what happened. It's the process of thinking about and examining what we've experienced, how we reacted and what changes we need to make to become more effective.

There are few people who make a conscious effort to learn from their experiences and fewer still learn from their mistakes. This is because reflection is not an automatic process for most people. Most of us make our way through life simply reacting to circumstances. To be effective leaders must make reflection a regular practice.

"Leaders like everyone else, are the sum of all their experiences, but, unlike others, they amount to more than the sum, because they make more of their experiences." — Warren Bennis, *Why Leaders Can't Lead*

A simple way to start the practice of reflection is by asking questions, questions about how we feel, about the results we are getting in our life, and what we can do differently to get different results. For example, find a quiet place where you are not going to be disturbed then, take an issue that's important to you, and ask yourself the following questions:

- * What happened?
- * What was I trying to achieve?
- * What went well and why?
- * What didn't go so well and why?
- * How did it affect me?
- * How did it affect others?
- * What were the consequences (positive or negative) for myself and others?
- * What could be done differently next time?
- * Would this change improve the consequences?

"Reflection is asking the questions that provoke self-awareness"

— Warren Bennis, *On Becoming a Leader*

As leaders much of our success is dependent on the way we think. Given this, it's important that we schedule regular time-out to reflect on how we are behaving, how we are thinking about a situation and what adjustments we might need to make to improve our effectiveness. When was the last time you spent reflecting on an issue that is important to you?

Contractor Insight Spurs Co-Development of ProSTUD™ Drywall Framing System

Leading Steel Manufacturers Meet the Needs of Steel Framing Industry with New Drywall Framing System

Engineers from leading steel framing manufacturers, ClarkWestern Building Systems, and Dietrich Metal Framing, a Worthington Industries company (NYSE:WOR), are co-developing the ProSTUD™ Drywall Framing System – the industry's next generation of drywall framing technology.

The patent pending ProSTUD Drywall Framing System combines innovative design with high-strength steel to set a new industry benchmark for high-performance drywall framing. The components in the system are lightweight and feature a number of technological advances to enhance stiffness. ProSTUD has also been extensively field tested for quality and ease of installation.

"The performance benefits of the ProSTUD system are truly unmatched in the market today," said John Roberts, president of Dietrich Metal Framing. "Not only is ProSTUD easy to handle and

install, it is a more efficient alternative to conventional framing as it requires less steel,

which benefits contractors, architects and building owners."

"ProSTUD is an industry-changing product designed with the contractor in mind," said Bill Courtney, president and CEO of ClarkWestern Building Systems. "Through creative efforts like this, we will continue to raise the bar in innovation to provide our customers with the most efficient and cost-effective steel framing products."

While Dietrich Metal Framing and ClarkWestern Building Systems are co-developing the ProSTUD Drywall Framing System, they will be independently selling ProSTUD products. The first manufacturing facility conversions for ProSTUD Drywall Framing System will take place in the fourth quarter of 2009.

For more information and an up-to date launch schedule for ProSTUD Drywall Framing System, visit ClarkWestern's ProSTUD Web Page.



Williams Brothers Introduces GY 3000 Series Lightweight Gypsum Ceiling Access Panels

Williams Brothers Corporation of America has introduced a lightweight, insulated, all aluminum access door for exterior applications, and also those specific interior applications where corrosion or moisture is a concern.

Access to large openings in walls and ceilings

is made easy. The aluminum door panel is lined with 3/4" polystyrene insulation.

Produced from a state-of-the-art lightweight gypsum based formula that exceeds all required specifications that the market expects.

The product is manufactured from inorganic material and with 70% post-consumer recycled glass, using a patented composition that consistently provides a superior product.

This gypsum panel is lightweight and features exceptional definition, high compressive strength, and zero mold and fungus growth.

It is moisture resistant, no warping, cracking or sagging.

The panel does not require framing, but can be connected to adjacent drywall using blocks or studs.

For more information visit www.wbdoors.com/wb_gy_3000.html.



Dietrich Facilities Receive Key Third-Party Code Compliance Certification

Dietrich Metal Framing, a Worthington Industries company, announced that their 12 manufacturing facilities that produce structural cold-formed

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steel framing have obtained the Steel Stud Manufacturers Association's (SSMA) code compliance certification. Dietrich is the first national manufacturer to receive certification for all of its facilities.

The SSMA, a Chicago-based trade association that represents manufacturers of steel studs, track and joists, recently launched a third-party code compliance certification program as a means for member manufacturers to certify that the structural cold-formed steel framing they produce complies with IBC 2006 code requirements.

The independent verification is conducted by Architectural Testing, Inc. (ATI) and is supported with random facility inspections, as well as testing and sampling of certified products to assure compliance with current IBC 2006 code requirements.

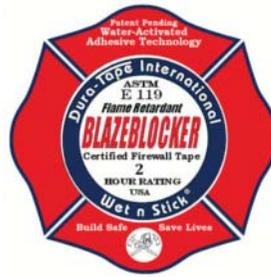
"Dietrich has been and remains committed to providing code compliant materials, along with training and education for contractors, architects, and code officials," said John Roberts, president of Dietrich Metal Framing. "This certification allows us to provide documentation that our products meet or exceed Code requirements." Dietrich Metal Framing has performed over 5,000 educational sessions for building industry professionals since 2005. These sessions include training on identifying non-code compliant materials.

Dietrich Metal Framing is the largest manufacturer of cold-formed steel framing products in the United States. Dietrich's employees use state-of-the-art equipment and in-house metallurgic labs to ensure superior product performance and competitive prices. Dietrich Metal Framing, founded in 1959, is a Worthington Industries Company.

Dura-Tape Introduces BLAZEBLOCKER™ Firewall Tape

Dura-Tape International unveils its patent pending BLAZEBLOCKER™

FIREWALL TAPE, meeting 2-hour ASTM E119 certification becoming the world's only code compliant paper tape for fire rated assembly. Combin-



ing the water-activated adhesive technology of Wet-n-Stick® with specially formulated fire retardants, BLAZEBLOCKER™ satisfies the fire code taping requirements without compound. BLAZEBLOCKER™ will not delaminate... GUARANTEED!

Using only water to join drywall, BLAZEBLOCKER™ also bonds to metal, wood and in most cases concrete, keeping the taped area free from errant drips and splashes that can cast a shadow on other trades (Plumbing, Electrical, HVAC, etc.) pre-inspected work. BLAZEBLOCKER™ efficiencies affect not only cost of materials and labor, but also eliminates the need to haul compound buckets, pans, mixing equipment and finishing tools for work above the grid. BLAZEBLOCKER™ will not delaminate... GUARANTEED!

For more information go to www.duratape.com.

Eco-Friendly Putty Knives and Scrapers

*New Warner tools made with
35 percent less material*

If you find that you still need a strong steel blade for the job at hand, you can still be "green" by using one of Warner's Softgrip Putty

Knives or Scrapers made with less material. This new line of heavy duty hand tool uses 35% less materials and is made in the USA which means less oil, less energy and a lot less



waste going into our landfills. These tools can be used again and again but should you find the need to dispose of tool, the blade can be pulled from the handle with some effort and sent to your local metal recycling center for those who choose to recycle.

Visit www.warnertool.com.

USG FIBEROCK reg; AQUA-TOUGH™ PANELS MEET 2009 TCA HANDBOOK CRITERIA

*For the third year in a row, USG products are an
acceptable substrate for wet and dry areas*

The TCA Handbook, published by the Tile Council of North America (TCNA), again included fiber-reinforced gypsum panels in its 2009 listing of substrates for wet areas in residential and light-commercial applications. This listing includes USG FIBEROCK AQUA-TOUGH interior panels, tile backerboard and underlayment. All three products have met TCA Handbook guidelines in 2007, 2008 and 2009 for "wet areas," with performance advantages such as ease of installation, no delamination risk, and integral moisture and mold resistance.

For additional information, contact USG, 550 W. Adams St., Chicago, IL 60661-3676 or visit the USG Web site at usg.com.

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Phillips' New Mini Veneer Corner Bead

Phillips Mini Veneer Bead (formerly known as Expanded Veneer Corner Bead) features mini-mesh formed from hot-dipped galvanized steel to ensure



clean, straight edges with veneer plastering. This product provides strong, durable finishes resistant to dents, gouges, abrasions and scuffs.

Fully expanded flanges and rigid pronounced edges provide quality keying, exacting grounds and superior bonding. Easy installation using standard industry practice. Mini Veneer Corner Bead is just one of the many products Phillips offers. Additional product information including submittals, MSDS, packaging sheets and more is available. Contact us at 1-800-822-5055 or email us at info@phillipsmfg.com.

Sto Corp. Expands Stucco System Warranty by Exclusive Joint Program with Structa Wire Corp.

No other stucco manufacturer offers a system warranty that includes metal reinforcement

Sto Corp., a world leader in cladding, coating, and restoration systems,



has announced an exclusive joint warranty program with

Structa Wire Corp., a British Columbia manufacturer of welded wire products for the lath and plaster industry.

Key Structa Wire products can now be covered in a StoPowerwall Stucco System warranty, which further extends Sto's ability to offer a more extensive systems solution in the stucco market.

"With this exclusive joint program, StoPowerwall stucco systems can now include the stucco reinforcement as part of the system warranty", said Bryce Brandon, Sto Corp. Market Manager. "This program extends Sto's industry leadership in providing practical and effective solutions for our markets."

Frank Arnold, National Sales Manager for Structa Wire, stated: "Structa Wire products are innovative, offering many advantages over standard reinforcement products. We offer lower installed cost, reduced cracking [due to innovative self-furring crimp], no curvature memory (rolled products), and easy and fast installation."

The Chrom-EX™ versions of Structa Wire products offer excellent corrosion resistance, which is especially important for coastal/marine climate zones. The Structa Wire products eligible for this joint warranty program include Structalath Twin Trac, Structalath Twin Trac with Chrom-EX™, Megalath, Megalath with Chrom-EX™, and V-Truss Corner with Chrom-EX™.

"We are looking forward to this new relationship," said Jeff Sacks, President of Structa Wire. "Structa Wire products and the StoPowerwall System are a good match allowing for a complete warranty opportunity protecting the wall and the project with the best in the industry."

Visit stocorp.com.

BUILD WITH WOOD, HELP THE ENVIRONMENT

When built with wood, a typical American home stores more greenhouse gases than the average car emits in a year. As trees grow, they absorb CO2 and break it into carbon and oxygen molecules. They release the oxygen back to the air, and combine the carbon with other building blocks to form wood fiber. After harvest and manufacture into building products, the carbon remains in wood for the life of the building and beyond.

Depending on the manufacturing scenario, wood wall studs, floor joists, and sheathing panels can be carbon negative, meaning they remove and store more climate-changing carbon dioxide (CO2) from the air than is required



to make and use them. As a result, wood-framed homes can play a positive role in helping reduce greenhouse gas emissions.

A group of 15 leading universities and research institutions found that homes built with wood store significant amounts of carbon. The researchers also found that building a wood home takes

at least 16 percent less energy than homes built with concrete or steel, taking into account raw material extraction, manufacturing, construction and eventual demolition and disposal.

In addition to the benefits of storing carbon, trees are a renewable resource unlike any other building product. And since we plant more than 100 million trees a year, you can rest assured (in your new home) that you've made the right environmental choice. — *Source: Weyerhaeuser*

Supress Sound-Engineered Drywall Earns One Hour Fire Rating in UL-Equivalent Testing

Supress Sound-Engineered Drywall has earned a one-hour fire-resistance rating in UL-equivalent testing conducted in accordance with the ASTM E 119 fire testing method for building construction and materials.

"This test confirms our belief that Supress Sound-Engineered Drywall not only provides superior sound suppression but is also a safe and reliable alternative to multiple layers of tradi-

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tional drywall,” said Bruce Donaldson, President Supress Products, Inc.

The fire-resistance rating was determined via two independent tests,

SUPRESS
SOUND-ENGINEERED PRODUCTS

each incorporating

a different residential wall construction and panel thickness of Supress Sound-Engineered Drywall. Conducted by Southwest Research Institute, the first test paired 7/8-inch Sound-Engineered Drywall with a non-load-bearing wall assembly of 20-gauge, 3 5/8-inch steel studs placed 16 inches on center. The second test, by Western Fire Center, was conducted with a load-bearing 2 x 4 wood-stud wall assembly finished with 5/8-inch Sound-Engineered Drywall. In each instance, the Supress product achieved a fire-resistance rating of one hour—a critical first step in the overall UL certification process.

Supress Sound-Engineered Products provide high-performance sound-proofing for walls, floors and ceilings in commercial, multi-family and residential structures. To obtain more information on Supress Sound-Engineered Drywall, Plywood, Adhesive and Acoustical Sealant, visit www.supress-products.com.

Teb-Mar Launches DrillJackII For Overhead Drilling

Teb-Mar Products Inc. of Ottawa, Ontario has introduced its answer to drilling and anchoring in concrete ceilings up to 13 feet (4 meters) high.



The DrillJackII is a tool that accommodates most hammer drills and enables all drilling to be performed with the operator standing on the floor. Proven to reduce labor cost by more than 50% the DrillJackII is a safe, non-tiring, portable and easy-to-use system for drilling overhead. The DrillJackII all steel construction is rugged yet only weighs 18 lbs (8.18 kg) without a ham-

mer drill.

A similar tool specifically aimed at suspended ceiling installers is the AnchorJackII. Working from the floor, wedge-type anchors with hanger wires are installed quickly and effortlessly, no hammering required.

Using the DrillJackII and the AnchorJackII in tandem, up to 1400 wedge-type anchors have been installed in an 8-hour shift. The DrillJackII is patented in the USA and Canada and is UL and CSA certified.

Visit www.tebmar.com.

Millennium Group's The Nailer—Drywall Backer Fastens Directly To The Stud

The Nailer is a patented drywall backer that fastens directly to the stud and allows the drywall to be directly fasted to The Nailer. The product is receiving international attention because it works equally as well on both metal and wood studs and eliminates the need for any additional blocking or sliders on inside corners and top plates. It substantially saves on material costs and labor.

The Nailer is one of the only green products that saves money for all that use it. The developer, the contractor and the owners all save. It makes homes and buildings more energy efficient while saving on natural resources.

The Nailer also meets all Leed specifications for commercial projects and has value in all building projects that have multiple offices as well as multi-family or condo conversion projects.

Jim Raymond, general manager of Better Than Ever Tools states, “We believe The Nailer is a product that the Canadian construction market has been looking for as it addresses many



issues that can help make drywall and framing contractors more competitive, while at the same time saving on energy costs.”

The Nailer is a product of the millennium group of Loveland Colorado. This patented product was first introduced in the United States last year and captured the attention of many contractors, developers and builders around the country. Canada is its second international market as it is already being sold in the United Kingdom. Whether drywall and framing contractor, builder, electrician, plumber, or insulating contractor, the product offers savings to all that use it on their projects. It is a green product and meets all Leed specifications.

More information at www.thenailer.com.

TEC® Launches AccuColor 100™

100% Silicone Sealant Offers Lasting Water Resistance, Comes in 21 Colors

Specialty Construction Brands, Inc. has announced the introduction of AccuColor 100™ to its TEC® family of installation products. This new product is a 100% silicone sealant formulated for superior performance in demanding wet application areas involving natural stone, ceramic and porcelain tile, metals, wood, glass, masonry and plastic surfaces.

AccuColor 100™ resists water and most common chemicals to provide flexible, long lasting seals for both interior and exterior applications. With excellent durability and non-corrosive properties, this new sealant weathers the demands of moisture in indoor kitchens and baths as well as outdoor swimming pools, spas and fountains.

Available in 21 popular color options, AccuColor 100™ is designed to match the TEC® brand's most widely used grout colors. Additionally, it's an easy-to-use, low odor sealant with a neutral cure (essential for confined work areas) and 50% joint movement. The design versatility, coupled with

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the simplicity of use during installation, makes the product the preferred sealant for contractors and property owners alike.

AccuColor 100™ meets ASTM C920 Type S, NS, Class 25 and is available immediately nationwide.

For more information or to find the nearest outlet, log onto www.tecspecialty.com.

LENOX Introduces The Plastic Tubing

LENOX, a leading manufacturer of premium power tool accessories, hand tools, torches, solder and band saw blades, announces the introduction of the

LENOX Plastic Tubing Cutter. The rugged, ergonomic design delivers straight, clean cuts with less effort.



The patent-pending blade on the LENOX Plastic Tubing Cutter is made with serrated stainless steel that requires 25% less cutting force than other cutters on the market. The comfortable grip of the rubberized handles allow for a secure grip in both wet and dry conditions. To go the extra mile, LENOX has designed the cutter with a conveniently located locking latch that allows for true one-handed operation of the spring-loaded cutter; freeing the other hand to stabilize the tube.

"The LENOX Plastic Tubing Cutter stays sharp longer to decrease the chance of the crushing that can occur with a dull blade," stated Emily Furnal, senior product manager, LENOX. "Straight, flush cuts are extremely important when cutting plastic tubing. The straighter the cut, the more contact the tube will have to the fitting which significantly reduces the chances of leaks."

The new LENOX Plastic Tubing

Cutter is designed for optimal use on up to 1" soft plastic tubing like PEX, PE and PB, and flexible hose. LENOX will introduce a full line of cutters in December 2008. The full line will range from 1" to 2-3/8" O.D. and cut all materials from CPVC and PVC to PEX and poly pipe. Each features the patent-pending serrated blade and comfortable grips. LENOX Plastic Tubing Cutters are sold through electrical, plumbing, HVAC and industrial distributors nationwide. To learn more, or to find your nearest distributor, call 1-800-628-8810

Knight-Celotex Cant Strip and Tapered Edge for Torch-Down Application

Knight-Celotex introduces Structodek® TD™ Cant Strip and Tapered Edge, the next generation, flame resistant composite-based component for use in roof transitions. When combined with

Structodek TD roof board it provides a complete fire-retardant solution for low-slope commercial roofs.

Contains all the benefits of Structodek TD including excellent fire resistance. Structodek TD roof board meets UL 790 Class A and UL 723, is more durable than perlite with high R-Value. It is dimensionally stable, environmentally friendly, 100% recyclable, and may contribute to LEED points.

The product cuts with a knife and is lightweight – contractor preferred!

It provides excellent transition and slope properties for modified Bitumen systems (torch-down, hot and cold applied) and BUR. Custom sizes are available. For more information go to www.knightcelotexroofing.com.



Knight-Celotex Fiberboard
a Knight Company



Makita's New Jobsite Miter Saw Stand Is Perfect Companion To Makita's Best-In-Class Miter Saws

Makita U.S.A., Inc., manufacturer of high quality industrial power tools and accessories, is proud to announce the release of its new Jobsite Miter

Saw Stand, model 195083-4. The new jobsite miter saw stand adjusts to five positions with a spring-loaded mechanism for quick and easy set ups in seconds. It also includes a large platform base and material support extensions with feed roller to support long crown molding. The new stand is equipped with a large rubberized handle and solid rubber 12" wheels for easy jobsite portability.

"Makita's new LS1016L miter saw is the result of careful development and field research with building contractors and professional woodworkers, and this new jobsite miter saw stand was engineered with this same development and research in mind," said Joe Soto, product manager – pneumatics and residential construction. "This is a versatile and durable jobsite miter saw stand for a range of pro trades, wherever the job takes them."

Makita's new Jobsite Miter Saw Stand is engineered to fit most Makita miter saws, including the new 10" Dual Slide Compound Miter Saw (model LS1016L), Makita's newest miter saw that delivers the largest crown cutting capacity (vertically nested) in its class. The new stand is the perfect companion to a Makita miter saw for a broad range of trades including finish carpenters, professional woodworkers, case and base installers, cabinet in-



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stallers, cabinet manufacturers, closet installers, decking and flooring applications, siding installers, stair installers, and general contractors seeking a best-in-class jobsite miter saw stand.

Visit Makita at www.makita.com.

Hilti's PR 26 Green Rotating Laser: The New Color of Visibility

The Hilti PR 26 Green Rotating Laser is suitable for a variety of jobsite applications, from leveling suspended

ceilings and positioning drywall track to aligning and leveling formwork, as well as on-site preparations and excavations. The green laser greatly improves visibility in indoor applications compared to standard red lasers, while a new built-in alignment system improves productivity.

Depending on the intensity of ambient light, the PR 26 is four times more visible to the human eye than other class III laser, greatly improving productivity in large buildings with significant distance between walls. The PR 26 has a range up to 650 feet with the laser receiver. While contractors in the past would have to continuously stop working to move a laser closer to their work areas and realign it, the green laser of the Hilti PR 26 maintains its visibility so that contractors can keep working, enhancing productivity.

Each standard tool comes with a rechargeable battery pack and charger to provide customers 22 hours of continuous working time per full charge. Along with a housing that helps protect the unit from dust and water spray, a built-in shock warning system reduces the potential for off level measurements should the laser get knocked off level. Rated for use between -4° and 122° F (-20° to 45° C), the laser provides reliable, accurate service on the jobsite all year round. For more visit www.hilti.com.

HILTI



Johns Manville Introduces JM Corbond III™, a Premium High-Yield Closed-Cell Spray Foam Building Insulation

Acquisition of Montana-based Corbond Gives Customers Access to a Range of Advanced, Performance-Driven Building Insulations – from Fiber Glass to Foam



Johns Manville (JM), a Berkshire Hathaway company and global building products manufacturer, today introduced JM Corbond III™, a premium high-yield closed-cell spray foam insulation product that complements JM's full line of Formaldehyde-free™ fiber glass building insulation. This is a result of JM acquiring Corbond Corporation, a 26-year-old manufacturer of advanced spray foam insulation.

"Our customers asked for a spray foam product, and we answered their call with one of the most advanced, performance-driven closed-cell foams available," said Mike Lawrence, vice president and general manager for JM's Insulation Systems business. "The acquisition of Corbond allows



us to offer a continuum of high-quality insulation products. In addition to serving as a stand-alone insulation, JM Corbond III can be installed together with JM fiber glass to create hybrid systems that meet the demands of any project."

As a result of an increased focus on energy efficiency, spray foam represents one of the fastest-growing categories of insulation. "We found the right company with the right product solution for our customers," said JM CEO Todd Raba. "This is the right time to invest in enhancing our product portfolio, because it strengthens our existing business, and also positions JM for success as our markets recover."

JM Corbond III, which is immediately available, is a spray-applied, medium-density closed-cell polyurethane foam plastic insulation that can be used alone or in hybrid systems with JM fiber glass to create custom insulation solutions for residential, commercial and industrial applications. JM Corbond III offers the highest yield of any closed-cell foam building insulation, providing 5,000 to 5,200 board feet of coverage per set. It also provides superior thermal, moisture and cold-temperature performance and dimensional stability. It sprays at 3 inches per pass, allowing for maximum productivity.

Corbond is now a wholly owned subsidiary of JM. Corbond employees will continue operating out of the company's Belgrade, Mont., manufacturing facility, where JM plans to build a product demonstration and training facility.

"As part of the JM family, we now have access to world-class research and development to meet the extraordinary potential of a product we devoted 26 years to perfecting," said Corbond founder Neal Ganser, who will remain involved in the business. "This is a win for our customers, and a great fit for JM and for Corbond."

OSHA Introduces New York Area Community And Faith-Based Leaders To New Construction Safety Resource

OSHA has introduced a new construction safety training resource for Spanish-speaking construction workers to community and faith-based leaders from the Hudson Valley, New York City and Long Island in a presentation held at OSHA's Tarrytown Area Office.

"Knowledge of construction hazards and safeguards can prevent injuries and save lives," said Diana Cortez, OSHA's regional Hispanic coordinator in New York. "The challenge is to deliver that knowledge to vulnerable and hard-to-reach workers and to do so in a form that they understand and from a source they know and trust. Community and faith-based organizations are a vital link in reaching these workers."

Cortez and a representative from the

Construction Safety Council presented Focus 4 Hazards, a bilingual training kit that summarizes, in a clear, concise and easy-to-understand manner, the four major construction hazards and the steps workers can take to recognize, avoid and eliminate those hazards.

Community and faith-based organizations can use the kit to educate their constituencies and themselves on the recognition and avoidance of safety and health hazards associated with construction work.

"Effective safety and health management depends on workers being able to understand job-related hazards and the means to prevent and eliminate those hazards," said Robert Kulick, OSHA's regional administrator in New York. "Tools such as this are designed to bridge the language gap so that Spanish- and other non-English-speaking workers can safeguard themselves and their fellow workers."

Focus 4 Hazards was developed by the Construction Safety Council under an OSHA Susan Harwood Training Grant and is available in English, Spanish and Polish. More information is available at http://www.buildsafe.org/Focus_4.html.

"Watch List" Strengthens Integrity Of Outreach Training Program

In an effort to crack down on fraudulent trainers, OSHA is continuing to strengthen the integrity of its 36-year-old Outreach Training Program by publishing an "Outreach Trainer Watch List" of those who have had their trainer authorizations either revoked or suspended.

OSHA recently conducted an undercover investigation as part of its heightened effort to address fraudulent activity by trainers authorized through the OSHA Outreach Training Program. The investigation of a 10-hour course conducted by Don Barker, environmental health and safety director for Thor Construction in Las Vegas, revealed several examples of failure to comply with program guidelines. Barker's infractions included submitting falsified information regarding the instructional time spent on the topics, failing to collect and retain required documentation and inappropriately advising students not to contact OSHA to report hazards.

OSHA revoked Barker's Outreach Training authorization after he declined to appeal the decision and his name has been added to the "Watch List" on OSHA's Web site. The "Watch List," available at http://www.osha.gov/dte/outreach/construction_generalindustry/watchlist.html, will be updated weekly. OSHA is monitoring training programs and has provided a hotline at 847-297-4810 for individuals to file complaints about fraud and abuse.

"Trainers who fail to provide appropriate safety training will pay a stiff price for their fraudulent behavior," said Jordan Barab, acting assistant secretary of labor for OSHA. "A tighter record control procedure has been instituted requiring trainers to sign their reports and certify the class was conducted in accordance with OSHA's guidelines. Trainers face civil and criminal penalties under federal law if reports or certifications are found to have been falsified."

Trainers are authorized by completing a one-week OSHA trainer course through an OSHA Training Institute Education Center. The trainers are then eligible to teach 10-hour programs that provide basic information to workers and employers about workplace hazards and OSHA, and 30-hour courses in construction, maritime and general industry

Final Rule Issued Updating Personal Protective Equipment Standards

OSHA has published in the Federal Register a final rule revising the personal protective equipment (PPE) sections of its general industry, shipyard employment, longshoring and marine terminals standards concerning requirements for eye- and face-protective devices, and head and foot protection.

OSHA is updating the references in its regulations to reflect more recent editions of the applicable national consensus standards that incorporate advances in technology. OSHA requires that PPE be safely designed and constructed for the tasks performed.

"Workers exposed to occupational hazards requiring head, foot, or eye and face protection will now be provided protection based on a standard that reflects state-of-the-art technology and materials," said acting Assistant Secretary of Labor for OSHA Jordan Barab. "This final rule is another step in OSHA's efforts to update or remove references to outdated national consensus and industry standards."

Amendments to the PPE standards include a requirement that filter lenses and plates in eye-protective equipment meet a test for transmission of radiant energy such as light or infrared.

The final rule is effective October 9. For technical inquiries, contact Ted Twardowski, Directorate of Standards and Guidance, at 202-693-2070.

safety and health hazards.

The voluntary Outreach Training Program has grown to a national network of more than 16,000 independent trainers eligible to teach workers and employers about workplace hazards and provide OSHA 10-hour course completion cards. The program's success has prompted some states and cities to legislate a requirement that workers complete training to earn an OSHA 10-hour card as a condition of employment.

New OSHA Document Discusses Combustible Dust Hazards

Hazard Communication Guidance for Combustible Dusts (available online as pdf) is a new guidance document recently published by OSHA that assists chemical manufacturers and importers in recognizing the potential for dust explosions, identifying appropriate protective measures and the requirements for disseminating this information on material safety data sheets and labels.

Combustible dusts are solids finely ground into fine particles, fibers, chips, chunks or flakes that can cause a fire or explosion when suspended in air under certain conditions. Types of dusts include metal (aluminum and magnesium), wood, plastic or rubber, biosolids, coal, organic (such as flour, sugar and paper, among others), and dusts from certain textiles.

The document addresses the combustible dust hazards in relation to the Hazard Communication Standard, which is designed to ensure that chemical hazards are evaluated and the information concerning them is transmitted to employers and workers.

"Recent events have shown the devastation of combustible dust explosions resulting in worker loss of life and injuries," said acting Assistant Secretary of Labor for OSHA Jordan Barab. "This guidance document is a useful resource to prevent potentially catastrophic events."

Under the Occupational Safety and Health Act of 1970, OSHA's role is to assure safe and healthful working conditions for America's working men and women by setting and enforcing standards, and providing training, outreach and education. For more information, visit www.osha.gov.

National Emphasis Program Targets Workplaces That Release Highly Hazardous Chemicals

Facilities that could potentially release highly hazardous chemicals resulting in toxic fire or explosion hazards are the focus of a national emphasis program (NEP) developed by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA).

The program establishes policies and procedures for inspecting workplaces that are covered by OSHA's process safety management (PSM) standard.

The Chemical NEP, a one-year pilot program, outlines a new approach for compliance officers who conduct site inspections. The program's inspection process includes asking detailed questions designed to gather facts related to PSM requirements and verifying that employers' written and implemented PSM programs are consistent. During its first year, the Chemical NEP will be piloted in several regions around the country, using programmed inspections. •

U.S. Labor Department Awards More Than \$6.8 Million In Safety And Health Training Grants

WASHINGTON - The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) today awarded more than \$6.8 million in Susan Harwood Training Grants to 30 recipients, encompassing labor unions, employer associations, colleges and universities, and other nonprofit organizations. The training grants cover a two-year period.

"Safe jobs are our priority," said Secretary of Labor Hilda L. Solis. "Providing workers and employers the knowledge and tools they need to ensure safe working conditions is the best way to prevent workers from getting injured or killed on the job."

The Susan Harwood Training Grants support workplace safety and health programs that educate workers and employers in industries with high hazard and fatality rates, workers with limited English proficiency, hard-to-reach workers and supervisors, and small business employers. The grants support training programs that address hazards in both construction and general industry, such as crane safety, fall protection, combustible dust, and emergency preparedness and response (pandemic influenza). The agency received a record number of 345 applications this year.

The quality education and training programs receiving grants are designed to prevent work-related injuries, illnesses and deaths by providing the knowledge and tools that workers and employers need to identify and correct workplace safety and health hazards. This grant program is a crucial component to OSHA's efforts to provide workers with training about job hazards and their rights. It also provides employers with information about unsafe working conditions and their responsibilities under the Occupational Safety and Health (OSH) Act of 1970.

Editor's Note: A complete list of the 2009 Susan Harwood Training Grants recipients is posted at http://www.osha.gov/dte/sharwood/2009_grant_recipients.html.

E-Verify Prepared For Surge In Worker Eligibility

By Gautham Nagesh – Nextgov

A mandatory program for federal contractors that verifies the legal status of workers is processing requests in a timely fashion, according to the Homeland Security Department.

Federal contractors that were awarded contracts after Sept. 8 are required to use the E-Verify system to check if employees working on a new project if they are legally eligible to work in the United States. The system checks workers' Social Security numbers and immigration status against Social Security Administration and DHS databases. The requirement now is mandatory for federal contractors



awarded contracts worth more than \$100,000. Companies have 30 days following the award to sign up

for E-Verify and 90 days after registering to begin checking employees.

Since the requirement took effect, 1,408 additional companies have signed on to use E-Verify, bringing the total number of users to 150,851 as of Sept. 15. More than 10,000 federal contractors signed up in anticipation of the new requirement, said Bill Wright, spokesman for Citizenship and Immigration Services, which manages the system. The contractor rule was delayed several times before it went into effect this month.

Recently appointed CIS Director Alejandro Mayorkas questioned this week whether the program could process a surge in queries, but E-Verify successfully managed the increase and is capable of processing more, Wright said. CIS expects E-Verify to process about 9 million queries in fiscal 2009, an increase from the 6.6 million queries processed in fiscal 2008.

The system has been tested to handle as many as 60 million queries annually, he said. Wright added that expectations of a surge in queries due the contractor rule were overstated, mostly because employees have 120 days from the time they first sign up to verify employees.

"I've been trying to explain to people that even if all 169,000 federal contractors [had] signed up on Sept. 8 and they wanted all 3.8 million of their employees verified, the system [wouldn't] crash. It [wouldn't] even blink," Wright said. "This so-called surge is not going

to happen. [Companies] won't all do it on one day; they will spread it out obviously."

E-Verify is mandatory for employers in some states, including Mississippi and Arizona. Companies log on to a Web-based portal and sign up. Once enrolled, a manager or human resources official inputs employee data and waits for verification that the new hire is authorized to work in the United States. Nearly 97 percent of the queries are authorized within 24 hours. Most requests are answered within seconds.

The remaining 3.1 percent of the inquiries receive a reply of "tentative nonconfirmation," at which point the burden is on the company to prove its new hire is authorized to work in the United States. About 0.3 percent of employees contest their status and correct it, while 2.8 percent choose not to do so. The 2.8 percent figure likely reflects the percentage of workers who are not eligible to work in the United States, Wright said.

But it is the 0.3 percent, or approximately 24,000 queries annually, which concerns organizations like the American Civil Liberties Union. The ACLU has consistently opposed E-Verify and the requirement that federal contractors use it. The group's legislative counsel, Chris Calabrese, called the requirement "another roadblock to gainful employment for U.S. workers" and said the error rate is unacceptably high.

He said it is too early to tell whether the new requirement will lead to an increase in the error rate. "It's too early to know the

negative effects yet," Calabrese said. "They are going to be cumulative. . . . I'm predicting an exponential increase in the number of enrollees."

Wright said a number of mismatches are attributed to errors in SSA's database related to the status of naturalized citizens who have not updated their records. Employers are required to notify individuals who receive a tentative nonconfirmation. The employee has eight federal working days to contact SSA to correct their records.

"As the number of queries goes up, the mismatch rate is going down," Wright said. "The track is going the right way. We're working with Social Security Administration because we're getting high numbers of tentative nonconfirmations on naturalized citizens."

CIS is using photo screening to address the mismatch rate. In 2007 the agency added a photo-screening tool for immigrants who use a green card or employment authorization document as identification. The E-Verify system can access to a database of 15 million photographs, so employers can match the applicant with a photo in the system.

Wright said E-Verify doesn't include photos of U.S. citizens, but the agency is working with states to access databases of drivers license photos. Biometric requirements such as fingerprinting may be included in the system. Sen. Chuck Schumer, D-N.Y., has proposed requiring biometric authentication for every worker in the United States. •

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