



BACK
TO
SCHOOL

EVENTS CALENDAR:

ALL EVENTS WILL BE HELD AT THE DAYTON BUILDERS
EXCHANGE UNLESS OTHERWISE NOTED

SEPTEMBER 15, 2010

HR MANAGERS MEETING

HUMAN RESOURCES BASIC
TRAINING FOR SUPERVISORS AND
OFFICE EMPLOYEES
(DAYTON RACQUET CLUB, DAYTON, OHIO)

SEPT. 28 - 29, 2010

OSHA 10 HOUR

CERTIFICATION TRAINING
(DBX CLASSROOM, DAYTON, OHIO)

SEPT. 28, 29, 30 AND

OCT. 5, 6, 7, 2010

OSHA 30 HOUR

CERTIFICATION TRAINING
(DBX CLASSROOM, DAYTON, OHIO)

OCTOBER 13, 2010

QUARTERLY SAFETY

DIRECTORS MEETING
(DBX CLASSROOM, DAYTON, OHIO)

OCTOBER 28, 2010

O.C.I.L.B. 10 HOUR

WITH NATIONALLY RENOWNED
TRAINER AND AUTHOR

DR. JERRY TEPLITZ

THESE SESSIONS ARE AVAILABLE TO
ALL FIRMS AND ALL EMPLOYEES.

***PLEASE TAKE ADVANTAGE OF THIS
ONCE IN A LIFETIME OPPORTUNITY TO
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THE CONSTRUCTION JOURNAL

Editor
RACHEL A. PINKUS



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THE PLAN ROOM POST

From Plan Room Manager, John Grandetti

Back to School: It is hard to believe that it is September already! Just as students across the Miami Valley are heading back to the classroom, the Builders Exchange of Dayton is ramping up its class schedule for the fall. In September, we will have two tech seminars, an HR managers meeting and the beginning of our OSHA 10 and 30 hour courses. Already on the books for October is an opportunity to receive OCILB continuing education credits, with more classes and events to be planned for October and November.

SAM Search Beta: Anyone with our online service has probably noticed a beta version of the online search feature. We are in the process of updating the member website, and this is the first piece of the update we are rolling out for you to test. The new SAM Search is also designed to provide even more accurate search results than ever before.

First, the results will now be based on not only what is in the table of contents and within the specs themselves, but also what is in the scope of work and project notes.

The second change is minor, but the site will automatically show any section where your keyword appears. So whether you type in HVAC or Carrier into your search field, you will get a list of specs where your keyword is found.

Archived Projects: In the second installment of “The Website Does What?” we are discussing archived projects. Once a project has been awarded, we keep the documents on file online for 13 months after the award date. This allows you to either download the drawings to file if you are awarded the job, or allows you to go back and review documents if needed. Previously, the number had been 19 months, but to maintain our server and with the addition of PDF files to our site, needed to scale back the duration we keep projects on the site. If you need the drawings, I would highly recommend downloading prior to the 13 month mark.

As always, feel free to call or email if you have any questions.



Blogophile

by Valerie Dahlberg

Who doesn't love a heartwarming story? The local news runs them, the national news runs them. After a long show of hearing the worst, they try to send you off with some of the best. It's just a small taste of what's going right in the world to make the rest of life more palatable. I say let's let the BX Blog serve up a little of the good stuff too!

There's so much going on in our industry to be proud of! The BX Blog is featuring two great pieces of news right now!

The Builders Exchange has shown again that it is returning to prominence in the community. In fact, BX Executive Director, Bob Pope, and BX President, Kevin Fuller of Bilbrey Construction, will lead the United Way's Construction Industry Campaign this year. They will be working to help the United Way continue its critical work in the region despite a significant reduction in corporate giving and shrinking budget levels.



Our members are also being recognized on the Blog and in the community as for their leadership. Messer Construction Company has been chosen as the Greater Dayton Workforce Diversity Award recipient by the National Conference for Community and Justice of Greater Dayton. They will be receiving their award at a ceremony in October. Their inclusion and diversity initiatives will also be featured in an upcoming issue of the Journal.

Why did these members make the BX Blog and the Journal and not you? Well they shared! You can too. Just call me, email me, or stop by the office. We can come out and get the information for your story, use your photos, or get some photos for you. We take care of whatever you need to get the word out about what's going right in our industry.

Whether it's community work, an award or recognition, or even a special event coming up for your company, send it over, we'd love to cover it.

The BX Blog is about who we are as an organization and as an industry as well as what we stand for and advocate on. Help us paint a more vivid picture of what the Builders Exchange of Dayton is all about!

*Haven't seen the BX Blog?
Go online to www.bxdayton.com*

CURRENTLY AVAILABLE IN PLANSROOM

Project	Addn	Bin	Date	Time	Project Name	County
2010-2774		16	9/1/2010	1:30PM	Butler Township / Meeker Road Bridge Rehabilitation	Montgomery
2010-282F		28	9/1/2010	10:00 AM	Lebanon / 2010-2013 Telemetry & Flow Meter Maintenance	Warren
2010-2831		37	9/1/2010	10:00 AM	Lebanon / 2011-2013 Water & Wastewater Pump Maintenance	Warren
2010-2833		36	9/1/2010	10:00 AM	Lebanon / Water Meters	Warren
2010-27A3	1	4	9/1/2010	11:00 AM	Gratis / East Street Neighborhood Improvements	Preble
2010-05E5	1	49	9/1/2010	11:00 AM	Fort Loramie / Water Treatment Plant	Shelby
2010-2898		6-Plans Only	9/2/2010	11:00 AM	Perry Twp. / Amity Rd. Improvements Phase 3	Montgomery
2010-262C	2	13	9/2/2010	Noon	Dayton / Fiber-High Speed Network Connection (Open Market Contract)	Montgomery
2010-281F	2	34	9/3/2010	11:00 AM	Huber Heights / Water Main Replacement & Street Reconstruction	Montgomery
2010-2897		46-Plans Only	9/3/2010	11:00 AM	Jackson Twp. / Chicken Bristle Rd. Improvements Phase 4	Montgomery
2010-2654		26	9/7/2010	4:00 pm	Dayton MHA / 1907 Shroyer Road Moderate Rehabilitation AMP-6	Montgomery
2010-26DA		5	9/8/2010	10:00 AM	Ansonia Local Schools / School Bus Facility Upgrade & Bus Engine & Fuel System Conver...	Darke
2010-27AD		1	9/8/2010	5:00 PM	Kettering / 2734 Gaylord Ave & 2501 Hampton Rd. Demolitions RFP	Montgomery
2010-27AE	1	20	9/8/2010	5:00 PM	Kettering / NSP / Dunhill Place Renovation RFP	Montgomery
2010-28A2		4	9/9/2010	10:00 am	Magnetic Springs / FY 09 Street Improvements	Union
2010-26E7	1	Table 1	9/9/2010	3:30 pm	Whitehall City Schools / Kae Elementary School	Franklin
2010-2778	1	Table 1	9/9/2010	3:30 PM	Whitehall City Schools / Rosemore Middle School	Franklin
2010-287E		27	9/9/2010	Noon	Dayton / Lakeview Avenue Sanitary Sewer Liner Installation	Montgomery
2010-287F		15	9/9/2010	Noon	Dayton / Tech Town Infrastructure Improvement	Montgomery
2010-294E		8	9/10/2010	2:00 PM	Piqua / MIA- Washington Avenue Resurfacing	Miami
2010-290D		39	9/13/2010	2:00 PM	London / Madison Co. Moorman Bridge Replacement No. CKV07	Madison
2010-2880		14	9/14/2010	Noon	Springfield / National Rd. Commons / Excavation & Roadway Improvements	Clark
2010-28E5		2	9/15/2010	5:00 PM	Kettering / Bataan Drive Rehabilitation	Montgomery
2008-2200		55	9/16/2010	2:00 PM	Oxford / Miami University / Phillips Hall Art Center Renvoation	Butler
2010-295F		9	9/16/2010	Noon	Dayton / Wastewaster Treatment Plant / Effluent Filter Improvements	Montgomery
2010-296B		22	9/23/2010	2:00 PM	Dayton / Five Rivers MetroParks / Park Services Building Renovation	Montgomery
2010-282D	1	35	9/24/2010	10:00 am	Lebanon / Municipal Wastewater Sludge Polymer	Warren
2010-2775		53	9/29/2010	11:00 am	Eaton / Preble Co. 2010 Design/Build PID #83047	Preble

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Project	Addn	Bin	Date	Time	Project Name	County
2010-27EB		Web	9/1/2010	1:00 pm	Columbus / Capital Park Family Health Center - Sitework	Franklin
2010-27C9		Web	9/1/2010	10:00 am	Arlington Heights / Firefighter's Park	Hamilton
2010-2057		Web	9/1/2010	10:00 am	Dayton / Wright Patterson AFB / Boiler/Chiller - Replace	Greene
2010-2800		Web	9/1/2010	11:00 AM	St. Bernard / Delmar Ave. Retaining Wall	Hamilton
2010-26CA	1	Web	9/1/2010	2:00 PM	Cincinnati / Vernon Manor Offices / HVAC TI Package	Hamilton
2010-26CB	2	Web	9/1/2010	2:00 PM	Cincinnati / Vernon Manor Offices / Metal Studs, Drywall, Acoustic Ceilings	Hamilton
2010-27F9		Web	9/1/2010	2:00 PM	Hamilton / 2010 Cathodic Protection Survey	Butler
2010-26D5	1	Web	9/1/2010	2:00 PM	Hamilton / Shuler & Hancock Ave. Watermain Replacement	Butler
2009-29A2	2	Web	9/1/2010	2:00 PM PM	Dayton / Wright State University / Halon System Replacement	Greene
2010-26C9	2	Web	9/1/2010	5:00 PM	Cincinnati / Vernon Manor Offices / Electrical TI Package	Hamilton
2010-27BE	1	Web	9/1/2010	Noon	Cincinnati / Twelve Buildings Demolition	Hamilton
2010-1E28	2	Web	9/2/2010	2:00	Dayton / Wright Patterson AFB / Historic Facility Exterior & Windows Repair	Greene
2010-2736	1	Web	9/2/2010	3:00 pm	Columbus / Public Service / Annual Citywide Contract Bridge Rehabilitation Project 2 ...	Franklin
2010-2621	2	Web	9/2/2010	3:00 pm	Dayton / Wright Patterson AFB / Visualization Laboratory Reconfiguration	Greene
2010-27CD		Web	9/2/2010	NOON	Cincinnati / Bryn Mawr Water Main	Hamilton
2010-280F	1	Web	9/2/2010	Noon	St. Marys / 2010 ED RLF Uptown Miami & Erie Canal Area	Auglaize
2010-284F		Web	9/3/2010	1:00 pm	Columbus / Defense Supply Center / Thermoplastic Polyolefin (TPO) Roofing System Buil...	Franklin
2010-2652		Web	9/3/2010	10:00 am	Columbus / Central Ohio Transit Authority (COTA) / Kingsdale Bus Stop Relocation	Franklin
2010-281A	2	Web	9/3/2010	10:30 AM	Oxford / 2010 CDBG Sidewalk and Handicap Ramp Improvements	Butler
2010-26D6		Web	9/3/2010	2:00 PM	Hamilton / Smalley Blvd. Watermain Replacement	Butler
2010-27BF		Web	9/7/2010	1:00 pm	Columbus / Defense Supply Center / Building 20 Water Closet & Urinal Valves Replaceme...	Franklin
2010-27A5		Web	9/7/2010	1:00 pm	Columbus / Defense Supply Center / Building 20A Replace Chiller & Three (3) Cooling T...	Franklin
2010-28EE		Web	9/7/2010	1:30 PM	Hyde Park / Edwards Rd. Sewer Replacement	Hamilton
2010-1DC6-A		Web	9/7/2010	1:30 PM	Mt. Healthy / Metropolitan Sewer District of Greater Cincinnati / SSO 612 Improvement...	Hamilton
2010-206F		Web	9/7/2010	2:00	Dayton / Wright Patterson AFB / Area A - Hot Water High Temperature Lines Installatio...	Greene
2006-0B4D	8	Web	9/7/2010	2:00 pm	Columbus Grove Local Schools / K-12 Building Renovations and Additions	Putnam
2010-2835		Web	9/7/2010	3:00 PM	Columbus / Ohio State University / The Blackwell - AVTV Upgrade & Install	Franklin

2010-27E9		Web	9/7/2010	4:00 pm	Cincinnati MHA / Marquette Manor Apartment Building Double Hung & Awning Windows Remo...	Hamilton
2010-242E	1	Web	9/7/2010	7:00 PM	College Corner / Poplar St. Waterline Extension	Butler
2010-28C1		Web	9/7/2010	Noon	Cincinnati / 1622 Dexter Avenue Demolition & Site Restoration	Hamilton
2010-28BF		Web	9/7/2010	Noon	Cincinnati / 1752 Fairmount Avenue Demolition & Site Restoration	Hamilton
2010-28C4		Web	9/7/2010	Noon	Cincinnati / 3630 Wabash Avenue Demolition & Site Restoration	Hamilton
2010-28BD		Web	9/7/2010	Noon	Cincinnati / 5912 Lantana Avenue Demolition & Site Restoration	Hamilton
2010-28C3		Web	9/7/2010	Noon	Cincinnati / 5939 Kenneth Avenue Demolition & Site Restoration	Hamilton
2010-28D6		Web	9/7/2010	Noon	Cincinnati / Lebanon Feeder Phase 1 Water Main	Hamilton
2010-27ED		Web	9/8/2010	1:00 pm	Columbus / Defense Supply Center / DSCC Community & VA Engineering Buildings	Franklin
2010-28C7		Web	9/8/2010	1:00 pm	Hamilton / Relay Panel Purchases	Butler
2010-284B		Web	9/8/2010	10:00 AM	American Twp. / Ciminillo's First Subdivision Sewer Improvement	Allen
2010-21D3		Web	9/8/2010	10:00 AM	Dayton / Department of Veterans Affairs Medical Center / Audiology Building 330 Renov...	Greene
2010-284C		Web	9/8/2010	10:00 AM	Lima / South Main St. Bridge Deck Replacement	Allen
2010-28A7	1	Web	9/8/2010	2:00 PM	Cincinnati / Vernon Manor Garage BP 5C	Hamilton
2010-27D4		Web	9/8/2010	2:00 pm	Columbus MHA / Lincoln Park Meter Pit Relocation	Franklin
2010-2825	1	Web	9/8/2010	3:00 pm	Upper Arlington / Fire Station 72 Demolition	Franklin
2010-27FC		Web	9/8/2010	9:00 am	Milford Center / Water Treatment Plant Improvements	Clermont
2010-2887		Web	9/8/2010	Noon	Cincinnati / 1139 Atwood Avenue Demolition & Site Restoration	Hamilton
2010-28C8		Web	9/8/2010	Noon	Cincinnati / 2526 Ring Place Demolition & Site Restoration	Hamilton
2010-2889		Web	9/8/2010	Noon	Cincinnati / 3566 Haven Street Demolition & Site Restoration	Hamilton
2010-28CA		Web	9/8/2010	Noon	Cincinnati / 714 South Fred Shuttlesworth Circle Demolition & Site Restoration	Hamilton
2010-28C5		Web	9/8/2010	Noon	Cincinnati / 940-942 Elberon Avenue Demolition & Site Restoration	Hamilton
2010-290A		Web	9/8/2010	Noon	Cincinnati / Fountain Square Garage South Elevator Upgrade	Hamilton
2010-28CF		Web	9/8/2010	Noon	Cincinnati / Tuxworth Avenue - Clevesdale Water Main	Hamilton
2010-27FE	1	Web	9/8/2010	Noon	Loveland City Schools / Sign Project	Hamilton
2010-281E	1	Web	9/9/2010	1:00 PM	Cincinnati / Otto Armleder Memorial Park Phase 3	Hamilton
2010-2707	1	Web	9/9/2010	1:00 pm	Columbus / Ohio State University (OSU) / Lane Avenue Residence Hall Roof Replacement	Franklin
2010-289C		Web	9/9/2010	10:00 am	Anderson Twp. / Five Mile Trail Parking Lot	Hamilton
2010-2874		Web	9/9/2010	2:00 pm	Batavia / 2010 Road Resurfacing Program RS-15-10	Clermont
2010-26E6		Web	9/9/2010	2:00 pm	Columbus / Chapel Street Improvement	Franklin
2010-2729		Web	9/9/2010	2:00 pm	Columbus City Schools / Security Upgrades Group 2 BP205	Franklin
2010-2891		Web	9/9/2010	2:00 pm	Columbus Regional Airport Authority / Port Columbus International Airport / Terminal ...	Franklin

2010-261B-A		Web	9/9/2010	2:00 pm	Jackson Twp. / 2010 Road Resurfacing - REBID	Clermont
2009-0260		Web	9/9/2010	2:00 pm	London / Madison Correctional Institution / Window Replacement	Madison
2010-217F-A		Web	9/9/2010	3:00 PM	Green Twp. / Veterans Park Handball Court - REBID	Hamilton
2010-2823		Web	9/9/2010	3:00 PM	Hamilton / Neighborhood Housing Services of Hamilton / 1366 Harmon Ave.	Butler
2010-2822		Web	9/9/2010	3:00 PM	Various / Neighborhood Housing Services of Hamilton / 173 Cain & 600 Victoria	Butler
2010-2826	1	Web	9/9/2010	9:00 am	Grove City / SWACO / Franklin County Sanitary Landfill / Pond One - Sedimentation Cle...	Franklin
2010-28CB		Web	9/9/2010	Noon	Cincinnati / 1207 Neff Avenue Demolition & Site Restoration	Hamilton
2010-28CE		Web	9/9/2010	Noon	Cincinnati / 1538 Beech Avenue Demolition & Site Restoration	Hamilton
2010-288C		Web	9/9/2010	Noon	Cincinnati / 2311 Inwood Place Demolition & Site Restoration	Hamilton
2010-28CC		Web	9/9/2010	Noon	Cincinnati / 24 Forest Avenue Demolition & Site Restoration	Hamilton
2010-288D		Web	9/9/2010	Noon	Cincinnati / 3058 & 3060 Beekman Street Demolition & Site Restoration	Hamilton
2010-28E9		Web	9/9/2010	Noon	Cincinnati / Sassafras Access Drive Improvements	Hamilton
2010-26EE		Web	9/10/2010	4:00 pm	Columbus / Division of Sewerage and Drainage / Wastewater Treatment Facilities / Ash ...	Franklin
2010-28A3		Web	9/13/2010	1:00 pm	Columbus / Defense Supply Center / Building 20 Make-Up Air Handling Units Replacement	Franklin
2010-2610	3	Web	9/14/2010	11:00 AM	Middletown / Bus Shelters	Butler
2010-28D3		Web	9/15/2010	1:00 pm	Columbus / Ohio State University / Goss Lab - Room 302 Renovation	Franklin
2010-28A1	1	Web	9/15/2010	1:00 pm	Harrison / Dry Fork Road Sanitary Sewer Improvements Phase 2	Hamilton
2010-28B4		Web	9/15/2010	10:00 AM	Dayton / Wright Patterson AFB / Building 11 Renovations Phase II	Greene
2010-273D		Web	9/15/2010	2:00 pm	Cincinnati / Veterans Affairs Medical Center / Building 15 Phase 11 - Labs Remodel	Hamilton
2010-2275	2	Web	9/15/2010	2:00 pm	Dayton / Wright Patterson AFB / GLSC Consolidation Bldg 30070 Renovation	Greene
2010-26F0		Web	9/15/2010	4:00 pm	Columbus / Jackson Pike Wastewater Treatment Plant / Corrosion Prevention & Protectiv...	Franklin
2010-2757		Web	9/16/2010	10:00 am	Columbus / Franklin County Animal Shelter Design Release 5	Franklin
2010-1E53	2	Web	9/16/2010	10:00 am	Dayton / Wright Patterson AFB / Facility 30209 - South End Renovate 080032	Greene
2010-280D	1	Web	9/16/2010	10:00 am	ODOT / District 7 Guardrail Rebuilding, Project 100490	Champaign
2010-280E	1	Web	9/16/2010	10:00 am	ODOT / District 8 Bridge Repair, Project 100491	Hamilton
2010-2473	2	Web	9/16/2010	10:00 am	ODOT / Fairfield Landscaping, Project 101077	Butler
2010-2865	1	Web	9/16/2010	10:00 am	ODOT / SR 571 Bridge Repair, Project 100496	Miami
2008-3005		Web	9/21/2010	2:00 pm	University of Cincinnati / Proctor Hall Exterior Renovation	Hamilton



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 _____ Sept. 15, 2010 – 8:30 am

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 _____ August 25, 2010 – 3:00 pm
 _____ Sept. 30, 2010 – 3:00 pm

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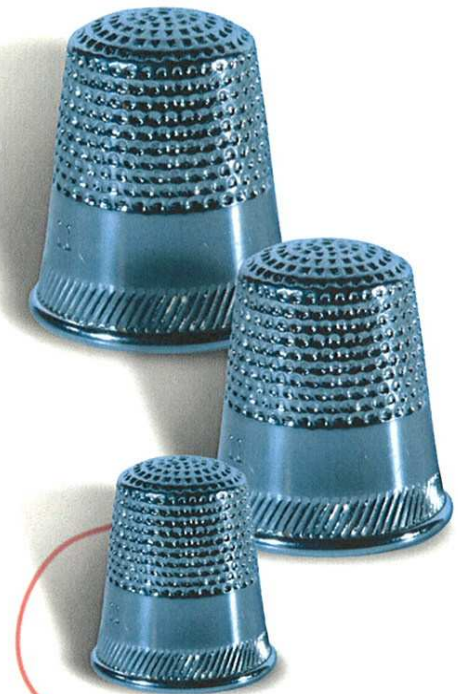
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Danis Completes Construction on \$31 Million Ray and Joan Kroc Corps Community Center

Dayton, Ohio – August 9, 2010 – The Salvation Army and Danis Building Construction are pleased to announce completion of Dayton's Ray and Joan Kroc Corps Community Center. The \$30 million project opened to the public on May 8, after a two-year construction process. Construction included 100,000-square-feet across three new buildings – one each for arts and worship, recreation and education – and the renovation of a 160-year-old former residence that became meeting and office space.

"The Ray and Joan Kroc Corps Community Center is a tremendous asset to advancing the Salvation Army mission. We were happy to have been a part of such a prestigious addition to the Dayton community," said Michael Cope, the Danis project manager who oversaw construction.

Cope pointed to several unique aspects of the community center's campus. The centerpiece of the campus is arguably the Duncarrick Mansion, one of the oldest and most prominent former residences in Dayton. The home's original farmhouse was built in the 1800s and added onto across multiple generations. Danis worked hard to preserve historic details like the ground floor library's ornate fireplace -- with its carved wood mantle imported from Italy -- and the refurbished wood floors and dental molding of the Community Room. The painstakingly-restored mansion will house The Salvation Army's executive and administrative personnel.

Danis was also responsible for overseeing construction of an impressive arts and worship center. The space features sweeping archways and a 75-foot-high, twisting steel tower – influenced by Eastern European minarets – that delineates the structure's roofline. The arts and worship center includes a spacious sanctuary, lecture hall, movie theater, classrooms and a banquet facility. It is capable of accommodating 1,560 people, total.

Cope also noted the community center's recreational facilities. "What's great about the Kroc Center is the fact that The Salvation Army is not limited by space, as they were in their old location. Kids will have access to the right facilities, coaches, fitness programs and tutoring help," said Cope.

The Kroc Center's recreation area has a large, lit, outdoor basketball court that will be the highlight of The Salvation Army's basketball program, which has already touched thousands of lives, including many graduates who now play at the collegiate level. In addition, the facility features an indoor basketball courts, fitness center with aerobics/dance studio, media room, coaches room (for viewing game films), video scoreboard with instant reply, locker rooms, a food court and outdoor concession stand.

The final addition to The Salvation Army's new home is its educational center. The center's state-of-the-art tech café features plasma TVs, a large computer center and coffee bar. There is also space for one-on-one tutoring, social services, a library and classrooms. The center collaborated with the University of Dayton (UD) and other nonprofit groups to plan learning camps and daycare services, which will be part of UD's early childhood education curriculum.



"Another unique aspect of the educational center is actually on the ceiling," said Cope. "The ceiling is made of exposed wood planking, each two to three inches wide, almost like an upside-down wood deck. It lends a very open, high-end feel to the building."

Danis served as construction manager of the project, located on a 17-acre site just north of downtown Dayton. John Poe Architects designed the project.

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SAFETY DIRECTORS MEETING

BY GARY AUMAN
OF DUNLEVEY, MAHAN, & FURRY

Wednesday, October 13, 2010

11:30 a.m. – 1:00 p.m.
DBX EDUCATION ROOM
2077 Embury Park Rd.
Dayton, Ohio 45414

OR VIA THE INTERNET AS A WEBINAR

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while you dial in by phone for the meeting audio)*

The purpose of the Safety Directors Meeting is to allow member firm Safety Directors to meet on a quarterly basis to get updated on OSHA and Workers Compensation Issues. This meeting will be presented by Gary Auman of the legal firm Dunlevey, Mahan and Furry. Gary is noted nationally for his expertise in these areas.

The meeting also provides the opportunity for Safety Directors to learn from each other, as they will have the opportunity to discuss their experiences.

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SAFETY DIRECTORS MEETING

Wednesday, October 13, 2010
11:30 a.m. Association Education Room
2077 Embury Park Rd., Dayton, Ohio

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OSHA REGULATORY UPDATE

By: Gary Auman of Dunlevey, Mahan, & Furry

We have all been aware of legislation pending in Congress as early as April 2009 to significantly amend the Occupational Safety and Health Act of 1970. An OSHA reform bill was introduced to the House of Representatives in the spring of 2009. A similar piece of legislation entitled "The Protecting America's Workers' Act" (PAWA) was introduced into the Senate by Ted Kennedy in early August 2009. Because of healthcare reform and many other employment law measures, most people felt that this OSHA legislation would not make its way through Congress before the end of 2010. Recently, the House of Representatives took PAWA and attached much of it as an amendment to The Robert C. Byrd Miner Safety and Health Act of 2010, H.R. 5663. On July 21, 2010, H.R. 5663 with OSHA remedial legislation attached to it was voted out of the House Education and Labor Committee on a party line vote of 30-17. While Republicans sought to scale back the bill through several amendments, all these amendments were defeated. Now it goes to the full House for a vote. As of the writing of this article, that vote has not yet been scheduled. Apparently, political strategists feel this will be the best opportunity to get both the Mine Safety and Health Act (MSHA) reforms and OSHA reforms passed in this Congress.

The amendment to H.R. 5663 for OSHA contains some of the most onerous provisions proposed in PAWA. First, the amendment will significantly enhance whistleblower protections under OSHA. Even without the proposed amendments in H.R. 5663 I am already seeing a significant increase in the number of complaints filed by employees, terminated or laid off from their employment, alleging that they have been discriminated against because they engaged in some protected activity under the law. Unfortunately, with regard to OSHA discrimination or whistleblower protections, OSHA already reads the definition of "protected activity" very broadly. As you will see the proposed amendments to the Whistleblower protection in the current law will greatly expand the "protected class" under OSHA .

Protected activity under the Occupational Safety and Health Act of 1970 is defined in Section 11(c) of that law. Section 11(c) (1) states "no person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or others of any right afforded by this act." Of course, one of the right afforded to employees by OSHA is to be provided a safe place of employment, so this latter phrase in Section 11 (c)(1) of the Act is intended to cover employees who make safety complaints related to their working conditions to their employers.

Under the proposed amendment, this definition will be extended to include any employee who has been discharged or in any way discriminated against for reporting any injury, illness, or unsafe condition. This will extend whistleblower protection to any employee who files a workers' compensation claim with their employer. Because OSHA now investigates any complaint of discrimination by an employee under the Act, I can foresee that an employee who filed a workers' compensation claim in 2009 and who was terminated for tardiness or absenteeism in 2010, could complain to OSHA that as far as they are concerned they were terminated in 2010 because they filed a workers' compensation claim (reported an injury or illness) in 2009. This may seem to be a stretch, but currently this is one area in which OSHA seems to consider the employer guilty until they prove themselves innocent. If OSHA responds as they currently do when receiving a whistleblower complaint, they will undertake a full investigation of the allegations raised by the employee immediately upon receipt. If this language remains in the Act and becomes law, employers will have to take a very hard look at their current disciplinary procedures to be sure that when taking disciplinary action against an employee for a valid and legal reason, they have sufficient documentation to protect themselves against a frivolous claim under this new proposed whistleblower protection of the Occupational Safety and Health Act. On a lighter side, I don't think OSHA currently has sufficient compliance officers to even come close to handling the number of claims of discrimination they are likely to see filed under the new and significantly broader protected class.

The whistleblower amendments provided in this bill also establish a separate adjudication system for whistleblower complaints, and a new schedule of damages and settlement procedures for employees who take advantage of the whistleblower language. The amendment under the section for relief provides that, in addition to reinstatement without loss of position or seniority, the complaining employee would also be entitled to receive "compensatory and consequential damages sufficient to make the complainant whole, (including back pay, pre judgment interest, and other damages); and expungement of all warnings, reprimands, or derogatory references that have been placed in paper or electronic records or databases of any type relating to the actions by the complainant that gave rise to the unfavorable personnel action" In addition to these damages, there is a provision for attorneys fees and costs "if the secretary or an administrative law judge, review board, or court grants an order for relief . . . the secretary,

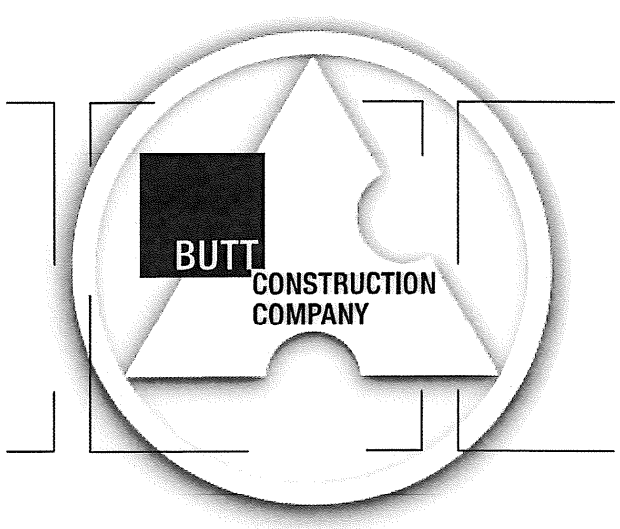
administrative law judge, review board, or court, respectively, shall assess at the request of the employee against employer – reasonable attorneys fees; and costs (including expert witness fees) reasonably incurred, as determined . . . in connection with bringing the complaint upon which the order was issued.” So, in addition to returning the employee to his prior position of employment with back pay, the employer will now be liable to the employee for pre judgment interest and for any attorneys fees the employee might incur in bringing the complaint or pursuing the complaint against the employer.

In addition, to the preceding, the OSHA amendment also contains, in Section 702, language amending Section 9 of the Occupational Safety and Health Act of 1970 creating a body of victim’s rights for any employee who is injured on the job whose injury results in an OSHA investigation as well as the immediate family members of any employee killed on the job whose death results in an OSHA investigation. These rights will permit “victims” to meet with the Secretary (area director) regarding the inspection or investigation prior to the Secretary’s decision to issue a citation or to take no action. They will also receive a copy of any citation or report issued as a result of any such inspection, and be informed of any notice of contest or additional of parties to the proceedings after the citation is issued. Finally, they will be provided notification of the date and time of any proceedings, service of pleadings, and other relevant documents, and an explanation of the employer’s rights under the Occupational Safety and Health Act. They will also have the right to be notified of the time and date of any proceeding before the Review Commission and to receive copies of any pleadings or decisions relating to the proceeding before the Review Commission and an opportunity to appear and make a statement in accordance with the rules prescribed by the Commission.

Under this language, if the “victim” elects to appear, he/she will be given an opportunity to make a statement before the Administrative Law Judge hearing the matter or before the full Review Commission hearing arguments on the case in accordance with whatever rules the Review Commission establishes to permit such a statement to be made. Finally, prior to entering into any agreement to withdraw or modify a citation issued as a result of such an inspection, the “victim” or representative of the “victim” will be provided an opportunity to appear and make a statement before the parties conducting settlement negotiations. In order to facilitate this language under the amendment, the Secretary shall designate at least one employee in each area office of OSHA to serve as a family liaison.

Section 703 of the amendment will amend Section 10 of the Occupational Safety and Health Act of 1970. Some of this language is going to be subject to interpretation and, I am sure, the subject of litigation, but I am going to provide you with the language in the amendment and my thoughts with regard to how it might be applied to employers.

The first change to this aspect of the law is that the amendment states that each violation for which the Secretary designates as serious, willful, or repeated, the abatement period will begin to run upon the receipt of the citation. The amendment also states that the filing of a notice of contest by the employer will not operate as a stay of the period of abatement. Currently, when a notice of contest is filed, the period to abate the citation is stayed or tolled pending the outcome of the notice of contest. Under the language of the amendment, the employer will have to begin to abate the citation immediately upon receipt of the citation. In other words, if the abatement period set out in the citation is “immediate”, the employer will have to correct the alleged problem, even if the notice of contest is filed immediately upon receipt of the citation. We have all seen citations that are incorrectly issued by a compliance officer. I have challenged many that are later vacated either prior to or as a result of litigation. Under this amendment, even if the employer is right, he will have to expend resources to take unnecessary



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corrective action – unless he spends other resources to avail himself of the one alternative the amendment offers.

There is a provision in the amendment for the employer to file a motion for a stay of the abatement period. Such a motion will have to be filed with the Commission. In such a motion, the employer will have to demonstrate a substantial likelihood of success in the notice of contest, that the employer will suffer irreparable harm absent a stay of the abatement period and that a stay will adversely affect the health and safety of workers. This will pretty much eliminate filing a notice of contest to stay abatement in order to negotiate a settlement of the citation unless the employer can demonstrate that it has a substantial likelihood of success in defending the citation if the notice of contest goes forward.

The Review Commission is instructed under the amendment to develop rules of procedure to conduct a hearing on such a motion for a stay on an expedited basis. The amendment provides that a hearing before the Administrative Law Judge on motion for such a stay shall occur not later than 15 days from the filing of the motion for a stay unless extended at the request of the employer. The decision on the motion for the stay must occur not later than 15 days following the hearing. There is also provision for objecting to a decision of the Administrative Law Judge on an employer's motion for a stay by any party that is aggrieved by such a decision. What is not in the amendment is information as to whether the abatement dates are stayed until an employer's motion for a stay has been adjudicated. Since, at a minimum, the motion for the stay could take 30 days from the time it is filed until a decision is issued, there is no indication as to what action, if any, the employer will have to take while its motion for a stay is pending on abatement dates that provide less than 30 days to correct an alleged violation from the date the employer receives the citation.

Additional language is provided in the statute which amends Section 17(d) of the Occupational Safety and Health Act of 1970. This amendment extends failure to abate violation penalties to apply to any citation in which the corrective action indicated in the citation has not been abated by the abatement date stated in the citation unless a stay has been issued. Again, I pointed out that this creates a very awkward situation for those cases in which the compliance officer or area director issues a citation with an abatement within 30 days of the date the employer receives the citation and the Administrative Law Judge hearing a motion for a stay takes the full 30 days to issue the stay. Failure to abate citations under this Bill can be fined at up to \$12,000 a day.

I do not want to rehash the amendments to the penalty structure which existed in the PAWA and have been made part of the amendment to the Mine Safety and Health Act, because they have been discussed many times in the past. The civil penalties have been increased as mentioned before by approximately 72 percent on the high end.

Of greater interest in the civil penalties is the designation of new categories for criminal penalties and criminal sentencing. Under the existing Occupational Safety and Health Act of 1970, an employer who is convicted of a willful OSHA violation which resulted in a fatality, can, in addition to civil penalties, be imprisoned for up to six months. Under the proposed amendment to the Act, in a similar situation, an employer who "knowingly violates any standard, rule, or order promulgated under Section 6 of the Act or of any regulation prescribed under the Act (willful violation), and that violation caused or contributed to the death of any employee, shall, upon conviction, be punished by a fine in accordance with Title XVIII of the United States Code and/or by imprisonment for not more than ten years." The same amendment to the Occupational Safety and Health Act of 1970 provides that for a repeated offense the potential period of prison time is up to 20 years. Both of these amendments also include the possibility of having to pay a substantial fine in addition to the prison time.

While potential prison sentences are also spelled out for other possible actions by an employer, the amendment also creates a new criminal sanction for a willful violation which results in serious bodily harm to an employee, but does not cause death to the employee. This penalty is to be punished by a fine in accordance with Title XVIII of the United States Code or by imprisonment for up to five years or both. Serious bodily harm is defined as "serious bodily harm means bodily injury or illness that involves (A) a substantial risk of death; (B) protracted unconsciousness; (C) protracted and obvious physical disfigurement; or (D) protracted loss or impairment either temporary to permanent of the function of a bodily member, organ, or mental faculty." Under this definition a very large number of workers' compensation claimants would qualify as having suffered serious bodily harm, which could result in criminal prosecution if their employer were alleged to have committed a willful violation of the Occupational Safety and Health Act which resulted in that harm.

The effective date of the amendments to the Occupational Safety and Health Act of 1970 is stated to be 90 days from the enactment of the amendment. State plan states would have to enact the provisions of the amendment within 12 months of the enactment of the amendment by the federal government.

CONTINUED ON PAGE 23

As you can see by the preceding comments, we are confronted with a very serious threat. It appears from the language of the amendment that very little thought, as usual, has been given to the practicalities of the requirements of the proposed legislation. From expanding whistleblower protection to cover virtually any employee who files a workers' compensation claim to creating an untenable abatement situation under issued OSHA citations, to creating a potential for criminal penalties that could affect many, many employers and be based upon a one-sided evaluation of a factual situation in which the employer has not yet even been able to put forth a defense, this pending legislation, if passed in its current form, could have a disastrous affect on American industry.

Field Operations Manual Amendments

I would like to comment very briefly on amendments to the Field Operations Manual which are now in place. While waiting to see how the proposed legislation in H.R. 5663 is eventually resolved, the Administrator of the Occupational Safety and Health Administration, Dr. Michaels, decided to move forward on his own agenda. Again, with what appears to be very little thought, he has issued amendments to the Field Operations Manual which were announced on April 22, 2010, in a memorandum to his regional administrators. He indicates that these changes will become effective over the next several months. It is hard to gauge which of these changes are in effect now and which may only be in effect at some future point, but some of the procedural changes are currently being implemented.

One of the more significant changes is a prohibition created by Dr. Michaels, to area directors concerning informal conference considerations. Dr. Michaels has restricted area directors to offer settlements of pending OSHA citations being discussed at an informal conference of up to a 30 percent penalty reduction. He is now requiring that an area director, to offer a reduction greater than 30 percent, must have approval of the regional administrator. He has also authorized area directors to offer an additional 20 percent reduction to employers with fewer than 250 employees who agree to retain the services of an outside safety and health consultant. A word to those of you who might fit this category, you may find that the retention of an outside safety and health consultant will be significantly more costly than the 20 percent penalty reduction you might be able to receive from the area director.

Dr. Michaels has made several other significant changes to the existing penalty structure in his memorandum and through his changes to the Field Operations Manual. His announced intention for these changes is to increase the average penalty for a serious violation from the current reported amount of less than \$1000 goal amount of between \$3000 and \$4000. I fail to see how these changes in penalty structure and restrictions on the authority of experienced area directors to negotiate fair and reasonable settlements of pending cases, will have any impact on the safety of the American worker. Unfortunately, amendments to the Field Operations Manual do not have to proceed under the Federal Administrative Procedures Act nor do they have to work their way through Congress. They are literally in place the day the Administrator of OSHA announces them to be. As I have already indicated, the only instruction we have on this particular topic is that they will be put into place over the next several months (and that comment dates back to April 22, 2010).

Severe Violator Enforcement Program

On June 18, 2010, OSHA unveiled its Severe Violator Enforcement Program (SVEP). This program was announced through OSHA Instruction CPL 02-00-149. Again, to provide you some summary information, this program is designed to apply to employers who have demonstrated indifference to their OSHA obligations by committing willful, repeat, or failure to abate violations. If an employer is classified as a severe violator, OSHA instruction provides that there is a requirement for mandatory follow-up inspections following the issuance of citations, increased corporate awareness of OSHA enforcement, as well as in corporate-wide agreements and federal court enforcement under Section 11(b) of the Occupational Safety and Health Act. There are criteria in the instruction that limits the application of the instruction as it applies to willful, repeat, and failure to abate violators.

As you can see, Congress and OSHA are both hard at work to increase restrictions and enforcement availability with regard to all employers in the United States. Unfortunately, in many cases, both Congress and OSHA are permitting what appear on their face to be political considerations to overshadow their common sense. While the amendments to the Field Operations Manual and the Severe Violator Enforcement Program are already partially or totally in effect, there is still an opportunity to modify the pending legislation. Unfortunately, based on the reception this legislation received when it was voted out of the House Education and Labor Committee, cooler heads may have no impact on the political steamroller which is presently heading for the American employer with no warning bell or siren those employers know it is coming.

You can judge for yourself how this legislation will impact your business. All of the members of our trade association are committed to providing a safe workplace for their employees. Unfortunately, that may no longer be enough. Because regulatory enforcement does not always equate with practical safety, employers who are providing a safe place to work for their employees may find themselves spending thousands of dollars to fix things that really aren't really broken.

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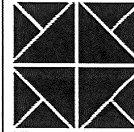
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COOKOUT FOR SCOUTING AT RiverScape



The Miami Valley Council, Boy Scouts of America recently held the 11th annual Cookout for Scouting at RiverScape on Friday, June 11th in downtown Dayton. Boy Scouts from around the Miami Valley served up lunch to hundreds of downtown workers. Along with lunch, the Miami Valley Council showed off the great things that Scouts are doing throughout the year to develop strong leadership skills and values.

The event benefits the Campership Fund of the Miami Valley Council which allows Boy Scouts to attend camp this summer, regardless of their ability to pay. Sponsors for the cookout include the Labor Management Cooperation Committee (LMCC) of the Western Ohio Chapter of the National Electrical Contractor's Association (NECA) and the International Brotherhood of Electrical Workers (IBEW) Local 82; and the Miami Valley Alliance of Construction Professionals (MVACP).

The LMCC is comprised of both NECA contractors and members of IBEW Local 82. Together they work as a team to increase market share, oversee continuing education for Journeymen and women, and support community projects. The MVACP represents over 200 Miami Valley contractors employing thousands of highly trained, skilled craftspeople living in the Miami Valley. Collectively their member companies generate an annual construction volume of nearly one billion dollars; who, in turn, contribute thousands of hours of payroll taxes to support the community.

Exhibitors included the Ohio National Guard who brought in a HUMVEE, Pro Polaris with ATV equipment and the Electrical Trades of Central Ohio demonstrated their Green Power Alternative Demonstrator (GPAD). The GPAD is a portable electrical generation station using built-in solar panels and an extendable wind turbine. The G-PAD was engineered and built by master craftsmen of the Electrical Trades of Central Ohio in Columbus to showcase the expertise of NECA / IBEW in alternative power installations.



demonstrated their Green Power Alternative Demonstrator (GPAD). The GPAD is a portable electrical generation station using built-in solar panels and an extendable wind turbine. The G-PAD was engineered and built by master craftsmen of the Electrical Trades of Central Ohio in Columbus to showcase the expertise of NECA / IBEW in alternative power installations.

In addition, the URS held their annual fund-raising program, the Rubber Duck Regatta, during the noon hour. Thousands of rubber ducks were dropped into the Little Miami River and "raced" to the finish line. Participants donated \$5.00 per duck and prizes were awarded to the winners.

A special thanks to Chapel Electric, ESI Electrical Contractors and Studebaker Electric for donating their equipment and manpower for the event.

[Article and Pictures Courtesy of Tucker & Tucker](#)

Switch on your Potential Unlock your Success

with National Televised Trainer:

Dr. Jerry Teplitz

October 28, 2010

Hilton Garden Inn, Beavercreek, Ohio



See pages 21-25 for all
of the exciting details!

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Association
of Western Ohio

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ENTIRE TEAM!**

Speaker's Biography

DR. JERRY V. TEPLITZ

Dr. Jerry V. Teplitz' background is as unique as the techniques and approaches he teaches. He originally graduated from Hunter College and Northwestern University School of Law and practiced as an attorney for the Illinois Environmental Protection Agency.

Jerry then studied and received Masters and Doctorate Degrees in Holistic Health Sciences, and over the last 32 years, has gained wide-spread acknowledgement for his expertise in helping others achieve their ultimate best in all areas of life.

Dr. Teplitz has been a field manager for the Carlson Learning Company, (now Inscape Publishing), since **1979**, and President of his own consulting firm since **1974**. A Certified Brain Gym Instructor, Jerry conducts seminars in the areas of stress management, employee productivity, and sales development.

The list of clients Dr. Teplitz has consulted for include such organizations as: Century 21, IBM, Holiday Inns, International Management Council, Young Presidents' Organization, Sales and Marketing Executives, GlaxoSmithKline, EDS, American Bankers Association, American Society of Association Executives, American Accounting Association, plus over four hundred colleges and universities across the United States and Canada.

Jerry is the author of six books, including *Switched-On Living*, *Brain Gym for Business*, and his two latest books are *Managing Your Stress in Difficult Times* and *Switched-On Selling: Balancing your Brain for Sales Success*. Articles on Jerry have appeared in such publications as Prevention Magazine, Successful Meetings, Travel & Leisure Golf Magazine, Golf Illustrated, and The Los Angeles Times.

As a professional speaker, he has spoken to over one million people. Dr. Teplitz has also been honored by his peers in the **National Speakers Association** by receiving the "Certified Speaking Professional" designation, and has been selected as "Top Rated Speaker" by the International Platform Association.

Dr. Teplitz is listed in several editions of Who's Who in America, and served eight years on the faculty of the U.S. Chamber of Commerce Institute for Organization Management.

Join Nationally Renowned Trainer and Author

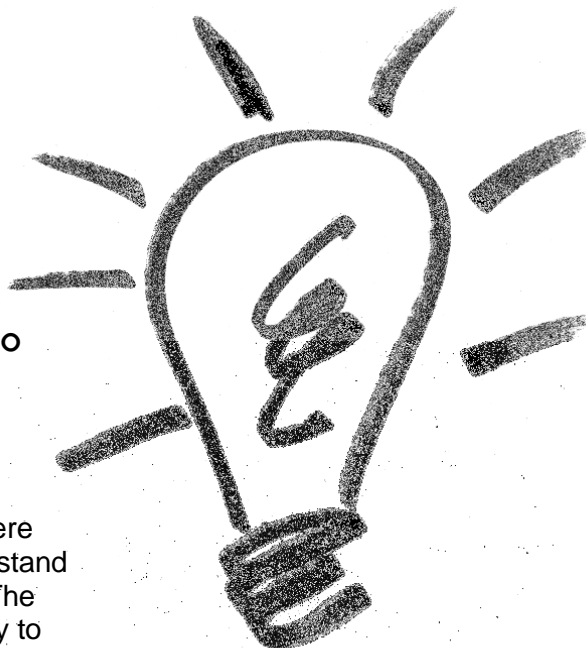
Dr. Jerry Teplitz

For this special Ohio appearance in conjunction with the Subcontractors Association of Western Ohio

Break out of old ruts

How to Persuade Customers and Employees Effectively

People call it the art of persuasion, but is it really an art? Or are there actually systematic approaches which can be used to better understand our own motivation and that of those you are trying to persuade? The session explores this question and offers participants a proven way to read their clients' behavior styles, which enables them to be even more successful persuaders.



So positive! Every phase of life could benefit from this.

Unlock innovative techniques

Speeding To Effective Time Mastery - Working Smarter, Not Harder

With the complexities of the business world today, there never seems to be enough time to accomplish everything we need to do. Through this program leaders will discover their own time management strengths and weaknesses leading to the development of a personal, effective time management strategy.

Switch on your effectiveness

Switched-On Selling

Whether you are selling a product or a service, this program is a powerful new approach for creating a successful selling strategy through direct brain re-education. This program assumes that participants already have some sales experience, understand the sales process, and would like to achieve greater success. It enables salespeople with some experience to "switch-on" their central nervous system for each step in the selling process resulting in greater sales effectiveness.

An extremely entertaining and resourceful program.

This seminar made me think I can succeed at anything I attempt!

Energize yourself and your team

Increasing Your Management Success Formula To New Levels of Excellence

With the increase in competition and changes in the workplace, the key to good management practices now requires a clear understanding of human behavior. Through this program managers will learn their own behavior style while they also receive a picture of the style of the people they have to manage. This information will allow them to better relate to and motivate their subordinates and is also valuable in team building, hiring, and the correct placement of personnel. Have your attendees ever had a negative day as a manager? How did they feel at the end of it? Tired, drained... Now, have your attendees ever had a positive day as a manager? How did they feel at the end of it? Energized. What if they could create every day to be a great day? What would that do to their management abilities? This program will show participants how to make every day that way through actual tools and techniques that will increase their energy levels for more effective management capabilities.

Schedule Of Events

Thursday, October 28, 2010

7:00 a.m. Registration Opens Ballroom Foyer

All Educational Session will be in the Hilton Garden Inn Ballroom

8:00 a.m.—10:00 a.m. Session 1- **BREAK OUT OF OLD RUTS**
How to Persuade Customers & Employees Effectively
(7:15 a.m.—8:30 a.m. Breakfast in the Ballroom)

10:00 a.m.-12:00 p.m. Session 2- **UNLOCK INNOVATIVE TECHNIQUES**
Speeding to Effective Time Mastery-Working Smarter,
Not Harder
(Includes Profile to be filled out by each attendee and used as
an assessment tool for self-development)

12:00 p.m.—2:00 p.m. Session 3- **SWITCH ON YOUR EFFECTIVENESS**
Switched-On Selling
(12:00 p.m. Lunch in the Ballroom)

2:00 p.m.—6:00 p.m. Session 4- **ENERGIZE YOURSELF AND YOUR TEAM**
Increasing Your Management Success Formula to
New Levels of Excellence
(Includes Profile to be filled out by each attendee and used as
an assessment tool for self-development)

BRING THE FAMILY!

The Hilton Garden Inn is conveniently located right across the street from the Fairfield Mall and the Mark Phillips Day Spa. A quick trip up I-675 will take you to the newly built, outdoor Mall called The Greene. Shopping and pampering is just the beginning! A truly surprising and inspiring city, Beavercreek, Ohio is right around the corner from Fairborn, Ohio; home of the Wright Brothers, Wright Patterson Air Force Base, and their National Air and Space Museum.

For more information on the Beavercreek and Fairborn area go to:

<http://ci.beavercreek.oh.us/about/> &

<http://ci.fairborn.oh.us/history.htm>.



Really gives great insight for simple measures to help consumer.

HERE ARE JUST A FEW OF DR. TEPLITZ'S CLIENTS

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Alabama Manufactured Housing Institute
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Electrical Contractors Association
Erath Veneer Corp.
Floor Installation Association of North America
Florida Association of Home Builders
Florida Transportation Builders Association
Hardwood Plywood & Veneer Association
HBA's of Greater Columbia, Chicago, MD, Indiana and Richmond
HBA of Washtenaw County
Home & Building Industry of Greater Grand Rapids

Spectacular!

Don't miss your chance to

**BREAK OUT
UNLOCK
SWITCH ON
& ENERGIZE**

Kansas Contractors Association
Kentucky Association of Home Builders
National Association of Home Builders
National Roofing Contractors Association
National Utility Contractors Association
Northern VA Building Industry Association
Ohio Association of Home Builders
Partners for Progress
Pennsylvania Builders Association
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SE Builders Conference
Snow and Ice Management Association
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Virginia Ready-Mixed Concrete Association

Outstanding!

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To learn more about Dr. Jerry Teplitz, go to: www.teplitz.com
To see Dr. Jerry Teplitz in action, go to: <http://www.teplitz.com/media/keynote/keynote1.html>
OR <http://www.teplitz.com/playCBS.html>

The Hilton Garden Inn
3520 Pentagon Park Blvd.
Beavercreek, Ohio 45431



REGISTRATION FORM

Company Name _____

Attendee Name _____ License # _____

Address _____

City _____ State _____ Zip Code _____

Phone: _____ Fax _____

Email _____

Please duplicate form as necessary. Circle the appropriate registration fee amount below:

Full Registration: Member - \$385.00 Non-Member - \$435.00
Includes all four Thursday **Educational Seminars**, Materials, Breakfast and Lunch.

Session 1 8-10 am: Member - \$85.00 Non-Member - \$95.00
How to Persuade Customers & Employees Effectively
(7:15 a.m.—8:30 a.m. Breakfast in the Ballroom)

Session 2 10 am - Noon: Member - \$75.00 Non-Member - \$85.00
Speeding to Effective Time Mastery-Working Smarter, Not Harder
(Includes Profile to be filled out by each attendee and used as an assessment tool for self-development)

Session 3 Noon - 2 pm: Member - \$95.00 Non-Member - \$105.00
Switched-On Selling (12:00 p.m. Lunch in the Ballroom)

Session 4 2 - 6 pm: Member - \$150.00 Non-Member - \$170.00
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Registration Cancellations must be made 5 business days in advance for refund!

A room block has been set aside for the night of Wednesday, October 27, 2010. A Standard Room with king bed is \$104.00. For hotel room reservations, please call the Hilton directly at 937-458-2650 or call 877-STAY-HGI and use the Group Name "Jerry Teplitz Seminar".

Hilton Garden Inn

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The Cut-Off Date for the room block is 12:00 p.m. on 09/27/2010!
Reserve your room today!

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SHEET METAL & ROOFING CONTRACTORS ASSOCIATION OF THE MIAMI VALLEY, OHIO
SUBCONTRACTORS ASSOCIATION OF WESTERN OHIO

HUMAN RESOURCES BASIC TRAINING FOR SUPERVISORS AND OFFICE EMPLOYEES

Wednesday, September 15, 2010

8:00 a.m. - 9:30 a.m.

Dayton Racquet Club

Top of Kettering Tower

40 N. Main Street

Dayton, Ohio 45423

(Breakfast Included)

OR VIA THE INTERNET AS A WEBINAR

*(get streaming video and see the presentation on your computer
while you dial in by phone for the meeting audio)*

Presented By:

Steve Watring of Dunlevey, Mahan & Furry

Frequently employees are assigned supervisory or other human resources responsibilities because they are good employees. But just like any other job, if they don't have adequate training for their new job duties, this is asking for trouble. One wrong move by them in dealing with an employee can land your business in court, and you probably don't even have insurance to cover that kind of case. Even if you settle or win, it's likely to end up costing you tens of thousands of dollars.

Attorney Steve Watring, a partner at Dunlevey, Mahan & Furry, will go over some of the most common "rookie mistakes" made by new supervisors and office employees that are assigned human resources responsibilities. Attendees will walk out of the room with a better understanding of how to safely handle some of the most common problems with employees. You wouldn't think of putting an employee on a hazardous job without any training. A human resources mistake can be just as hazardous to your business! Take the first step in training your supervisors in safe employment practices.

HUMAN RESOURCES QUARTERLY MEETING

Wednesday, September 15, 2010

8:00 a.m. Dayton Racquet Club

DBX Registration Form

Name of Firm: _____ Phone: _____

The following individuals will be in attendance:

_____	<input type="checkbox"/> via webinar Email: _____	<input type="checkbox"/> at location
_____	<input type="checkbox"/> via webinar Email: _____	<input type="checkbox"/> at location
_____	<input type="checkbox"/> via webinar Email: _____	<input type="checkbox"/> at location
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If you are participating via Webinar, the necessary phone number, web address, and handouts will be emailed prior to the start of the seminar.

Return To: SAWO
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TOUR DE DONUT

BX/SAWO TOUR DE DONUT GREAT FUN

On Saturday, August 21st, the Builders Exchange of Dayton held its first Tour De Donut starting at Spring Valley, with a halfway point at Corwin (total of a 14 mile ride).

The main purpose of the bicycle ride was to raise money and awareness of the upcoming United Way of Greater Dayton Fund Campaign.

Riders enjoyed donuts and coffee at the beginning of the ride in Spring Valley. After the mass start, there were more donuts, coffee, water and juice at the halfway point in Corwin. Then following the return trip back to Spring Valley, everyone took part in a traditional picnic buffet.

All riders were registered for a drawing to win the Tour Grand Prize, a Trek Tandem. Terri Leputa of United Way pulled the winning ticket for the tandem and the winner was Tom Budde of Budde Sheet Metal Works.

All funds that were raised are to be donated to the United Way.

The Builders Exchange of Dayton has made a commitment to promote the United Way throughout the construction industry. The United Way supports over 75 service organizations that are vital to those in need in our community, from the children to the elderly. If you would like to find out more as to how you and/or your firm can help, contact Terri Leputa at the United Way (937) 225-3024.



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TEMPORARY AUTHORIZATION TO REVIEW INFORMATION

TO: EMPLOYER SERVICES DEPARTMENT
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c/o CareWorks Consultants, Inc.
5500 Glendon Court
Dublin, Ohio 43016
(614) 526-7188 / 1-800-837-3200 ext. 7188
Fax 1-888-837-3288
www.careworksconsultants.com
info@ccitpa.com

FROM:	Policy Number
	Company
	DBA
	Address

This is to certify that **CareWorks Consultants Inc. (ID NO. 150-80) and the Buckeye WC Alliance/Dayton Builders Exchange (11000, 2011/2012, Code 11/26)** including its agents or representatives identified to you by them has been retained to review and perform studies on certain workers' compensation matters on our behalf.

This limited letter of authority provides access to the following types of information relating to our account:

- (1) Risk files
- (2) Claim files
- (3) Merit-rated or non-merit rated experiences
- (4) Other associated data

This authorization does **NOT** include the authority to:

- (1) Review protest letters
- (2) File protest letters
- (3) File form Application for Handicap Reimbursement (CHP-4);
- (4) Notice of Appeal (I-12) or
Application for Permanent Partial Reconsideration (IC-88);
- (5) File self-insurance applications
- (6) Represent the employer at hearings
- (7) Pursue other similar actions on behalf of the employer

I understand that this authorization is limited and temporary in nature and will expire on February 28, 2011 or automatically nine months from the date received by the Employer Services or Self-Insured Department, whichever is appropriate. In either case, length of authorization will not exceed nine months.

Print Name	Title	Signature	Date
Telephone Number	Fax Number	Email Address	

Completion of the temporary authorization provides a third party administrator (TPA) limited authority to view an employer's payroll and loss experience. By signing the AC-3, the employer grants permission to the BWC to release information to the employer's authorized representative(s). The form allows a third party representative to view an employer's information regarding payroll, claims and experience modification.

Attention group rating prospects:

- Employers may complete the AC-3, for as many TPAs or group rating sponsors as they feel are necessary to obtain quotes for a group rating program.
- Group sponsors must notify all current group members if they will not be accepted for the next group rating year. The deadline for this notification is prior to the first Monday in February for private employers and prior to the second Friday in August for public employers.
- All potential group-rating prospects must have:
 - Active BWC coverage status as of the application deadline;
 - Active coverage from the application deadline through the group rating year;
 - No outstanding balances; and,
 - Operations similar in nature to the other members of their group.
- Any changes to a group member's policy will affect the group policy. Changes can result in either debits or credits to each of the members.

Note:

For complete information on rules for group rating, see Rules 4123-17-61 through 4123-17-68 of the Ohio Administrative Code or your TPA.

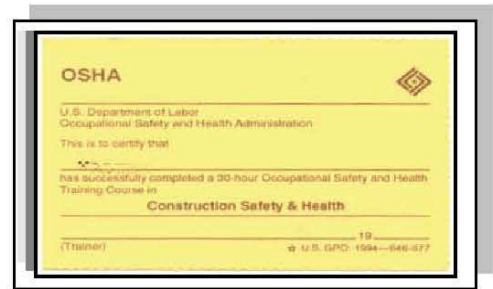
All group rating applicants are subject to review by the BWC Employer Programs Unit.

BX BUILDERS EXCHANGE DAYTON

Safety Training



**OSHA
10 & 30
HOUR
CERTIFICATION**



SESSION 1: Tues., Sept. 28th. 2010

NEW Introduction to OSHA Act, General Duty Clause, Record keeping, Subpart C: General Safety and Health Provisions, Competent Person, STD 3-1.1, Clarification of Citation Policy & Personal Protective Equipment

SESSION 4: Tues., Oct. 5th. 2010

HazCom, Health Hazards, Lead, Asbestos, Silica, Flammable & Combustible Liquids & Welding & Cutting

SESSION 2: Wed., Sept. 29th. 2010

Fall Protection, Walking Working Surfaces, Stairs and Ladders, Scaffolding, Electrical, Tools-Hand & Power & Hazard Communication (Silica)
REVIEW

SESSION 5: Wed., Oct. 6th. 2010

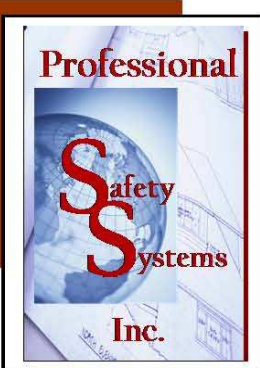
Cranes, Rigging, Material Handling, Signs, Signals & Barricades and Powered Industrial Trucks

SESSION 3: Thurs., Sept. 30th. 2010

Scaffolding, Aerial Lifts / Manlifts, Fire Protection & Prevention & Housekeeping

SESSION 6: Thurs., Oct. 7th. 2010

Motor Vehicles, Confined Space, Excavation and Concrete Masonry **REVIEW**



For registration or additional information please contact:

**DBX @
937/278-5723**

PLEASE NOTE:

Sessions 1 & 2 must be completed to receive OSHA 10-Hr. card and Sessions 1 thru 6 to receive OSHA 30-Hr. card.

TIMES:

All sessions are 5-Hour sessions from 12:00 p.m. - 5:00 p.m. (Lunch Included)

View your company's safety training records @ www.safety-sys.com

LOCATION:

**2077 Embury Park Rd.
Dayton, Ohio 45414**



THE BUILDERS EXCHANGE OF DAYTON

ROBERT H. POPE, EXECUTIVE DIRECTOR

OSHA 10 & 30 Hour Training

NAME OF FIRM: _____

ADDRESS OF FIRM: _____

PH: _____ FX: _____ EMAIL: _____

We will be sending the following individuals to attend from our firm:

NAME	Session 1 5hrs	Session 2 5hrs	Session 3 5hrs	Session 4 5hrs	Session 5 5hrs	Session 6 5hrs
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Sessions 1 & 2 must be completed to receive an OSHA 10 hr. Card and Sessions 1 thru 6 to receive an OSHA 30 hr. Card.

OSHA 10 Hr. - \$185 for Members \$250 for Non-Members

OSHA 30 Hr. - \$400 for Members \$550 for Non-Members

TOTAL AMOUNT DUE \$ _____

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Complete the enclosed Census Form and return using the self-addressed envelope or faxing to CCI Benefit Solutions at 614.799.1030. You will then be contacted by a CCI Benefit Advisor with your FormFire password and instructions.

Best Regards,



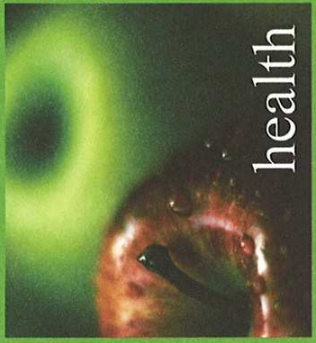
CCI Benefit Solutions, Inc.

P.S. FormFire is HIPAA Compliant and highly secure. Send your census to CCI today and rid yourself from the cumbersome process of shopping for health insurance.

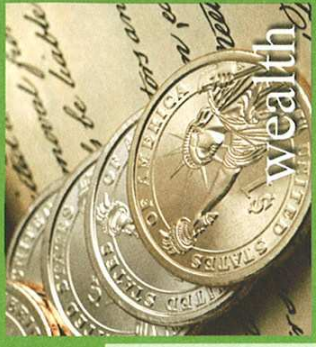
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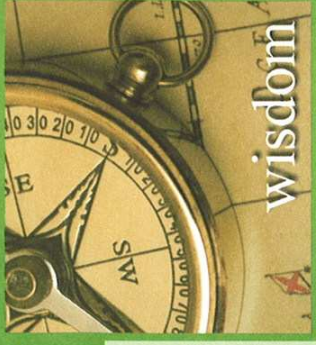
Census Form



health



wealth



wisdom

Company Name: _____
 Contact Name: _____
 Street Address: _____
 City / State / Zip: _____
 E-Mail Address: _____

Phone: _____
 Tax ID: _____
 Nature of Business: _____
 Current Carrier / Renewal Date: _____
 Current Agent/Broker: _____

	Employee Full Name	Social Security #	Sex M/F	EE DOB	Spouse DOB	# of Children	Type of Coverage*	Salary	Occupation	Hours Per Week
1										
2										
3										
4										
5										
6										
7										
8										
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12										
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15										

*Type of Coverage: Single - EE, Employee & Spouse - ES, Employee & Child(ren) - EC, Family-FF, Waiver-W
 Please continue on a separate page, if necessary.
 Upon completion, please fax to 614.799.1030

CRS Summarizes Legislation Addressing Misclassified Workers, Widened Tax Gap

Misclassifying employees as independent contractors has widened the tax gap and, in turn, has led to initiatives in Congress to properly classify workers, according to a July 6 Congressional Research Service report.

Lawmakers have introduced four bills in the 111th Congress addressing the misclassification issue, the report noted.

Identical bills (S. 3254, H.R. 5107) introduced in April by Sen. Sherrod Brown (D-Ohio) and Rep. Lynn Woolsey (D-Calif.) as the Employee Misclassification Prevention Act would require employers to keep records of nonemployees who perform labor or services for remuneration and to penalize employers that misclassify employees as nonemployees.

Another bill (S. 2882) introduced by Sen. John Kerry in December 2009 would close a “safe harbor” loophole in the tax code that allows employers to classify some workers as independent contractors. The Kerry bill is similar to a House bill (H.R. 3408) introduced in July 2009 by Rep. Jim McDermott (D-Wash.), a member of the tax-writing Ways and Means Committee.

Other recent actions in the misclassification area include a provision in President Obama's fiscal year 2011 budget proposal to “‘increase certainty with respect to worker classification’ by a modification of the Section 530 of the Revenue Act of 1978.” Likewise, a provision in the recently enacted health care reform law (Pub. L. No. 111-148) mandates information reporting on payments to corporations, which includes incorporated independent contractors.

Tax Gap Reduced, But ‘Significant Costs’ Posed

The report said cutting down on the misclassification of employees as independent contractors “would reduce federal, state, and local tax gaps and provide other important benefits.

“But, this decline in misclassification would impose significant costs,” the report added. “Accurate data on the current size of the tax gap caused by misclassification are unavailable. Furthermore, the magnitude of many effects of improved classification are unavailable or inherently subjective. With the current state of knowledge, whether or not the benefits of curtailing misclassification of workers outweigh the costs is a value judgment.”

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Mark Keller
Frank Ross
Lisa Laycock
Harry Kohlbacher
Howard Krisher
Steve Heidenreich
Steve Willis

MIAMI VALLEY FOREMAN'S CLUB LEARN FROM AREA ARCHITECTS



From Left to Right:
Earl Reeder, Earl Reeder Associates
Rick Holmes, The Architectural Group
Pete Harsh, APP Architecture
Marty Lange, Edge & Tinney
Dave Bills, Brown & Bills Architects

The Miami Valley Foreman's Club held a meeting of the members on August 18th at IBEW Local No. 82 Hall, where Foremen heard from a panel of area architects about various issues as it relates to having a successful construction project.

Topics discussed ranged from project financing down to the importance of shop drawings.

One of the main topics of discussion was the need for good communication between the design professional (project architect/engineer) and the foremen on the project. All of the architects on the panel agreed that they look to the skills and knowledge of jobsite foremen to help them get the job done correctly.

There was also discussion about projects moving back toward more appreciation of quality and craftsmanship, rather than just low dollar.

On the other hand, the foreman in attendance got insights of what architects are faced with in the scaling back of budgeted project dollars for design; and the ever increasing demand for projects to be on a fast-track basis.

There was a good exchange of information on how projects can be designed so that construction can be done more efficiently.

The session went so well, that it is planned to hold it again next year.

The Miami Valley Foreman's Club is sponsored by the Miami Valley Alliance of Construction Professionals (MVACP). The Club is designed to provide foremen with the opportunity for education; networking; and recognition of the important role that a foreman plays in the success of a construction project. Membership in the Foreman's Club is open to the firms of the member organizations of MVACP.



IMI COURSE RECEIVES LEED APPROVAL

The International Masonry Institute (IMI) had its Sustainable Masonry Certification Program (SMCP) approved by the U.S. Green Building Council for LEED continuing education credits.

SMCP is the only certification program for the masonry industry and this is the second IMI course to earn the badge of being approved for LEED continuing education credit.

IMI is a strategic alliance between the International Union of Bricklayers and Allied Craftworkers and their contractors, promoting quality masonry construction. The Mason Contractors Association of Dayton is affiliated with IMI. More information on IMI can be found at www.imiweb.org.

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Roger Robinson
Johnnie Wright

of Shook Masonry for the
Farmer School of Business at
Miami University shown here:





AGC West Central Ohio Division Golf Outing 2010



Moss Creek Golf Club

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Friday, September 24, 2010

12:30 PM Shotgun Start

Check www.agcofdayton.com for information!



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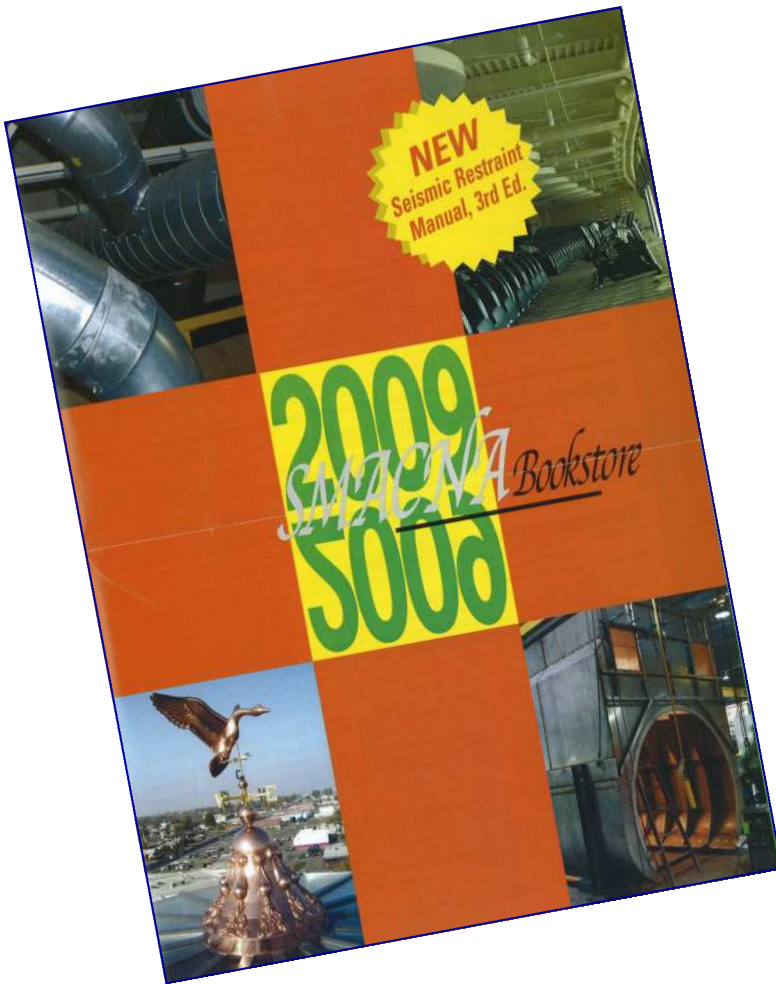
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GREEN JOBS TRAINING



Earlier this year, the National Electrical Contractors Association (NECA) and the International Brotherhood of Electrical Workers (IBEW), through the leadership of the Ohio Electrical Labor Management Cooperative Committee (OLMCC), were awarded an Energy Training Partnership Grant. Referred to as the Ohio Green Renewable Opportunities for Workers (GROWs), the grant is for \$4.8 million. The GROWs project provides training for workers that prepare them to enter the energy efficiency and renewable energy industries. The grant is funded through the American Recovery and Reinvestment Act of 2009.

The Joint Apprenticeship Training Committees (JATCs) administer the training programs for the union electrical industry. Through the GROWs project, 19 JATC training facilities throughout Ohio are providing training to 1,288 apprentices and Journeymen and women over a 24 month period in three areas of study: Energy Efficiency, Wind Turbine Technician and Solar Photovoltaic Systems.

In Dayton, the JATC began offering classes in solar photovoltaic system installation through the GROWs program in April. To date, 151 members have signed up for the classes. The first class recently graduated eleven Journeymen Wiremen from the course. The JATC is currently holding two classes, with 23 students. This fall, the Dayton JATC will implement courses on Building Automation / Energy Efficiency.

Local 82 members that are selected for wind turbine technician certification training could travel to Toledo for that training. Upon completion of each area of study, the participant will receive nationally recognized certificates through the NJATC. Completion of all three certificates culminates with an NJATC Capstone Certificate in Green Jobs training.

In addition to the NJATC certificates, participants are starting down the path to sit for the NABCEP exam. The North American Board of Certified Energy Practitioners (NABCEP) is the “gold standard” for PV and solar thermal installation certification. Designed to raise industry standards and promote consumer confidence, NABCEP offers certification and certificate programs to renewable professionals throughout North America. Qualifications for the exam include: 40 hours of PV education and two installs at least 1kW each in size, one of which may be a lab install. The second install must be a permitted install in the field. The JATC solar class provides the 40 hours of education and the lab install. Sean Roberts, one of the Dayton JATC instructors in PV installation is NABCEP certified, as well as Jason Zimmer of Studebaker and Todd Kennard with Chapel Electric.



For more information, or to apply for the program, go to www.ohiogrows.org.

Article and Pictures Courtesy of Tucker & Tucker



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Email Address: _____

Additional Contact Names: _____

Email Address _____

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Architect | <input type="checkbox"/> Conveying Systems | <input type="checkbox"/> Fire Protection | <input type="checkbox"/> Millwork |
| <input type="checkbox"/> Asphalt/Paving | <input type="checkbox"/> Doors/Hardware/
Partitions | <input type="checkbox"/> Flooring/Marble/Tile | <input type="checkbox"/> Painting/Décor |
| <input type="checkbox"/> Attorney/Law | <input type="checkbox"/> Drilling Consultants | <input type="checkbox"/> General Contractor | <input type="checkbox"/> Roofing |
| <input type="checkbox"/> Banking/Financial | <input type="checkbox"/> Drywall/Plaster/Ceiling | <input type="checkbox"/> Glass/Glazing/Windows | <input type="checkbox"/> Sheet Metal |
| <input type="checkbox"/> Bonding/Insurance | <input type="checkbox"/> Electrical | <input type="checkbox"/> Insulation | <input type="checkbox"/> Steel Erection/Fab. |
| <input type="checkbox"/> Carpentry | <input type="checkbox"/> Elevators | <input type="checkbox"/> Labor Union | <input type="checkbox"/> Supplier |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Engineer | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Trade Association |
| <input type="checkbox"/> Concrete | <input type="checkbox"/> Equipment Rental | <input type="checkbox"/> Masonry | <input type="checkbox"/> Underground Utilities |
| <input type="checkbox"/> Concrete/Masonry
Supplier | <input type="checkbox"/> Excavating | <input type="checkbox"/> Mech./HVAC/Plumbing | <input type="checkbox"/> Waterproofing |
| <input type="checkbox"/> Construction Svcs | <input type="checkbox"/> Fencing | <input type="checkbox"/> Mechanical/HVAC Supplier | <input type="checkbox"/> Wrecking |
| | | | <input type="checkbox"/> Other _____ |

Labor Affiliation: Union, Non-Union, Not Applicable

Certifications: SBE, DBE, FBE, MBE, EDGE

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