



ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
JUNE 2016

Director's Comments:



Mark Davis of Mark Davis Construction (left), along with AUCA Board Members Bill McGough from W.R. Mitchell and Andru Bramblett of Southern Light (right) take time to pose for a photo with acting Speaker of the House Victor Gaston at the recent AUCA Mobile Lunch Meeting.

As we come to the midpoint of another year, our country finds itself at a crossroads. We can all choose to either throw up our hands in despair, or work like hell to preserve the freedoms and liberties that our forefathers established.

As you celebrate the 4th of July, think of how we can all do our part to ensure that these sacrifices were not made in vain. May God bless America, and each and every one of our members and their families!

Tim



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Hiring Minors In Alabama:

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Employers who hire employees who are under 18 years old must be mindful of laws that impose additional requirements and restrictions. Even though employees who are 18 years old may be considered minors for some purposes, they generally are not subject to the laws governing child labor. However, an 18 year old still in high school may not work after 10 p.m. or before 5 a.m. on any night preceding a school day. Also, to serve alcoholic beverages for consumption on the premises, an employee must be 21 or older, or if the employer is Responsible Vendor Program certified, the employee can be 19 years old or older. The laws governing child labor apply even if a parent is the owner of the business.

Children 17 years old and younger: There is a long list of specific types of work that no one 17 years old or younger may be employed to perform. Prohibited types of work include working in connection with any mine or quarry in any capacity; wrecking or demolition; excavation or trenching; roofing; scaffolding; sandblasting; operating or driving any truck or heavy equipment over three tons gross weight; logging; operating any power-driven woodworking, bakery, or paper-products machinery; railroad work; firefighting; operating any stamping machines used in sheet metal or tin ware; working in paper or leather manufacturing; working in washer or nut factories; working around any steam boiler or rolling mill machinery; operating any power-driven metal forming, cutting, punching, or shearing machines; operating or assisting in operating any elevators, open freight elevators, cranes, derricks, or other power-driven hoisting apparatus, with exception of an unattended automatic passenger elevator; operating any paper cutting, stapling, corrugating, or punching machines; assembling, working on machinery in motion; operating any circular saws or band saws; working around any distillery where alcoholic beverages are manufactured, bottled, wrapped, or packed; working in any capacity with explosive components; working in the manufacturing of brick, tile, or similar products; working in the manufacture or transportation of dangerous or toxic chemicals, compounds, dyes, pesticides, acids, or gases; any activity involving exposure to radioactive substances or ionizing radiation; working around asbestos or any other cancer-causing agents; operating or assisting in operating any printing presses; and slaughtering, butchering, and meat cutting.

Employers hiring children 17 or younger must obtain a Child Labor Certificate from the Alabama Department of Labor for each location where children under 18 years old will be employed. A Class I Child Labor Certificate is required if employees are 14 or 15, and a Class II Child Labor Certificate is required if employees are 16 or 17. Child Labor Certificates can be applied for or renewed at www.labor.alabama.gov/uc/childlabor/.

Employers hiring employees 17 years old or younger must post in a public place the Child Labor Certificates and a state-approved child labor laws poster. The poster is available at www.labor.alabama.gov/docs/posters/childlaborlawposter_english.pdf.



Hiring Minors In Alabama:

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During months when school is in session, an employee who is 16, 17, or 18 years old who is enrolled in a public or private secondary school may not work after 10 p.m. or before 5 a.m. on any night preceding a school day. For months when school is not in session, there are no restrictions on the time of day the work is performed. No breaks are required for employees age 16 and older.

Children 15 years old and younger: There is another long list of specific types of work that no one 15 years old or younger may be employed to perform. Minors under 16 years old are prohibited from working in construction, except that persons 14 or 15 years of age who are members of the immediate family of the contractor may be employed in trades involving nonhazardous duties or occupations. Other prohibited types of work for minors younger than 16 years old include working in connection with any manufacturing or mechanical establishment, cannery, mill, workshop, warehouse, or machine shop; operating or assisting in operating any sandpaper or wood polishing machinery, any washing, grinding, or mixing machinery, or commercial laundry equipment; operating or assisting in operating any machines used in picking wool, cotton, hair, or any other material; working in proximity to any hazardous or unguarded gearing; working upon any vessel or boat engaged in navigation or commerce within the jurisdiction of the State of Alabama; working in the manufacture or packing of paints; working in occupations causing dust in injurious quantities; soldering, brazing, heat treating, or welding; repairing, painting, or cleaning buildings or structures while working at the top of ladders, lifts, or scaffolds exceeding a height of six feet; working in connection with a junk or scrap metal yard; operating any automobile, truck, or motor vehicle, or flagging or directing traffic; working in airport hangers or landing strips or taxi and maintenance aprons; and working in a lumberyard.

When school is in session, a minor 14 or 15 years old may not work before 7am or after 7pm any day of the week. On days when school is in session, a 14 or 15 year old may not work during hours when school is in session (8am-3pm). A 15 or 14 year old may not work more than 3 hours on any school day or more than 8 hours on non-school days, and a 14 or 15 year old may not work more than 6 days in a week or more than 18 hours in a week. A 30 minute break is required for any 14 or 15 year old employed for more than 5 hours continuously.

Children 13 years old and younger: Generally it is not lawful to employ children 13 years old or younger. However, children 12 years old or older may have a newspaper route, and children 13 years old or younger may work for a business entirely owned by their parents as long as it is not one of the prohibited activities mentioned above for children 17 years old or younger. Children 13 or younger may also babysit on a casual basis and work as model or a performer in movies, TV, radio, or theater, but certain conditions must be met.

Driving: Employees who are 16 years old may not drive on public roads as part of their job. Employees who are 17 years old may drive only if: the driving is limited to daylight hours; the 17 year-



Hiring Minors In Alabama:

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old holds a state license valid for the type of driving involved in the job performed; the 17 year-old has successfully completed a state-approved driver-education course and has no record of any moving violation at the time of hire; the automobile or truck is equipped with a seat belt for the driver and any passengers, and the employer has instructed the youth that the seat belts must be used when driving the vehicle; the automobile or truck does not exceed 6,000 pounds gross vehicle weight; and driving is only occasional and incidental to the 17 year-old's employment (which means that the employee may spend no more than 1/3 of the work time in any workday and no more than 20% of the work time in any workweek driving). Additionally, a 17-year-old employee's job-related driving may not involve towing vehicles; route deliveries or route sales; transportation for hire of property, goods, or passengers; urgent, time-sensitive deliveries (such as pizza deliveries); transporting more than 3 passengers including employees of the employer; driving beyond a 30 mile radius of the teen's place of employment; more than 2 trips away from the primary place of employment in any single day to deliver the employer's goods to a customer; and more than 2 trips away from the primary place of employment in any single day to transport passengers other than employees of the employer.

Record keeping: Each employer must keep on premises an Employee Information Form, Proof of Age, and Time Records showing the number of hours worked each day, starting and ending times, and break times for each employee 18 years of age and younger. Acceptable Proof of Age includes a copy of a birth certificate; driver's license; or identification card issued by a federal, state, or local government agency, provided the ID card includes the employee's name and date of birth. An Employee Information Form can be obtained at the Alabama DOL website at www.labor.alabama.gov. Employers may chose not to use the Employee Information Form but if they so chose they must keep a separate file for each employee 18 and younger which includes the following information: The employee's name, address, telephone number, date of birth, date of hire, proof of age, school of attendance, and time records.

Penalties: Employers who violate Alabama's child labor laws may be subject to a civil penalty of between \$300 and \$5,000, depending on the provision of law the employer violated. Employers may be charged criminally with a Class C misdemeanor if it is the employer's first offense or a Class B misdemeanor if the employer has previously violated Alabama's child labor laws. In situations where the violation involves serious injury or death of a minor, an employer may be charged with a Class A misdemeanor if it is the employer's first offense or a Class C felony if the employer has previously violated Alabama's child labor laws.

Any time you have any questions regarding the employment of a minor, consult a lawyer.



AUCA MEMBER SPOTLIGHT:



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Upcoming Events:

Regional Installation Classes

AUCA in collaboration with the American Concrete Pipe Association will be hosting a series of regional installation classes around the state. Registration information and specific details for each class will be coming soon.



Below is a list of dates that have been confirmed:

Thursday, September 8th – Dothan

Friday, September 9th – Montgomery

Thursday, September 22nd – Tuscaloosa

Friday, September 23rd – Birmingham

Dates for Huntsville & Mobile Classes To Be Announced Soon

Course topics are being finalized, but are expected to cover the following:

Pipe Installation

Precast Box Culvert Design/Installation

Jacking Pipe

Post Installation Inspection

Precast Bottomless Culverts

Precast Drainage Structure Installation



Upcoming Events:



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

October 13, 2016

AUCA Fall General Meeting & Sporting Clay Shoot

Lower Wetumpka Shotgun Sports Club
Montgomery, AL

Mark your calendars today!



News & Notes:

AUCA 2nd Quarter Local Lunch Meetings



**Birmingham Area Meeting
June 16, 2016
Representative Arnold Mooney**



**Tuscaloosa Area Meeting
June 22, 2016
Representative Rich Wingo**



**Huntsville Area Meeting
June 23, 2016
Representative Mac McCutcheon**



**Mobile Area Meeting
June 28, 2016
Representative Victor Gaston**



News & Notes:

Alabama One-Call Notification System Study Commission Update:

The June meeting of the One-Call Study Commission was cancelled in order to allow the Enforcement Subcommittee more time to meet to develop recommendations. The next meeting for the full Commission is now scheduled for Thursday, July 14th.

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, or would like to attend the next meeting, please contact the AUCA office.

AUCA 2017 Board of Directors:

The AUCA Nominating Committee is forming to seek interested AUCA members for consideration to serve on the 2017 AUCA Board of Directors.

Nomination Forms will be sent out electronically to all member companies in July. Please complete and send the form to the AUCA office no later than August 31, 2016 to indicate your willingness to serve on the AUCA Board, or to nominate an individual member you know that would make a good candidate.

The Nominating Committee will review the nomination forms of those desiring to serve on the 2017 Board at the September 7th AUCA Board Meeting. The proposed slate of nominees will be announced to the membership 30 days prior to the October 13th General Meeting.

AUCA PAC Fundraising Raffle:

Be on the lookout for details regarding the annual AUCA Raffle. Tickets will be mailed out to AUCA member companies beginning in early September. Once again this year we will be raffling two great prizes - a Shotgun and YETI Cooler. Tickets will be \$10 each, and will allow two (2) chances to win. The drawing will be held at our October 13th General Meeting / Sporting Clay Shoot in Montgomery. You do not have to be present at the event to win.

All money raised from the raffle will go towards the AUCA PAC Fund to help support our continued Legislative efforts in Montgomery and Washington.



News & Notes:

AUCA 2016/2017 Membership Directory

AUCA will publish a printed membership directory, along with a digital format with interactive links that will be located on the AUCA website. This will be an additional resource to offer our members, and contain valuable industry information.

We 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 a list of the Membership Directory advertising opportunities:

- Back Outside Cover - Full Color**
- Front Inside Cover - Full Color**
- Back Inside Cover - Full Color**
- Tab Pages - Full Color**
- Full Page (5" x 8") - Black & White**
- Half Page (5" x 3.5") - Black & White**

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

AUCA Newest Member Company:

Rabren Utility Construction

Andalusia, AL

Company Representative: Emory Rabren

*Special thanks to Ryan McClendon from J. Smith Lanier & Co.
for recruiting Rabren Utility Construction to AUCA*



Alabama Legislative News:

Since the 2016 Alabama Legislative Session came to a close in May, there has continued to be no shortage of news relating to all branches of our state government.

On June 10th, Speaker of the House Mike Hubbard was found guilty on 12 of the 23 counts of felony public corruption charges that he faced. He is scheduled to be sentenced on July 8th and could receive between 2-20 years in prison for each charge he was found guilty on. As a result of his conviction, Hubbard was immediately removed from his seat in the Legislature, and his powerful position of Speaker of the House per state law.

Several candidates have thrown their names in the hat to serve as the new Speaker. Included in the group of candidates are Lynn Greer and Mac McCutcheon, both of whom have been strong allies of AUCA in the past. In the interim, Representative Victor Gaston, who was the Speaker Pro Tempore, will move into the role until a permanent replacement is named. That will come either at the beginning of a Special Session, if the Governor calls for one, or prior to the start of the 2017 Legislative Session in February. The Republican caucus could meet before then to decide on a speaker, although the speaker can't be officially elected until the House is in session again.

Speaking of Governor Bentley, a House Judiciary Committee held its first meeting this month on calls to impeach him following his scandal involving a former aide. If efforts to remove him from office are not successful, it will be a long 2-1/2 years until the end of his term. An already strained relationship between the Governor and many members of the Legislature will only grow more contentious.

Also worth noting, Chief Supreme Court Justice Roy Moore is currently suspended from office over accusations that he violated judicial ethics during the fight about same-sex marriage. The Court of the Judiciary will hear Moore's motion to dismiss the charges on August 8th. The hearing will be in the Alabama Supreme Court Courtroom in Montgomery.



Clean Water Construction Coalition Report

Bob Briant, Jr. - Chairman CWCC

House Transportation & Infrastructure Committee Releases its Version of the WRRDA Reauthorization Measure:

On May 25, 2016, the House Committee on Transportation and Infrastructure unanimously released its version of the Water Resources Development Act of 2016. To the dismay of the Coalition, the House bill does not include funding for the Clean Water or Drinking Water SRF program. A prior bipartisan agreement to fund the Clean Water and Drinking Water program at the last five-year average was agreed to by Committee members. What eventually was approved was strictly a Corps of Engineers bill.

The House measure contains the following provisions:

- Authorizes investment in ports, channels, locks, dams, and other infrastructure.
- Authorizes 28 Army Corps of Engineers Chief's Reports received since WRRDA 2014.
- Authorizes studies for future water resources projects and makes modifications to previously authorized projects.
- Utilizes the new process reforms established under WRRDA 2014 for project selection.
- De-authorizes \$5 billion in previously authorized projects, off-setting the approximately \$5 billion in new authorizations.
- Sunsets new authorizations to prevent future project backlogs.
- Reduces the inventory of projects that are not needed for the missions of the Corps.
- Contains no earmarks.
- Follows the new transparent process developed in WRRDA 2014 to review and prioritize water resources development activities with Congressional oversight.
- Returns to the two-year cycle of considering WRDA legislation.

The clean water and safe drinking water issues will be major issues in conference on the two bills. Clean Water Construction Coalition representatives will be meeting with



Clean Water Construction Coalition Report

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the Congressional Clean Water Caucus staff (Chairman, Congressman John Duncan, R-TN-2, advocate of a national clean water trust fund, and Co-Chair Congressman Dan Lipinski, D-IL-3 – both members of the Transportation and Infrastructure Committee). The purpose of the meeting with these House Representatives is to “push” them on clean water and safe drinking water reauthorization and funding.

CWCC Appropriations Alert:

Although Congress has recessed until after the July 4th holiday it is important for us to alert our representatives as to our concerns with the levels of funding being proposed by the appropriations committees.

The President’s FY17 Budget request for the Clean Water SRF is \$979,500,000, a \$414,387,000 reduction from the FY16 level; and an increase of \$155,000,000 for the Safe Drinking Water SRF. The Coalition has consistently advocated for a Clean Water SRF funding level of \$2 Billion.

The Senate has released the FY17 Interior Appropriations Committee request of \$1.35 Billion for the Clean Water SRF versus \$1 Billion in the House bill. For the Safe Drinking Water SRF the Senate is proposing \$1.0205 Billion versus \$1.070333 Billion in the House version.

It is important that we continue to discuss with our representatives the need for the most amount of funding possible.



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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.***

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