

## ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR  
NOVEMBER 2016

### **Director's Comments:**



Earlier this month, Donald Trump was elected to become the 45th President of the United States of America. After campaigning on a pledge of "Make America Great Again," we hope that he will be able to deliver on this promise. President-elect Trump has pledged to cut regulatory red tape, and invest heavily in infrastructure funding. If successful in accomplishing these goals, it should certainly improve the economy, and go a long way towards helping out the many companies within our industry.

As a result of the election, the state of Alabama will also see a direct impact on another front. Senator Jeff Sessions has been tapped to become the next U.S. Attorney General in the Trump Administration. If he receives confirmation for this appointment, Alabama Governor Robert Bentley would be responsible for naming the replacement in the Senate to fill Sessions' seat. Already, a number of would be Senators have expressed interest in occupying the coveted position.

AUCA will continue to stay active in the legislative process, and to work to ensure that the needs of our underground infrastructure are not forgotten. Of equal importance, we must continue to proactively recruit workers to enter the industry to do the work that needs to be done, and to train them to do it right.

As we gather as a nation to corporately celebrate Thanksgiving, AUCA would like to remind all of our members how grateful we are for your continued support of our association. May God bless each and every one of you and your families.

*Tim*

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**Happy Thanksgiving from AUCA**

*Upcoming Events:*

**We are still finalizing the dates and details for the remaining 4th Quarter local meetings to be held in December. Be on the lookout for updates.**

***AUCA Board of Directors Meeting***

**December 7, 2016 at 10:00 a.m.**

**Montgomery, AL**



***December 1-2, 2016***

**Construction, Trucks and Forestry  
Equipment Auction  
Montgomery, AL**

***December 8, 2016***

**Alabama DOT Equipment Auction  
Montgomery, AL**

For more information visit  
[www.jmwood.com](http://www.jmwood.com)

**Third  
Annual  
Construction  
Law  
Summit**

**Construction Law Section  
of the Alabama State Bar**

Litigation, Arbitration, and Insurance Update

The Latest in Claims, Investigation, and Trial  
Technology

Scheduling, Weather Impacts, and Water  
Intrusion Issues

Construction Industry Panel Discussion

Ethics

December 7, 2016

Hyatt Regency Wynfrey Hotel  
Birmingham, Alabama



## News & Notes:

### **FLSA Overtime Rule Blocked by Federal Court**

A federal judge in Texas has granted a preliminary injunction against the FLSA overtime rule that was set to go into effect on December 1, 2016. U.S. District Judge Amos Mazzant said states that challenged the rule were able to effectively show "irreparable harm" if it went into effect, while the Labor Department did not prove it would be harmed if the rule was not implemented.

A lawsuit challenging the rule was filed by 21 states and a variety of employer groups. The rule was set to increase the exemption threshold to \$47,476, more than doubling the current threshold. President-elect Trump has yet to say what his plans are for the overtime rule, though he was previously in support of exceptions for small businesses. The DOL can appeal the ruling, but a Trump administration subsequently could drop any appeal.

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### **Alabama One-Call Notification System Study Commission Update:**

The "Membership Subcommittee" held a conference call on November 5th, as well as a face-to-face meeting prior to the full One-Call Commission meeting in Montgomery on November 15th. Unfortunately, we are no closer to a compromise on mandatory membership than we were when we began meeting in July 2015. The Rural and Municipal Electric groups, as well as a number of the Rural and Municipal Water companies are vehemently opposed to the idea of mandatory membership in Alabama 811.

The Subcommittee will have another conference call on November 28th, and meet again as a full group in Montgomery in December. In addition to mandatory membership, the group will continue to work to find common ground on the establishment of an effective enforcement program for violations of the One-Call Law.

If you, or a representative from your company would like to listen in on the conference call, or attend the next Commission meeting, please contact the AUCA office at (205) 582-9436.

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### **New I-9 and Higher Penalties for Employer Noncompliance**

The U.S. Citizenship & Immigration Services is releasing a new Form I-9 to take effect on January 21, 2017. Failure of an employer to ensure proper completion and retention of Form I-9 for applicable personnel may subject the employer to new higher civil money penalties of up to \$2,156 per I-9,

*(Continued on page 4)*



## News & Notes:

*(Continued from page 3)*

and, in some cases, criminal penalties.

The new Form I-9 increases the administrative burden on employers, which can result in even more mistakes. 2017 is expected to be another record-breaking year in immigration enforcement and it appears that the various government agencies are getting better at sharing information to target employers for criminal penalties. Further, the Handbook for Employers issued by USCIS, which is intended to assist employers, does not even address every situation an employer will face when trying to comply with its I-9 obligations. ICE has emphasized the use of I-9 audits as an important administrative tool in building criminal cases and bringing employers into compliance with the law, with thousands of I-9 audits and employer reviews having been conducted already. Given the landscape, employers should understand by now that they need to ensure that their I-9 forms are in order or risk potential fines, penalties, and possibly even jail time.

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### **AlabamaWorks:**

Alabama business, education and workforce training leaders announced a major step this month in transforming the state's workforce development efforts into one unified system. The new system, AlabamaWorks, will seamlessly link employers looking for skilled workers with Alabamians seeking jobs or job training. AlabamaWorks is the result of an ambitious, business-driven initiative and partnership between leaders in the private and public sectors.



The new AlabamaWorks web portal, [www.alabamaworks.com](http://www.alabamaworks.com), has been designed to quickly connect employers, job seekers and students to the resources they need. The portal provides quick access to resources, information and tools in one easy-to-use location offering connections to Alabama Job-link, the K-12 and community college systems, the Alabama Career Centers and the network of Regional Workforce Councils.



## News & Notes:

### **Feds issue Subpoena, Join State in Probing Birmingham Water Works:**

Birmingham Water Works's multi-million dollar engineering company Arcadis, formerly known as Malcolm Pirnie, has been served with a federal subpoena. The subpoena seeks records dating back to 2013, and specifies documents related to Arcadis Vice President Jerry Jones, the face of the company in Birmingham.

The Alabama Attorney General's special investigations unit last month opened a state grand jury in Birmingham that appears to focus on the water works as well.

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### **Pipeline Accident Results in Jobsite Fatality:**

On October 31st, a longtime employee of L.E. Bell Construction was killed in an explosion while working to excavate a gasoline pipeline for maintenance for Colonial Pipeline in Shelby County. Four other workers were also injured in the blast. Colonial said one of the subcontractors struck the line with a trackhoe, as they were digging the dirt around it, which sparked the blaze that was visible for miles throughout the Birmingham area.

AUCA sends our thoughts and prayers to all those impacted by this incident.

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### **AUCA Membership "Affinity" Programs:**

Before you renew your workers' compensation policy, ask your agent to get a quote from CompTrust. Make sure the agent mentions that you are an AUCA member. If you have questions, you or your agent may contact Terry Young from MRM at (256) 504-3288. MRM is the Third Party Administrator (TPA) for the CompTrust fund, and a valuable member of AUCA.

BenSource Employee Benefits, an AUCA member company, is staffed to take your call with any questions you may have about starting a retirement plan, or to compare your current plan with the ***Contractor's Retirement Plan***. BenSource can be reached at (205) 536-9204.

Here are just few of the unique benefits of this plan:

- Eliminates all TPA costs, all audit costs, 5500 costs and document costs
- Greatly reduces employee investment costs - the *power* of group buying
- Eliminates nearly all of the HR tasks typically associated with 401k
- Diverts the significant fiduciary liability away from the business owner



News & Notes:

**Mobile Area Quarterly Lunch Meeting - November 3rd**

*New FLSA Overtime Rules*

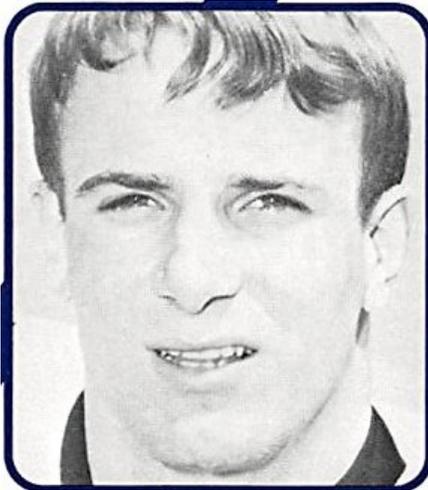
*Presented by J. Day Peake, III from Phelps Dunbar LLP*



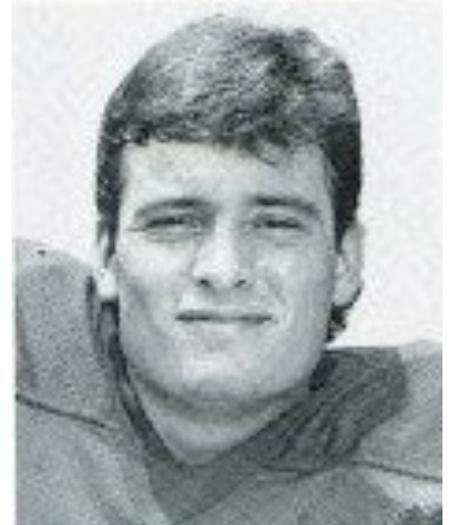
**ACPA Pipe and Box Culvert Installation Seminar  
Mobile - November 4th**



***Iron Bowl - AUCA Connections:***



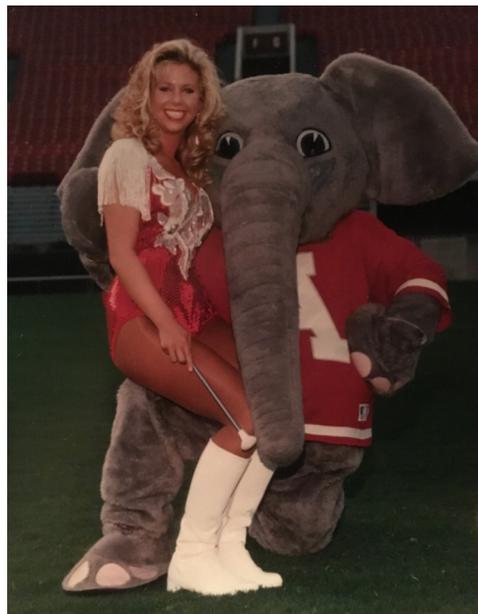
**Alvin Bresler**  
Auburn University  
J. Smith Lanier & Co.



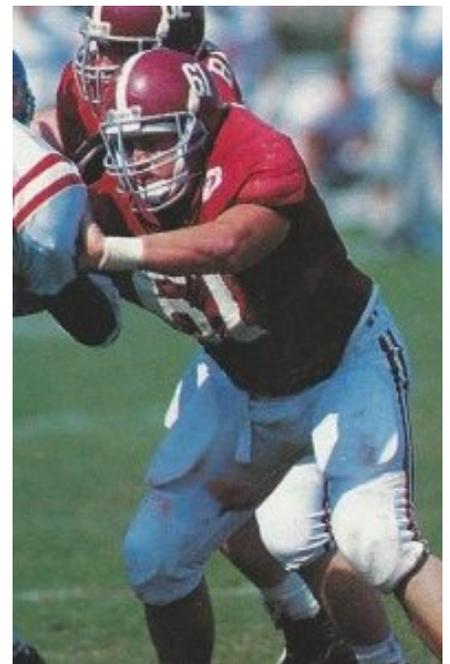
**Ripp Mitchell**  
University of Alabama  
Southern Pipe & Supply



**Jason Bosley**  
Auburn University  
J. Smith Lanier & Co.



**Joni Ayers**  
University of Alabama  
Spouse of AUCA Executive Director



**Tobie Sheils**  
University of Alabama  
Thompson Tractor Company



**AUCA MEMBER SPOTLIGHT:**



Joe Keenum, President of Keenum Excavation and Construction, Inc., began his business in 1977 with only himself and a shovel. His company was built on grit, integrity, and living up to his promise to provide quality service in a timely manner. In September, 1996, Billy Mitchell partnered with Joe Keenum to expand the company to its magnitude this date.

The company now employs over 130 people and owns over 114 pieces of equipment, along with a fleet of 38 trucks.

Keenum Construction is based in Muscle Shoals, and in Athens (formerly known as Burgreen Contracting).

**Muscle Shoals:**

302 Brick Pike  
Muscle Shoals, AL 35662  
Phone: 256-381-7767  
Fax: 256-381-8502

**Athens:**

1300 Hwy 31, South  
Athens, AL 35611  
Phone: 256-232-5666  
Fax: 256-230-2100

**Road & Highway Construction**

**Site Development**

**Asphalt Pavement**

**Concrete Work**

**Trucking**

Our primary mission at Keenum Construction is to provide professional, quality service on time and on budget. We have the financial strength and commitment to achieve this goal....exceeding our customer's expectations.



## *Clean Water Construction Coalition Report*

Bob Briant, Jr. - Chairman CWCC

### **CONGRESS TO RETURN TO CAPITOL HILL AFTER ELECTIONS**

The U.S. House of Representatives and the U.S. Senate were scheduled to reconvene on November 14th and 15th to begin its "Lame Duck" session. At this time, there is no set legislative agenda for either chamber as each political party is waiting for the results of the elections which will have some bearing on issues during Congress's "Lame Duck" Session. There are several issues that the Coalition expects the Congress to act on. The first issue that Congress must address immediately is the current Continuing Resolution which expires December 9, 2016. As we have reported to you in the past, the Continuing Resolution is currently funding Federal government programs at the federal Fiscal Year 2016 levels. This is good news for the Clean Water and Drinking Water SRFs. The House has proposed funding cuts to these programs for federal Fiscal 2017 while the Senate has moved legislation to fund slightly higher funding levels. It is not clear how Congress will address the Continuing Resolution issue and the results of this week's election will have a large impact on what direction Congress will take. As in the past, the Coalition will focus its efforts to obtain the Senate's higher appropriation levels.

The second matter of great importance to the Coalition is the reauthorization of the WRDA Act. Both the Senate and House have passed their versions of the reauthorization measure and the bills are now in conference. Staffs from both chambers have been meeting on the bills in order to develop a compromise measure that can be approved. The Senate bill contains numerous provisions that Coalition representatives are advocating for inclusion in the compromise bill such as the voluntary labeling/fee proposal. The Coalition will also be supporting, for inclusion in the compromise bill, a provision to reauthorize the Clean Water and Safe Drinking Water Act. Early in the House reauthorization process, that language was discussed for inclusion in the measure but never materialized in the bill. It is likely that the WRDA bill will be enacted some time during the "Lame Duck" session.

Happy  
Thanksgiving



## Health & Safety:

*Provided by Josh Broaddus @ J. Smith Lanier & Company*

### **STAY FOCUSED ON SAFETY DURING THE HOLIDAY SEASON**

During the holidays, many of us will attend celebrations with family and friends or schedule travel or last minute shopping. These festivities, however, can also bring distractions and stress.

According to the American Psychological Association, stress increases as we prepare to meet the "holiday rush." It's a common statistic that people preparing for a big event (holiday, vacation, wedding, etc.) are more prone to injury. Why? Because their minds are not focused on the task at hand; instead they are focused on another event. Our attention can be diverted, or we may unintentionally expose ourselves to potential risks on or off the job.

As the year draws to a close, all of us need to take proactive steps to stay focused on our own safety and the safety of colleagues. Despite all the potential distractions, we need to be sure we keep our "head in the game." We can begin by understanding how stress can distort our perceptions and by taking the following steps to understand and manage our reaction to stress.

1. Awareness is the first step in reducing stress. It's easy to let your mind multi-task while your hands and legs are in "auto pilot" doing the work. But, you must resist the urge to think of other things and instead fully concentrate on the task at hand. No matter the activity, you must focus, be precise in your work, and be aware of your surroundings.
2. Recognize when you begin to feel "weighted" or uneasy, and identify the stressors or triggering events. External stress is often caused by something you feel you can't control, but internal stress is highly manageable. You can control how you react to stress. If you find yourself becoming distracted, stop and reframe your thoughts to focus on the task at hand.
3. Be realistic in what you can accomplish during the holidays or any stressful event. Set achievable goals, and then take small, decisive steps toward those goals.
4. Keep things in perspective. Adopt a long-term view to avoid "blowing things out of proportion."

Safety is for all of us – our co-workers, our families and our friends. You can help keep your holiday happy and safe by choosing to manage your stress and to stay mentally focused.

Have a safe and wonderful holiday season.



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***AUCA IS A MEMBER-DRIVEN, NEEDS  
FOCUSED TRADE ASSOCIATION CREATED  
SOLELY TO PROMOTE AND ADVANCE THE  
UTILITY INDUSTRY IN THE STATE OF  
ALABAMA.***

**We're on the Web !  
[www.aluca.org](http://www.aluca.org)**

**Please print out this newsletter to share with others in your company. And, if you are receiving this for the company owner, please print out a copy for him/her.**

**Let AUCA Be Your Source For All Your  
Training Needs**

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