Union-Only PLAs Come Under Fire At Congressional Field Hearing

A special field hearing of the Senate Subcommittee on Employment, Safety and Training in Irvine, Calif., this month brought attention to the many problems associated with union-only PLAs in a region where PLAs have increasingly been the subject of debate.

ABC member Rick Peters, of Rivera Electric, Aliso Viejo, Calif., and Donald Faulk, an apprentice with Mel Smith Electric in Fullerton, Calif., joined several other merit shop contractors in criticizing PLAs at the hearing. The hearing was held in Orange County because of the recent adoption of a PLA there that virtually guarantees that all work on county projects will go to union contractors over the next five years.

Peters said, “PLAs are bad public policy and the taxpayer is subsidizing the spread of union membership and the inefficient use of public funds.”

“I personally have been involved in two cases in California where public agency staff conducted extensive review and recommended rejection of a PLA. The governing boards ignored their own staff’s recommendations and approved the agreements,” he said.

“While I and other merit shop contractors are not oblivious to the political forces at play behind the scenes, it is disingenuous and bordering on deceit for unions to convey arguments they as knowledgeable, experienced construction leaders know are not true.”

Faulk, enrolled in ABC’s electrical apprenticeship program, said, “This country was based on the concept of freedom... Please do not take away my freedom or Orange County’s freedom. Say no to PLAs.”

He continued, “This is a larger issue than many people realize and would affect a lot more than just the construction crews, electricians, plumbers, HVAC and fire protection crews. Project bids will be higher, project costs will increase, and quality will not improve.”

Sen. Tim Hutchinson (RS-Ark.), who chaired the meeting, said “Simply put, a construction contractor should not be forced to hire through a union shop, subsidize union dues and pay union wages in order to do business with the government.” He said (Continued on page two)

Congress Votes to Delay Development of Ergo Reg

Both the House and Senate recently approved measures that would prohibit OSHA funds from being used to develop, implement or enforce an ergonomics regulation.

The amendments, introduced by Sen. Michael Enzi (R-Wyo.) and Rep. Anne Northup (R-Ky.), were attached to the $342 billion Labor Department fiscal 2001 spending bill, which passed the House by a narrow 217-214 vote and currently is being debated in the Senate.

In both chambers, partisan Democrats were unsuccessful in their effort to use parliamentary tactics to strip the provision from the bill. ABC thanks Rep. Northup and Sen. Enzi, and other members of Congress who recognized that we simply do not have the data to support moving forward with an ergonomics regulation,” said ABC President W. Thomas Musser.

“There is a lack of scientific evidence on the cause and remedies for the various aches and pains that fall into the category of ‘ergonomic injuries.’

“Until we understand what activities in the workplace cause these injuries, and how we can prevent them, OSHA’s continued work on ergonomics regulations is at best misguided and at worst, a waste of limited government resources and taxpayer dollars,” he said.

For more information on the votes and ABC’s position on ergonomics, visit www.abc.org/ergo.

Please send your email address to your chapter so that ABC can respond to your requests in a more timely way.

The House overwhelmingly approved a bill (H.R. 8) that would repeal death taxes by 2010 through a gradual phaseout which would benefit small businesses owners who feel forced to restrict their company’s growth in order to do business with the government.”

The House voted 279-136 to approve the bill, creating what House Republicans called a “veto-proof” major-

5. Petrochem owners and contractors
6. The Arctic challenge
10. New Orleans Chapter and - Willis partner
14. 1950-2000: 50 Years of Building Merit Shop
Exceptional Projects Receive Award of Merit Honors at Convention

ABC presented its prestigious Awards of Merit for outstanding construction projects at the national convention in Baltimore. The Award of Merit is the second highest honor in the Excellence in Construction competition. The awards honor the entire construction team.

Below is a list of winners:

**Commercial**

**Electric**

**Historical Restoration**

**Industrial**

**Infrastructure/H Benny**

**Institutional**

**Interior**

**Mechanical**

**Public Works/ Environmental**
- Cajun Constructors, Inc., Haha Bayou Pumping Station, Clayton, La.; Trinity Contractors, GNB—Sodium Sulfate Crystallizer Project, Frisco, Texas.

**Renovation**

PLAs Come Under Fire at Hearing

(Continued from page 1)

PlAs discriminate against those contractors that choose to work open shop and unfairly increase the cost of construction to taxpayers.

Hutchinson added that his Open Competition Act (S. 1194) would prohibit federal government from discriminating in the award of federally funded contracts on the basis of union affiliation.

Rep. Gary Miller (R-Calif.) also participated in the hearing.

The hearing was just the latest salvo in ABC’s continuing effort to publicize the problems associated with PLAs.

ABC’s California chapters, with the assistance of ABC National, have staged news conferences, written opinion editorials and met with elected officials to spread the word that PLAs are bad public policy.

See PLA Watch page three for more PLA news.

Drug and Alcohol Abuse Still Plague Construction

Drug and alcohol abuse continues to be a problem in the construction industry. The latest figures from the Department of Health and Human Services’ National Household Survey show that 14.1 percent of the construction workforce used illegal drugs within the past 30 days. Approximately 12.4 percent of construction workers used alcohol heavily during the same period.

ABC has developed a drug testing program in partnership with Rapid Response/Instant Technologies, Norfolk, Va., that allows contractors to perform tests on the job site and in the office. Results are available in less than 10 minutes. Cost: $11.50 per test. For more information, contact Rapid Response/Instant Technologies, (877) 384-DRUG.

Deadline for NOVA Awards Is Sept. 15

The deadline for nominations for the Construction Innovation Forum’s annual NOVA awards honoring innovation in the construction industry is Sept. 15.

The Construction Innovation Forum is an international, non-profit organization that was formed in 1987 to recognize innovations that improve the quality, productivity and cost-effectiveness of the construction industry.

There is no entry fee, and you do not need to be a member of CIF to submit a nomination. A copy of the nomination form may be obtained by calling the CIF office at (734) 995-1855 or downloaded from the CIF website at www.cif.org.

Member Wins Two Delta Air Lines Tickets

Congratulations to Mark Onslow, field operations director at Onslow-Sheffield, Inc., Brighton, Mich., who won two free Delta Air Lines tickets at a drawing at the 50th anniversary convention.

Delta is an associate supplier member of ABC and offers ABC members discounts to most ABC national meetings.
Court Says Colorado Law Not Pre-empted by ERISA

A Colorado law requiring apprentices to work on a one-to-one ratio with journeymen is not pre-empted by the Employee Retirement Income Security Act (ERISA), said the U.S. Court of Appeals for the 10th Circuit.

ABC member-firm Willmar Electric Service had argued that since the company’s training program—which used the Wheels of Learning curricula and included instructors from both Willmar and ABC—is governed by ERISA as an employee welfare benefit plan, the state’s police power should be pre-empted.

Willmar is based in Willmar, Minn., but performs work nationwide.

The court disagreed with Willmar’s argument, citing the U.S. Supreme Court Dilligham ruling. “As Dilligham pointed out, standards are matters traditionally regulated by the states. ‘The Colorado statute at issue in this case falls within that sphere. The appropriate degree of supervision required for apprentices performing electrical work is a matter related to occupational and public safety, and, as such, has traditionally been subject to the state’s police powers,’ the court ruled.

ABC’s Construction Legal Rights Foundation assisted in the case.

Mullan Awards Honor Outstanding Membership Growth in Chapters

The Charles A. Mullan Award is the most prestigious membership award that a chapter can receive. The Mullan awards are given each year to the chapter in each of ten divisions that demonstrate the greatest growth in its membership dues base.

Div. 1: Mississippi
Div. 2: Baltimore Metro
Div. 3: Western Washington
Div. 4: Rocky Mountain
Div. 5: Pacific Northwest
Div. 6: Northern Illinois
Div. 7: Southeastern Michigan
Div. 8: Lehigh Valley
Div. 9: Texas Mid-Coast
Div. 10: Alaska

A Thank You to Our Convention Sponsors

ABC gratefully acknowledges the generous contributions of the following sponsors that made many of the convention events possible:

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- Austin Industries
- Comfort Systems USA
- Construction Education Foundation
- Crown Advisors
- Encompass
- Ernst & Young
- Fidelity & Deposit
- Integrated Electrical Services
- ABC Preferred Financial Services
- The St. Paul
- TradeSource
- TruGreen LandCare
- Venable, LLP
- Victaulic
- Willis
- WorldCom

Craft Olympics
- Miller Electric
- NCCER
- Prentice-Hall
- Square D Electric
- Sunbelt Rentals
- Wheeler/ Rex

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- TradeSource
- TruGreen LandCare
- Venable, LLP
- Victaulic
- Willis
- WorldCom

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