



ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
MAY 2016

Director's Comments:



On May 10th and 11th, I was privileged with the opportunity to attend the Washington D.C. Fly-In coordinated by the Clean Water Construction Coalition. During my time in our Nation's Capital, I was also able to meet with all members, or staff of Alabama's Senate and Congressional Delegation. Each meeting afforded the opportunity to voice our concerns for increased underground infrastructure funding, as well as workforce development initiatives.

Back home, the 2016 Alabama Legislative Session came to a close this month. However, most believe that Governor Bentley will eventually call for a "Special Session" to address several important issues that were unresolved. Efforts also continue in an attempt to bring articles of impeachment against the Governor. Additionally, the trial has now begun for House Speaker Mike Hubbard, who has been indicted on 23 counts of felony ethics violations.

Unfortunately, these situations will continue to garner much attention, and keep our state in the headlines for all the wrong reasons.

We will have a full legislative wrap-up at our 2nd quarter local lunch meetings in June. I hope to see you all there.

Tim

Inside This Issue:

D.C. Fly-In Recap	2
Upcoming Events	3-4
News & Notes	5-8
Legislative News	9-10
CWCC Report	11-12
Health & Safety	13

Happy Memorial Day from AUCA

Washington D.C. Fly-In Recap:



Very fitting - It's time to take out the trash...



Kicking off my campaign...**NOT!!!**



Who knew we have our own "room" inside the Halls of Congress?



Clean Water Construction Coalition Members on Hand for the Fly-In Business Meeting



Representative Martha Roby proudly sporting her AUCA hat.



Upcoming AUCA Events:

AUCA Quarterly Lunch Meetings

**June 16, 2016 at 11:30 a.m. – Birmingham Area Meeting
*2016 Alabama Legislative Session Wrap-Up***

**June 21, 2016 at 11:30 a.m. – Huntsville Area Meeting
*2016 Alabama Legislative Session Wrap-Up***

**June 22, 2016 at 11:30 a.m. – Tuscaloosa Area Meeting
*2016 Alabama Legislative Session Wrap-Up***

**June 23, 2016 at 11:30 a.m. – Mobile Area Meeting
*2016 Alabama Legislative Session Wrap-Up***

Please Contact AUCA if Your Company Would Be Interested In
Sponsoring Any of the Upcoming Meetings

AUCA Board of Directors Meeting

June 15, 2016 at 10:00 a.m. - Montgomery, AL

October 13, 2016

***AUCA Fall General
Meeting & Sporting Clay Shoot***

**Lower Wetumpka Shotgun Sports Club
Montgomery, AL**



Upcoming Industry Events:



• MAY 27, 2016 •

DONATION
\$50/motorcycle \$25 for extra passenger
Participation is limited

RALLY & BREAKFAST
7 AM at RentalWorks

FINISH LINE & LUNCH
1:00 pm at Riders Harley Davidson (Trussville)

All registration fees will fund the
Big Dog Poker Run Riders' Go Build Alabama Scholarship

Registration forms and more information
available at craneworks.com




June 7-9, 2016

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

For more information visit
www.jmwood.com



**damage prevention
summit**
A CGA REGIONAL PARTNER EVENT

ALABAMA
Know what's below. **811** Call before you dig.

ALABAMA DAMAGE PREVENTION ALLIANCE
adpa

October 4-6, 2016

**Damage Prevention Summit
Montgomery, AL**

Alabama Damage Prevention Alliance (ADPA) in conjunction with Alabama 811 will hold the 3rd Annual Damage Prevention Summit at the Embassy Suites in Montgomery on October 4-6, 2016. This event is for stakeholders from all aspects of the damage prevention industry.

Additional information about the Summit and registration information can be found at:

www.alabama.damagepreventionsummit.com



News & Notes:

OSHA Final Rule Issued for Tracking of Workplace Injuries and Illnesses

On May 11th, OSHA published a Final Rule regarding changes to the Recordkeeping and Reporting of Occupational Injuries and Illnesses. The new rule, which takes effect Jan. 1, 2017, requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms. Analysis of this data will enable OSHA to use its enforcement and compliance assistance resources more efficiently. Some of the data will also be posted to the OSHA website. OSHA believes that public disclosure will encourage employers to improve workplace safety and provide valuable information to workers, job seekers, customers, researchers and the general public. The amount of data submitted will vary depending on the size of company and type of industry.

The new reporting requirements will be phased in over two years:

Establishments with 250 or more employees in industries covered by the recordkeeping regulation must submit information from their 2016 Form 300A by July 1, 2017. These same employers will be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

Establishments with 20-249 employees in certain high-risk industries (including Construction) must submit information from their 2016 Form 300A by July 1, 2017, and their 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

Additional information can be found by visiting www.osha.gov/recordkeeping/finalrule/index.html

Department of Labor Issues Final Rule for Overtime

On May 18, 2016, President Obama announced the publication of the Department of Labor's final rule updating the overtime regulations, which will automatically extend overtime pay protections to over 4 million workers within the first year of implementation.

Key Provisions of the Final Rule

The Final Rule focuses primarily on updating the salary and compensation levels needed for Executive, Administrative and Professional workers to be exempt. Specifically, the Final Rule:

1. Sets the standard salary level at the 40th percentile of earnings of full-time salaried workers in the lowest-wage Census Region, currently the South (\$913 per week; \$47,476 annually for a full-

(Continued on page 6)



News & Notes:

- year worker);
2. Sets the total annual compensation requirement for highly compensated employees (HCE) subject to a minimal duties test to the annual equivalent of the 90th percentile of full-time salaried workers nationally (\$134,004); and
 3. Establishes a mechanism for automatically updating the salary and compensation levels every three years to maintain the levels at the above percentiles and to ensure that they continue to provide useful and effective tests for exemption.

Additionally, the Final Rule amends the salary basis test to allow employers to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the new standard salary level.

The effective date of the final rule is December 1, 2016. The initial increases to the standard salary level (from \$455 to \$913 per week) and HCE total annual compensation requirement (from \$100,000 to \$134,004 per year) will be effective on that date. Future automatic updates to those thresholds will occur every three years, beginning on January 1, 2020.

However, there is some push back to this new ruling, and many are speculating that the economic impact of this rule will cause Congress to attempt to nullify the new standards. One of the critics of this change, the Society for Human Resources Management (SHRM) is pushing for Congress to pass the Protecting Workplace Advancement and Opportunity Act (S. 2707 and H.R. 4773), which will require the DOL to perform an extensive economic analysis of how this change will impact nonprofits, small businesses and other employers who are vulnerable before issuing the new rule.

Alabama One-Call Notification System Study Commission Update:

The One-Call Study Commission is scheduled to hold our next meeting on June 17th. As a reminder, one of the primary goals of the Commission is to require mandatory participation for a Single One-Call Notification System to serve the entire state of Alabama.

Without full participation, the current Alabama 811 system is not truly a "One-Call" program, and places Contractors in danger when working in unfamiliar areas where all underground utilities may not have been located.

This is a golden opportunity to help improve safety for our industry. If you have any feedback on this topic that you would like to provide, please contact the AUCA office.



News & Notes:

Davis-Bacon Wage Survey - Deadline Extended to May 31, 2016

The deadline for submitting information for the Alabama Building and Heavy Construction "Davis-Bacon Wage Survey" has been extended from February 29, 2016 to May 31, 2016. After considering the information submitted to date in Alabama, the United States Department of Labor - Wage and Hour Division (WHD) has determined that providing additional time to submit data would promote the overall quality of wage rates. Consequently, WHD is extending the deadline for submission of data for an additional 90 days. WHD will not extend the deadline again, so it is imperative that Contractors take the time to complete the survey process.

Data must be postmarked by May 31, 2016 to be included in this survey

Information regarding the Davis-Bacon survey program, as well as support for completing forms is available at the website:

<http://www.dol.gov/whd/programs/dbra/Survey/surveys.htm>

Data may also be submitted using the electronic WD-10 Form, which is available at the website:

<http://www.dol.gov/whd/programs/dbra/wd-10.htm>

AUCA Newest Member Company:

B&L Cable Construction

Andalusia, AL

Company Representative: Beverly Rabren

*Special thanks to Ryan McClendon from J. Smith Lanier & Co.
for recruiting B&L Cable Construction to AUCA*



News & Notes:

AUCA 2016/2017 Membership Directory

AUCA will publish a printed membership directory in the 3rd quarter of 2016. This will be an additional resource to offer our members, and contain valuable industry information.

We also have several advertising opportunities within the directory to showcase your company. We hope that you will consider placing an ad in the directory to help make it a more valuable resource to our members.

Below is the Membership Directory advertising rate sheet:

Back Outside Cover - Full Color - *RESERVED*

Front Inside Cover - Full Color - *RESERVED*

Back Inside Cover - Full Color - *RESERVED*

Tab Pages - Full Color - \$750

Full Page (5" x 8") - Black & White - \$500

Half Page (5" x 3.5") - Black & White - \$250

Please contact the AUCA office if your company would like to purchase a Directory Advertisement

2016 AUCA Membership Dues Renewal

If your company has failed to submit your 2016 membership dues renewal, your company is now considered delinquent, and will be removed from the AUCA membership roster per the Bylaws and discretion of the AUCA Board of Directors.

Should you have any questions, or wish to reinstate your membership, please contact the AUCA office at (205) 582-9436.



Alabama Legislative News:

The clock literally struck midnight to close the final day of the 2016 Alabama Legislative Session. Sine die (final adjournment) occurred with a number of major issues unresolved, including the controversial Prison Construction Bill, as well as how to spend the \$1 Billion settlement from the BP Oil Spill. Almost immediately talk began to circulate of a potential special session. Governor Bentley indicated that he has not ruled out calling a special session to address these issues, but would wait a while if he did.

SB287, the Prison Construction Bill was amended by a Conference Committee and approved by the Senate at the 11th hour. The changes approved by the Senate included lowering the number of new Prisons to be built from four to three, renovating and keeping at least up to ten of the existing facilities open, and adding more transparency to the entire process. It would have also lowered the Bond issue for the program to \$550 Million. However, the bill was still very controversial and unable to get the support of enough members in the House to bring the bill to the floor for a vote.

There were a number of bills introduced during the 2016 Legislative Session that could have, or will have an impact on the construction industry including:

Bills That Passed:

HB36 the Alabama Small Business Jobs Act passed.

HB37 passed and will be voted as a Constitutional Amendment in November to make Alabama a "Right to Work" state.

HB174 that establishes the Alabama Uniform Minimum Wage and Right-to-Work Act passed.

SB90 the Apprenticeship Tax Credit Act of 2016 passed.

SB92 allowing ALDOT to enter into various types of construction and financing agreements with other public and private entities for construction of a public road, bridge,

(Continued on page 10)



Alabama Legislative News:

Continued from Page 9

and tunnel projects in excess of \$100 Million passed.

SB175 increasing the amount of the bid guarantee required to be filed under certain conditions by a bidder on public works project when the Department of Transportation is the awarding authority passed.

SB180 to establish the Alabama Transportation Safety Fund passed. However, the provisions of this act shall automatically terminate two years after the effective date of this act if no revenue is created.

SB264 dealing with child labor law enforcement passed.

Bills That Failed:

HB194 that would have required bids to be rejected if only one bid was received was never able to get out of committee and failed.

HB314 that would allow the Department of Transportation to let contracts for road construction or maintenance projects without advertising for sealed bids if the project does not exceed \$250,000 failed.

HB394, the Gas Tax Bill was not able to find its way onto the House Special Order Calendar and ran out of time to be considered before the close of the 2016 Session.

SB287 the \$800 Million Prison Construction Bill failed.

SB377 the Marshall James Walton Highway Safety Act that would create the crime of homicide by vehicle or vessel failed after it ran out of time on the final day in the House.

Should the Governor call for a Special Session, we will make sure to keep our members informed.



Clean Water Construction Coalition Report

Bob Briant, Jr. - Chairman CWCC

Senate Environment and Public Works Committee Establishes Clean Water Trust Fund as Part of WRDA Reauthorization Bill

The Senate Environment and Public Works Committee approved bi-partisan legislation that reauthorizes funding for the nation's waterway, flood mitigation, dredging and Corps of Engineer projects. In addition to providing funding for the traditional waterway infrastructure projects, the Senate bill creates a Clean Water Trust Fund.

The \$11 billion measure, "The Water Resources Development Act of 2016", funds 27 new Corps of Engineers projects, provides \$300 million in resources for local authorities to address lead in drinking water and authorizes various other infrastructure projects for flood control, environmental restoration, dredging, hurricane projects and other related uses. The WRDA bill establishes, for the first time, a dedicated Clean Water Trust Fund that will increase funding for Clean Water and Drinking Water State Revolving Funds through revenue collected from a voluntary labeling system for certain consumer products that rely on clean water for production. In addition, the proposal authorizes \$1.8 billion for the Clean Water Act's sewer overflow control program to fund CSO and storm overflow projects.

A Senate floor vote on the WRDA bill is anticipated for May. The House Transportation and Infrastructure Committee has held hearings on its version of the WRDA legislation and full House Committee markup is expected this month.

FY17 Appropriations Bills In General

Between now and July 15, the primary focus in Congress will be on passing the FY17 federal agency appropriations bills. The goal is to pass individual agency funding bills by the October 1 start of the new fiscal year. However, efforts in the House by tea party members to undermine last year's budget deal and reduce federal funding for FY17 could result in a government-wide Continuing Resolution (CR) until a Lame Duck session is convened after the November elections. Congress will not pass a budget

(Continued on page 12)



Clean Water Construction Coalition Report

Continued from Page 11

resolution this year. The Senate has taken the position that they will not take action on a budget until the House passes one. The House will not pass one because the Freedom Caucus members (i.e, the tea party) oppose the budget because it sticks to the two-year budget agreement that was struck last year that provides for \$40B more in the appropriations process this year as compared to last year. Action has begun in the appropriations process. The Transportation, Military Construction, Veterans Affairs, Agriculture, Legislative Branch and Energy and Water Appropriations Bills are already moving forward.

FY17 Clean Water and Safe Drinking Water SRF Funding

Included in the President's FY17 Budget for the Clean Water SRF is \$979,500,000, a \$414,387,000 reduction from the FY16 level of \$1,393,887,000; \$1,020,500,000 for the Safe Drinking Water SRF, a \$157,267,000 increase from the FY16 level of \$863,233,000; and, for the WIFIA program, \$20M, of which \$15M is for direct loans and \$5M for administrative expenses. A letter signed by a number of House Members was sent to the leadership of the House Committee on Appropriations calling upon the Committee to fund the Clean Water and Safe Drinking Water SRF's at \$2B each.

For more information, visit
www.cleanwaterconstructioncoalition.org



Health & Safety:

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

Why You Need to Report Job Accidents and Even Near Misses

When you or a co-worker incurs a job site accident, the first concern is to get medical attention as soon as possible. Medical attention does not mean that every injury or illness requires a doctor. If the injury is to the head, an eye or the back, then it is advisable to seek immediate medical attention. But if the injury is only a minor cut, puncture, or bruise, the supplies in the first-aid kit may be sufficient. Take the time to disinfect the cut or ice-down the bruise. You may think the injury is minor, but it is important to report the accident to your foreman or lead person.

The fact that a doctor does not treat the injured person does not rule out a potential workers' compensation claim. Cuts could get infected and require antibiotics or a bruise might actually be a bone fracture that requires an X-ray or soft cast. Accidents should always be reported and documented, no matter how minor.

The employee statement report, which is part of your state's accident report form, should be completed no matter what type of medical attention was given. That is why we want you to report all injuries no matter how minor. Your company's employee injury log should be completed no matter what type of medical attention was given. That includes everything from doing nothing at the time to going to the medical clinic.

If you are on the scene of a serious accident, the following steps are suggested. First, stay calm. If there is no first aid at the job site, take control of the situation until help arrives. If possible, use a cellphone or 2-way radio to call for help. Then:

1. Do not move the injured worker unless absolutely necessary.
2. Stop any bleeding.
3. Restore breathing.
4. If the injured worker is conscious, provide reassurance.
5. Give onlookers something to do to help if possible.
6. Treat for shock.

Near Misses

It is important to get quick treatment or report any near miss injury for two reasons. First, it helps ward off serious complication that can come of minor cuts and bruises. Second, near misses should be investigated as thoroughly as real accidents. What were the circumstances surrounding the near miss? Is there a safety rule covering the situation? If so, was the worker properly instructed in the rule? Were safety devices in place and used properly?

Near misses are important danger signals. There are symptoms of unsafe acts or conditions. Pay attention to them to prevent more serious mishaps.



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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**

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Training Needs***

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