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Grand Prix Results

Congratulations to all of the winners, and thanks to everyone who participated in April's Grand Prix event.

We had just under 60 racers on the track and 70 guests total...proving that this event is here to stay! The event seemed to go very smoothly and everyone appeared to have had a great time - all to benefit the Construction Education Center. Please provide any thoughts, ideas, or feedback that you have on the event. We welcome your input!

Special Thanks to our Sponsors:

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Left to right: Team LaRosa Racing Kurt Bednarczyk, Jake Ziter, James LaRosa, Dan Flannery, and Mike Mathieu

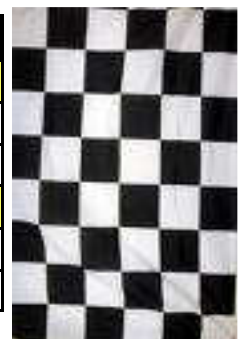
Waterbury's Hiring Ordinance Questioned

The Waterbury Board of Alderman will soon be voting on whether to rescind an 11-year old ordinance covering hiring practices for large municipal construction projects. Currently, the "Good Jobs Ordinance" has goals of 10% minorities, 30% residents, 5% women, and 25% apprentices on projects valued at more than \$600,000. The ordinance would be replaced with a revision to the city's procurement ordinance to set a goal of employing 30% Waterbury residents on projects over \$1M. Waterbury Corporate Counsel Craig Sullivan told the *Waterbury Republican American* that the "Good Jobs Ordinance" has been very difficult to enforce and the proposal is in response to concerns about lax enforcement brought to his attention from a committee Mayor Michael Jarjura established to review "Good Jobs" enforcement.

Meet The New Commissioners

Please save Tuesday, June 21 to meet with Commissioners DeFronzo (DAS), Esty (DEP), Marshall (DOL), and Rubenstein (DCP). Each agency is responsible for a portion of the regulations that contractors and subcontractors are responsible for complying with. Come learn what changes they are proposing and how the state's budget will affect DAS, DEP, DOL, and DCP regulatory programs. The breakfast will be held at the Hawthorne Inn in Berlin, CT from 8 to 10 am. Cost is \$35 for CT ABC and UCAC members. Non-members are \$50. Please call Suzanne at 860-529-5886, (x 105) or email suzanne@ctabc.org to register.

CATEGORY	NAME	TIME
1st Place: TEAM	LaRosa Building Group, LLC	44.258
2nd Place: TEAM	United Steel, Inc.	46.569
3rd Place: TEAM	Sarazin General Contractors, Inc.	46.563
1st Place: INDIVIDUAL	Dan Flannery (Team LaRosa)	42.201
2nd Place: INDIVIDUAL	Jake Ziter (Team LaRosa)	42.225
3rd Place: INDIVIDUAL	Steve Thibodeau	42.279



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Edward "Bud" F. O'Donnell, Jr., Esq.
ABC Labor and Employment Counsel

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210-210: Make a Difference at ABC's 2011 Legislative Conference

The recent U.S. House of Representatives vote on PLAs ended in a 210-210 tie. Imagine how your involvement would have changed the outcome! Now is the time for you to join ABC members on Capitol Hill at the ABC Legislative Conference, June 14-16 because together we can make a difference!

You will hear insights and perspectives from congressional leaders and Washington insiders on the most recent legislative developments and how they will impact your business and your bottom line. You also will have multiple opportunities to get informed and educate your members of Congress about ABC's most important core issues currently being debated on the hill, including union-only PLAs, health care reform, increased regulations and the National Labor Relations Board.

You know that every vote counts. Join your colleagues in the nation's capital and speak out as part of a unified, powerful voice. For more information and to register, visit www.abc.org/LegCon and be part of the answer.

CT ABC Member Contact Alert

We would like to alert you to a problem that one of the ABC chapters and members has recently reported with White Digital Media (WDM). Their representative contacted the member about doing a story on the company for their online publication implying a connection with the ABC chapter that does not exist. WDM then asked the company to provide them with a list of their subcontractors and vendors, a list WDM uses to pursue the company's subs to secure ad revenue for the publication. This organization is in no way connected to ABC. We've had other similar issues so please be advised that the only people that would be contacting members from CT ABC would be E&M Consulting as part of our Membership Directory preparation. Please be suspect and verify with us anyone else that may try to contact your company and implies a relationship with CT ABC.

Welcome New Members

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E-Verify Self Check Program

On March 21st, the U.S. Citizenship and Immigration Services (USCIS) launched a program that will allow workers to check their own employment status using E-Verify, a program that provides electronic verification of employment eligibility. When an individual enters their personal information into the E-Verify Self Check program, they will be informed of any mismatches between that information and the Department of Homeland Security or Social Security Administration records. If a discrepancy is found, Self Check will inform the user of how to correct those mismatches. To prevent abuse, E-Verify Self Check will confirm that the user is who he or she claims to be through an identity quiz, based on credit information.

USCIS is rolling out the program in phases and currently only workers who maintain an address and are physically located in Arizona, Idaho, Colorado, Mississippi, Virginia or the District of Columbia can participate.

Although the program is free for anyone to use, it is voluntary, meaning an employer cannot require an E-Verify self-check as proof of work authorization. USCIS cautioned that a worker who is asked by an employer to conduct a self-check would have grounds for contacting the Justice Department's Office of Special Counsel for Immigration-Related Unfair Employment Practices.

There is also a free and voluntary E-Verify program for non-federal contractors to use when checking a person's employment eligibility; however, a September 2009 rule makes the use of E-Verify mandatory for all federal contractors.



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Poor Record for PLAs

Government-mandated project labor agreements (PLAs) negatively impact construction project costs, competition, timeliness, quality, safety and diversity, according to a report released in April. Maurice Baskin of Venable LLP looked at published sources, including media accounts and academic studies, which examined the actual progress of projects to disprove the claims that PLAs result in cost savings, help avoid delays and increase safety.

The report lists overwhelming evidence showing that PLA projects have experienced cost overruns. As an example, the Boston Central Artery Project, often referred to as the Big Dig, not only came in billions of dollars over budget, but also suffered from several major defects, countering the claims that PLAs help control costs and improve the quality of construction projects.

By comparing numerous instances where projects were bid both with and without a PLA, the report also showed that in every instance, PLAs significantly reduced the number of bids, negatively impacting competition on construction projects and often leading to increased costs.

PLAs impacted the ability of minorities and women to work on projects as well, the report showed. In addition, the report refuted the claim that PLAs result in fewer delays by curbing labor disputes. According to the report, between 2001 and 2009, during the time when PLAs were prohibited on federal and federally assisted construction projects, there were no significant labor disputes that caused delays on federal projects.

Citing several instances where PLA projects suffered from serious violations, many of which resulted in fatalities and injuries to workers and bystanders, the report showed that safety does not increase on PLA projects, either.

The report also gives an overview of the legal history of PLAs, pointing out that numerous states and several counties and cities have prohibited PLA mandates on state and local government-funded projects. Additionally, it pointed to a series of successful bid protests filed against PLA mandates resulting from President Obama's Executive Order 13502, which encourages federal agencies to require the use of PLAs on federal projects.

"The published reports of PLA poor performance strongly support the assertion that government-mandated PLAs, aside from their questionable legality, are a bad bargain for taxpayers," the study stated. For more information on government-mandated PLAs visit www.thetruthaboutplas.com

OSHA's Residential Fall Protection Directive Upheld

On April 14th, the U.S. Court of Appeals for the Seventh Circuit rejected a challenge by the National Roofing Contractors Association to OSHA's December 2010 directive on the use of fall protection in residential

(Continued on page 7) See OSHA

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Aftermarket Equipment for Medium-Size Fleets

By Robert Guglielmo, Enterprise Fleet Management

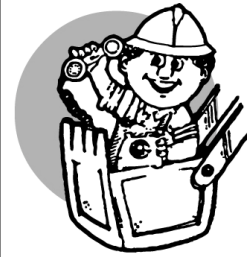
Matchmaking is never easy. With rapidly changing engineering and design of light and medium duty trucks, it is more challenging than ever to select the right aftermarket equipment for a specific vehicle. Furthermore, it is virtually impossible to effectively transfer aftermarket equipment between vehicle models. As in every relationship, compatibility is the main issue.

Over the last few years, it seems as if each manufacturer has customized each model with a unique set of characteristics. For example, variations in positioning of the fuel tank and exhaust system can create serious interference and clearance issues. As a result, some equipment that fits one model just won't fit another. With no standard layout, spec-ing aftermarket equipment requires experience, expertise and advance planning.

When installing aftermarket equipment, original equipment manufacturer upfit modification restrictions must always be followed. There is no viable alternative to doing it right the first time. Accurate selection and proper installation of aftermarket equipment impacts everything from vehicle performance, maintenance costs, resale value and compliance with various Federal Motor Vehicle Safety Standards (FMVSS).

Manufacturers continue to downsize vehicles to maximize fuel efficiency and improve performance. As a result, most pre-engineered, turnkey products, such as shelving, racks and bins, are generally not compatible with the height, width and space limitations of every make and model. For long-term satisfaction, quality control is critical and requires working with qualified vendors approved by manufacturers to guarantee the final product meets all final certification standards.

(Continued on page 7) See FLEET



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OSHA's Top 10 Most Frequently Cited Standards

The following is a list of the top 10 most frequently cited standards following inspections of worksites by federal OSHA, for Fiscal 2010 (Oct. 1, 2009 to Sept. 30, 2010). OSHA publishes this list to alert employers about these commonly cited standards so they can take steps to find and fix recognized hazards addressed in these and other standards before OSHA shows up. Far too many preventable injuries and illnesses occur in the workplace.

- 1926.451 – Scaffolding
- 1926.501 – Fall Protection
- 1910.1200 – Hazard Communication
- 1910.134 – Respiratory Protection
- 1926.1053 – Ladders
- 1910.147 – Lockout/Tagout
- 1910.305 – Electrical, Wiring Methods
- 1910.178 – Powered Industrial Trucks
- 1910.303 – Electrical, General Requirements
- 10. 1910.212 – Machine Guarding

1099 Vendor Tax Submission Requirement Repealed

Both the U.S. Senate and House approved of H.R. 4, Small Business Paperwork Elimination Act of 2011. This bill repeals the expanded tax reporting requirements included in the Patient Protection and Affordable Care Act aka the Obama Health Plan. A provision in the health care law mandated that, beginning in 2012, businesses would have to file a Form 1099 to all vendors, both incorporated and unincorporated, to which they pay at least \$600 annually for goods and services. The IRS and businesses around the nation supported the repeal as the 1099 would have been a burdensome paperwork requirement for employers and the tax agency.

New Rule for ADA Requirements

A final rule was issued March 25th implementing the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), which revises the ADA to more broadly interpret the definition of a disability. In addition, small businesses can now access a compliance guide for the ADA Title III regulations, which focus on making public areas and commercial facilities accessible for people with disabilities.

The ADAAA final rule, issued by the Equal Employment Opportunity Commission (EEOC), revised the proposed rule by incorporating comments, including those filed by ABC in November 2009. The EEOC is the federal agency tasked with enforcing and interpreting the provisions of the ADA that apply to employment.

Congress passed the ADAAA in September 2008 in response to several Supreme Court decisions that some believed interpreted the definition of disability too narrowly. Employers were required to begin complying with the changes contained in the amendments Jan. 1, 2009 – despite the lack of a final rule clarifying the EEOC's position on how it interpreted the new law.

Under the ADAAA a disability is defined as:

- A physical or mental impairment that substantially limits a major life activity;
- A record of physical or mental impairment that substantially limits a major life activity; or
- Being regarded as having such an impairment.

During the proposed rule phase of implementation ABC advised the EEOC to delete a section in the proposed rule that said an employer is considered to regard a person as disabled if he takes an employment action against that person based solely on a symptom of a perceived or actual impairment. ABC also expressed concern in its comments with the proposed rule's new interpretation of the major life activity of working. In the final rule, both provisions were removed.

In addition to the release of the ADAAA final rule, the Department of Justice (DOJ) March 23 issued a Small Business Compliance Guide for ADA Title III Regulations. Title III regulations update the 1991 ADA Standards for Accessible Design with regard to single user toilets, reach ranges, common use circulation paths in employee work areas, fitting rooms, accessible parking, places of assembly, public entrances, urinals, sales and service counters and truncated domes. It also expands the regulations to include new elements such as exercise facilities, fishing piers, golf and mini-golf courses, swimming pools wading pools, spas, play areas, and saunas and steam rooms. The rule became effective March 15, 2011 and compliance is required by March 15, 2012.

Private Nonresidential Construction Spending Higher in February

"We have known for some time that growth in construction volumes would shift from publicly financed construction to privately financed construction."

—ABC Chief Economist Anirban Basu

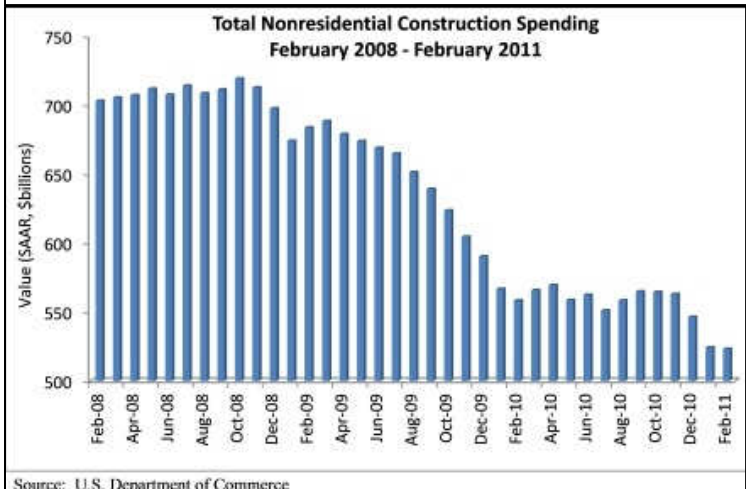
Private nonresidential construction spending increased 0.9% in February, according to the April 1 report by the U.S. Census Bureau. However, despite February's monthly performance, private nonresidential construction spending is down 13.2% from the same time last year. Total nonresidential construction spending – which includes both privately and publicly financed construction – stood at \$523.2 billion in February, down 0.2% for the month and down 6.3% from February 2010.

Six of the sixteen nonresidential construction sectors posted gains in spending on a monthly basis in February, including conservation and development, up 11.3%; manufacturing, up 5.4%; and power, up 2.5%. Five subsectors posted increases from the same time last year, including conservation and development, up 32.4%; highway and street, up 10.6%; and water supply construction, up 6.8%.

Those nonresidential construction sectors posting decreases for the month include water supply, down 5.9%; religious-related, down 3.8%; and educational construction, down 3.4%. The sectors with the largest year-over-year decreases include lodging, down 42%; manufacturing, down 30.1%; and office construction, down 19.9%.

Public nonresidential construction spending slipped 1.1% for the month, but is up 0.4% from one year ago. Residential construction spending fell 3.8% in February and 7.8% compared to the same time last year. Overall, total construction spending was down 1.4% in February and down 6.8% from February of last year.

(Continued on page 7 - See SPENDING)



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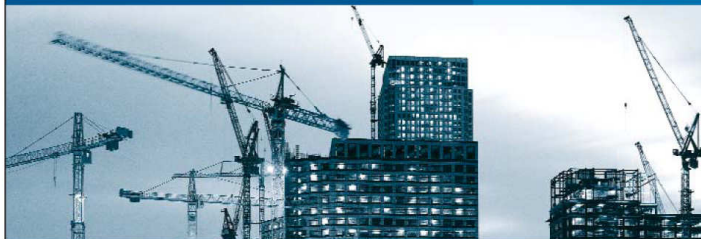
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FLEET (Continued from page 4)

Businesses with medium-size fleets can save time and money by working with a fleet management professional who can arrange for a vehicle to go directly from the manufacturer to the aftermarket provider before taking delivery. In addition to being more efficient and ensuring the vehicle is delivered in the best possible condition, this approach avoids downtime for a company that might otherwise have to send one or two employees to drop off and pick up a vehicle for aftermarket equipment instead of spending their time serving their customers.

If there is a problem with the aftermarket equipment installation, using an approved vendor that has built-in quality control and checkpoints makes it easier to determine responsibility. An actual case in point occurred when a company ordered a truck with a refrigeration unit but did not discover until several months later, when they tried for the first time to turn on the unit, that it had never been installed. Because the work had been done by a qualified vendor, there was a documented file and the problem was fixed immediately.

There is always the temptation to find a “deal” for aftermarket equipment. But for long-term satisfaction, optimal performance and best resale value, the best advice is to consider aftermarket equipment needs at the same time an order is placed for a new truck. A professional fleet management company will know what components work well together for different model vehicles, help anticipate wear and tear for company’s particular needs, and provide a solid quote.

Robert Guglielmo is an Account Executive for Enterprise Fleet Management in New York and can be contacted at 718-458-7920. Rob is supported by an experienced team of veteran mechanics and accredited Automotive Service Excellence (ASE) technicians to serve the fleet maintenance needs of businesses with mid-size fleets. In addition to maintenance management programs, Enterprise’s services include vehicle acquisition, fuel management and insurance programs, as well as vehicle registration, reporting and remarketing. Visit the company’s web site at www.efleets.com or call toll free 1-877-23-FLEET.

OSHA (Continued from page 3)

construction. OSHA’s new directive, Standard 03-11-002, rescinded the Interim Fall Protection Compliance Guidelines for Residential Construction, Standard 03-00-001. Prior to the issuance of this new directive, Standard 03-00-001 allowed employers engaged in certain residential construction activities to use specified alternative methods of fall protection rather than the conventional fall protection required by the residential construction fall protection standard. With the issuance of the new directive, all residential construction employers must comply with 29 Code of Federal Regulations 1926.501(b)(13). Where residential builders can demonstrate that traditional fall protection is not feasible, 29 CFR 1926.501(b)(13) still allows for alternative means of providing protection. Construction and roofing companies have until June 16,

(SPENDING - Continued from page 5)

Analysis

“Reading today’s report, signs of transition with the nation’s construction industry have become increasingly apparent,” said Associated Builders and Contractors Chief Economist Anirban Basu. “We have known for some time that growth in construction volumes would shift from publicly financed construction to privately financed construction.

“As the impact of federal stimulus wanes, and the broader economy continues to recover at a respectable clip, the volume of privately financed construction is now edging higher,” said Basu. “However, for the time being, that slender growth is being more than offset by decreases in publicly financed construction, including projects financed by state and local governments.

“This pattern is likely to continue into the summer. Demand for privately financed construction will probably expand only gradually due to an excess supply of hotel rooms, office space, retail space and industrial space in many markets,” Basu said. “In contrast, the recent decline of construction activity in segments heavily financed by state and local governments will likely continue on that path.”

Newly Proposed General Permit for Construction Sites

CT DEP is requesting public comment on the agency’s recently proposed General Permit for Stormwater Discharges at Construction Sites. Until this proposal become final, all General Permits for Stormwater Discharges at Construction Sites will be effective until September 2012. The new proposal would change how the permit is reviewed, moving the project’s pollution control plan review from DEP to the state’s CT Conservation District, post notice of plans on DEP’s website for public comment, require that turbidity be monitored, and invoke a sliding registration fee scale starting at \$1,500 and increasing depending on the size of the project. It is the owner of the project who is responsible for obtaining the stormwater permit. Contractors and subcontractors active on the site have to sign a certification that they are familiar with and will follow the General Permit and the Pollution Control Plan, which includes weekly inspections and soil erosion and sediment control. The construction industry is concerned that the new General Permit review process and increase in permit fees will discourage new and redevelopment projects. Comments on the proposal will be accepted until July 1, 2011; a public hearing is set for June 23, 2011. CT ABC will be commenting on the proposed rules. Members with concerns about the proposal should contact Faith Gavin Kuhn.

2011 to comply with the new directive. OSHA has developed training and compliance assistance materials for small employers to review, visit www.osha.gov.



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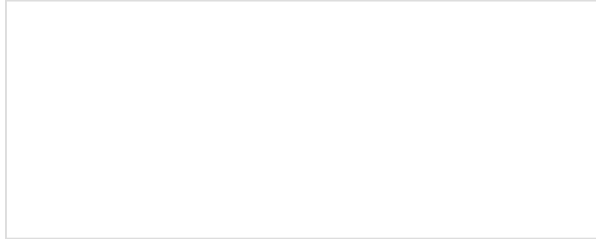
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Upcoming Events

May

5

Smart Start Breakfast:
Prevailing Wage Update (Rocky Hill)

11

Smart Start Breakfast:
Independent Contractor Update (Stratford)

18

Board of Directors Meeting

26

Nuts & Bolts: New Member Overview

June

6

Night at the Saloon/CEC Dinner
Cadillac Ranch (Southington)

21

Meet the Commissioners Breakfast
(Hawthorne Inn, Berlin)

22

Board of Directors Meeting



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