

BTEA Newsletter

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100 GROSSMAN DRIVE • SUITE 300 • BRAINTREE, MASSACHUSETTS 02184 — TEL. (781) 849-3220 • FAX (781) 849-3223

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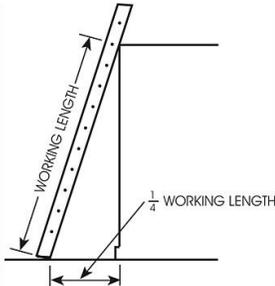
March 15, 2017

March is National Ladder Safety Month

Ladder-related incidents contributed to more than 150 workplace fatalities and more than 20,000 nonfatal workplace injuries among all industries in 2015. Ladder-related citations are among OSHA's "Top 10" list of most cited violations.

Here are some general ladder safety tips to keep in mind or pass onto your employees!

1. Tie off extension ladders and position with three rungs above the surface you are accessing. The proper angle is to place its base a quarter of the working length of the ladder from the wall



2. Follow all ladder instructions. Do not exceed the maximum load rating. Be aware of the ladder's load rating and weight it is supporting, including any tools or equipment.
3. Avoid electrical hazards! – Look for overhead power lines before handling a ladder
4. Do not use step ladder in the closed position unless designed to be used like this.
5. Never stand on top of a step ladder. Do not use step ladders to access upper surfaces
6. Inspect ladders before each use. No unauthorized repairs. If the ladder is damaged, it must be removed from service and tagged until repaired or discarded.
7. Do not place ladders on boxes barrels, scaffolds or other bases to gain additional height.

Stay safe and ask the BTEA about our Safety Consultant Services provided by Contractor's Risk Management.

Update on New Boston City Ordinances

With the rollout of the Boston Hot Work Safety Program and Boston Residents Jobs Policy, only one remaining major ordinance had yet to be unveiled. In December, this newsletter revealed that after discovering that a contractor employing two workers who drowned in a trench had previous OSHA violations, Mayor Walsh proposed a requirement that contractors seeking a city permit must submit a history of OSHA violations. After much discussion with industry representatives from NERCA and other associations, the city is cautiously moving forward with this program.

In February, the Department of Public Works announced a pilot program where any contractor seeking a permit to work in the street would have to submit a [signed affidavit](#) listing any OSHA violations as well as their Experience Modification Rating (EMR). This information would be used to determine if a company's safety record would merit a permit to conduct work in the street.

Don't Miss this Seminar Opportunity – Project Manager's Impact on Financial Outcomes April 5th – 8 AM – 1PM

David Ashcraft is coming to Boston to provide a half day training on financials for Project Managers. This training covers everything, including:

- Financial Definitions & Revenue Methods
- Financial Operating Cycle & Working Capital Cycle
- Income Statement, Balance Sheet, and Ratios
- Underbillings, Overbillings and Job Borrow
- Debt Structure & Profit Analysis
- Gross Profit Killers & Calculations
- Percentage of Completion Accounting
- WIP Case Study, Calculations, Conclusions

Sign up now at [Project Manager's Impact on Financial Outcomes Seminar](#)

Trump Labor Secretary Withdraws Nomination

As this newsletter reported, in one of his earliest nominations, President Trump put forward Hardee's and Carl's Jr. CEO Andy Puzder for Labor Secretary. After facing weeks of criticism over his company's franchisee's labor violations and personal allegations of spousal abuse, Mr. Puzder withdrew himself from consideration. Many political experts considered his confirmation a long shot in the Senate after political capital had to be used to get through other contentious nominations of Jeff Sessions and Betsy DeVos.

Considered a major setback for the Trump Administration, the withdrawal of the original nominee for Labor Secretary meant the next nominee would have to be a consensus pick that both Democrats and Republicans could get behind. By most accounts, the Trump Administration got it right the second time around.

Alex Acosta is a former member of the National Labor Relations Board, appointed by President George W. Bush. This means that he has already been confirmed previously. Since leaving the NLRB, Mr. Acosta has been serving as the Dean of Florida International University College of Law.



There is little doubt that Mr. Acosta will face a new level of scrutiny by Democrats skeptical of any Trump nominee, but he brings with him a long track record of legal work including his time as a clerk at the Third Circuit Court and as a NLRB nominee.

In ethics and disclosure documents filed last week, Mr. Acosta revealed an uncomplicated financial position. His only obstacle would be to resign from the Board of US Century Bank and potentially give up bonuses which he might otherwise be entitled to.

Construction Technology

Construction is a unique industry. Although technology has greatly improved the productivity of office staff, the same gains have been slower to filter out into the field. Some of this is because the complexity of building is resistant to automation, but part of it is also that individuals and companies are resistant to technology.

Major advances have been made in areas like building materials and prefabrication, but companies are beginning to understand that their field operations also need to advance technologically. Unfortunately, this task is more difficult than many employers are prepared to handle and most companies have not made the investments in technology which will allow them to successfully adopt new operational procedures.

In a [2016 survey](#) of construction companies conducted by JBKnowledge, 49% of construction contractors said they spent 1% or less on information technology. This despite 80% of companies recognizing that mobile field communications are important or very important.

Technology in the management office has been around for years, so most use a manual data entry process or spreadsheets for things like, prequalification (47%), estimating (29%), bidding (29%), and project management (22%). However, more and more companies are adopting specialized software designed for these tasks. For example, Sage and Viewpoint were the most used accounting software, Onscreen and Bluebeam were the most used takeoff products, and Microsoft Project dominated in scheduling software. However, these numbers were far better than responses to the field data collection and daily reporting processes, which most companies continue to do manually maybe by taking pictures on their smartphones but otherwise not fully utilizing technology.

Technology is now available to improve contractor's field operations. In a review of existing construction mobile applications, JBKnowledge found that 34% were for Field Data Collection. When integrated into the operational structure, these technologies can drive increases in profitability by facilitating daily operations.

Please join the BTEA and JBKnowledge for a [Construction Technology Seminar on April 12th](#). You will learn about the latest in construction technology from Rob McKinney "The Construction App Guru".

Right-to-Work Dealt Setback in NH

As this newsletter reported, Right to Work is being pushed across the country by newly empowered Republican legislatures. Already this year, Kentucky and Missouri have become Right to Work states.



New Hampshire, which is led by Republicans and has a new Republican Governor Chris Sununu, looked like it would become the 29th state to adopt Right to Work. SB 11 was a fast track bill designed after the model legislation from the conservative American Legislative Exchange Council (ALEC). It moved swiftly through the Senate by a one vote margin and appeared to have the support of the house.

Instead, in a surprise to many, Republicans in the House voted with their Democratic counterparts to recommend against the bill in the House Labor Committee. This led to a floor vote where the House voted 200 to 177 against enacting right to work legislation. And in an extra step, the House then voted to indefinitely postpone the measure, a parliamentary tactic that prevents any similar legislation from being filed for two years.

The failure of SB 11 put on display a divide amongst Republicans in Concord. Governor Sununu and state party leaders had put pressure on moderate Republicans in a last ditch effort to flip votes, going so far as to threaten to withhold financial support from the party based on their votes. However the case in favor of right to work was drowned out by unions who made their presence felt in public hearings and rallies.

Governor Sununu was quick to voice his disappointment in the House while still vowing to move other Republican priorities forward. "While it is clear that some House members did not understand this opportunity to unleash the untapped potential of our economy, I know that we can continue to work collaboratively on initiatives that will drive new business into the state."

How to Manage an OSHA Inspection

On March 16th the BTEA will be hosting a webinar offering advice from Attorney Jim Laboe on how to manage for an OSHA inspection.

In most instances, OSHA arrives to inspect a facility unexpectedly. As such, the employer is often unprepared to minimize liability as well as reduce interference with operations. The result may be significant OSHA citations and even an adverse effect on related liability issues such as damage or personal injury claims. To reduce this risk, the best way to address OSHA inspections is to prepare in advance by considering the issues that arise, and deciding to the extent possible how they will be addressed.

While every inspection is different and relationships with OSHA Area Offices may influence the approach to an inspection, there are certain issues which may be anticipated. By preparing in advance and carefully considering inspection protocols, the employer can assert some measure of control of the inspection process and may be able to significantly reduce OSHA and other liability.

Jim Laboe has more than 15 years' experience dealing with labor law. He has handled a number of large OSHA related cases often negotiating reduced fines or reclassified violations. He will offer his own experience in how contractors can be prepared for an OSHA inspection and how they should handle an OSHA violation.

Join this BTEA webinar by visiting our website through the link below or calling the Association Office at 781-849-3220.

LAST CHANCE to Attend March 16th Webinar!
[Managing an OSHA Inspection webinar –March 16th](#)



DID YOU KNOW ?!

Construction Technology Seminar - On April 12th – Learn about the latest in construction technology from Rob McKinney “The Construction App Guru”. This seminar will focus on identifying the best technology for contractors to put in the field and also explore some of the most common challenges of implementation.



Legislative Tracker



As Statehouses nationwide enter their legislative seasons, the BTEA strives to keep an eye on important legislation as it progresses. Across New England, many different priorities have taken shape, however there are also many common threads we can see through legislation. Here are some of the more typical subjects that have surfaced in our review of new legislation.

1. **Family Medical Leave** – Paid family and medical leave is a popular subject in state legislatures across the northeast. Rhode Island, New Jersey, and New York already have paid family and medical leave laws, while bills have been filed this session in Massachusetts (S.1048), Vermont (H.196), Connecticut (S.B.1), and New Hampshire (H.638). In many of these states the details of each bill are similar, employee payroll deductions go into a fund that could be used for partial wage replacement during periods of extended absence for things like maternity/paternity leave, or extended illness. Many of these bills were refiled from previous sessions and seem likely to pass, however New Hampshire has already determined that the bill will have to wait until the second session in 2018.

2. **Minimum Wage Increases** – In the face of what might seem unfavorable national conditions for labor, many north east states are contemplating minimum wage increases despite already having some of the highest minimum wages in the country. Below are the current minimum wages across the northeast. The average minimum wage for the northeast is \$9.39 compared to the federal minimum wage of \$7.25. In 2011, New Hampshire voted to repeal its state minimum wage and adopt the federal standard. In 2014, Connecticut, Massachusetts, Rhode Island, and Vermont instituted a minimum wage increase. In 2015, Rhode Island again acted and raised the minimum wage for 2016. In 2016, New York passed a law to raise the NYC minimum wage to \$15 per hour by 2018. Nonetheless, many states are eyeing additional changes. These include:

CT	\$ 10.10
MA	\$ 11.00
ME	\$ 9.00
NH	\$ 7.25
NJ	\$ 8.44
NY	\$ 9.70
RI	\$ 9.60
VT	\$ 10.00

- Connecticut (H.6208) proposing an increase to \$15 over the next 5 years.
- Massachusetts (S.1004) proposes a \$5.25 minimum wage for tipped employees with an automatic cost of living adjustment and requirement that wages plus tips equal the minimum wage.
- Maine (Question 4- 2016) required the state to raise minimum wage to \$12 by 2020. But Republican lawmakers want to overturn the removal of a tip credit (L.D. 702). This portion of the law required annual increases to tipped worker’s wages until they equaled the minimum wage.
- New Hampshire is the only northeast state without a state minimum wage and it’s going to stay that way. HV 115 proposed a minimum wage of \$12 by 2020 but it failed 193 -169 in the House.
- Rhode Island (S.289) would provide for an “opportunity wage”. This would essentially allow companies to pay 75% of minimum wage to employees 18 years old or younger for 1 year.
- Vermont (H.64 & H.93) both proposed a state minimum wage of \$15. H. 64 provides a 3 year timeline of increases, while H.93 draws out the increases over 5 years.