



## Construction News & Views

Vol. 9 No. 9

July 2013

### A message from SACA'S President

With more people on the public dole, government spending at an all-time high, and businesses struggling to stay afloat, personal responsibility seems to be at a low today. The blame game is everywhere and real leadership is on vacation.



Mike Rutherford

In the Post New Economy Era, we've seen high unemployment, lack of direction, and a lingering economic recession. America was built on ideals that we need to put into practice once again—the value of work, value of workers, faith, and patriotism. Along with those comes personal responsibility.

As business owners, we need to take stock of our own leadership and how it's affecting our companies. It goes against the current culture, but necessary if we're going to succeed. You can think of it as an annual review on yourself and the results will set the course for your business. Rate yourself in the areas below and see how you're doing.

President continued on page 8

### Southwest Gas Construction Supervisor to speak at July GMM

Our speaker for the July 17 meeting is Wade Greenough, Construction Supervisor for Southwest Gas. Lunch is at 11:30am at the Pueblo del Sol Country Club.

Wade has lived in Sierra Vista for the past 30 years, and graduated from Cochise College with an associate's degree in agriculture. He has been in the underground pipeline industry for 26 years.

Mr. Greenough has been with Southwest Gas for 12 years. In his tenure with Southwest Gas, he has been involved in every facet of the gas industry and has received in-depth training to ensure that the systems they operate are not only safe, but perform well.

Starting as a construction technician in 2001, Wade has progressed through the ranks to his current position as Construction Supervisor. He will address the types of emergency responses regarding natural gas, as well as other areas of natural gas pipeline construction.

Please register online. You may pay online or at the door. See you there! Cost is \$15. Invite a potential member this month. Get the most out of membership—show up, participate, and get growing in 2013.



All members are encouraged to attend the SACA monthly membership meetings to stay informed on current issues and stay involved in making our communities a better place. SACA members and guests are always welcome to attend the meetings. This is your opportunity to network, meet new business contacts, and make new friendships. We'll see you there!

### Cochise Supervisors uphold OK for Wind Farm

Eric Jay Toll

#### Arizona Builder's Exchange

Torch Renewable Energy is moving forward with a nine-section state land lease for a wind energy farm. The project, 15 miles west of Willcox and well north of I-10, is on more than 5,500 acres. The Cochise County planning commission approved the project April

10, but the Audubon Society sought conditions to address issues associated with bird migration routes.

The commission did not elect to include those requirements. The board of supervisors upheld the appeal, but incorporated a half dozen new conditions designed to address the society's issues. The group wanted a wildlife conserva-

tion plan to be prepared. The plan, which would be prepared for Arizona Game and Fish department standards, is intended to ensure placement of wind turbines in areas with fewer impacts on migrating birds and other animals.

The board upheld the Commission's action, but added the wildlife protection measures.

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**SACA July 2013 Calendar of Events****General Membership Meeting**

Location: PDS Country Club, St. Andrews Drive, Sierra Vista, AZ

Date: July 17, 2013 • Time: 11:30 a.m. to 1:30 p.m.

Luncheon \$15 at door

Our speaker for the July 17 meeting is Wade Greenough, Construction Supervisor for Southwest Gas. Mr. Greenough has been with Southwest Gas for 12 years. In his tenure with Southwest Gas, he has been involved in every facet of the gas industry and has received in-depth training to ensure that the systems they operate are not only safe, but perform well.

Starting as a construction technician in 2001, Wade has progressed through the ranks to his current position as Construction Supervisor. He will address the types of emergency responses regarding natural gas, as well as other areas of natural gas pipeline construction.

**Upcoming SACA Events****Next General Membership Meeting is on August 21, 2013.**

Senator Jeff Flake will be our speaker.

**Government Meetings**

Cochise Cty Board of Supervisors	Every Tues., 10 a.m.	County Buildings, Bisbee, AZ
Sierra Vista City Council	2nd & 4th Thurs., 5 p.m.	City Hall, 2nd Floor
Benson City Council	2nd & 4th Mon., 7 p.m.	City Hall
Bisbee City Council	1st & 3rd Tues., 7 p.m.	City Hall
Willcox City Council	1st & 3rd Mon., 7 p.m.	City Hall

**ATTENTION****SACA MEMBERS!**

The SACA newsletter is looking for members' business stories to publish. Do you have a story about your business that you'd like other SACA members and the general public to hear? Please contact us at (520) 458-0488, or email us at [admin@sacasceo.qwestbusiness.net](mailto:admin@sacasceo.qwestbusiness.net)

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## Golf tournament plans are underway



Golf Tournament planning meetings are underway. If you would like to help with this year's tournament, please contact the office, or Robbie Cain, Golf Chairman at 458-0488, or 803-0063.

## June Building Permits Issued

The Building Division has issued 83 permits during the month of May. The total valuation was \$1,894,173. Of these, 4 were new residential permits with a valuation of \$547,439. There were no new commercial permits issued for the month. Here is an overview for the year:

Residential	2013	2012
June	4	17
Year-to-date	36	85
Year-to-date Valuation	\$5,981,872	\$10,252,316
Commercial	2013	2012
June	0	0
Year-to-date	1	3
Year-to-date Valuation	\$650,000	\$12,876,107

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## Building Code Technical Committee report

The Building Code Technical Committee met on June 25 in Willcox. Jeff Stoddard, Willcox City Building Official hosted the meeting. Jana Nielsen of Blue Stake gave a presentation on the organization. Requirements for digging, the timeframe needed to get a permit, how to correctly mark dig areas was covered. Safety issues were also addressed. A booklet outlining the laws and a tip card were distributed to everyone present.

The jurisdictions represented at the meeting were Cochise County, City of Willcox, and the City of Benson.

Luis Garcia, building official for Benson expressed his thanks for SACA's position paper on building codes. Those in attendance agreed that ongoing education is key to building codes and their enforcement.

The next meeting will be held in Benson on August 27, 2013. Free online registration will be available for the meeting. All SACA members are encouraged to attend to stay current with policies and procedures in all jurisdictions.

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# The coming Talent Wars

The team at Curb Appeal Renovations can produce award-winning remodeling kitchens and bathrooms, pack showrooms at educational seminars, and so consistently delight its Dallas / Fort Worth-area clients that it has won GuildQuality's Guildmaster award for exemplary customer service every year since 2009.

But the company can't hire a single good carpenter. Not lately, at least.

"We are desperate!" says Robin Burrill, the company's CEO, at left with co-owner and husband Rob Mathews. Despite a month of recruiting through Craigslist, LinkedIn and word of mouth, and despite "an awesome benefits package" that is rare in this industry, "the labor pool isn't there," she says. At least not the right labor pool — never mind the forklift operator who applied, or the ex-Marine who kept saying, "I'll do anything for the money."

For the first time in years, Burrill and Mathews feel that they're competing with big commercial companies for labor, "and we can't afford to pay what they pay," she says.

But she does pay solidly in the middle for her region — \$15 to \$20 an hour — along with offering paid health care and paid time off and other employee perks. And anyway, wasn't it just a few months ago that eager-to-work construction professionals seemed to be everywhere?

An old problem, exacerbated The challenges at Curb Appeal Renovations may be acute, but they aren't isolated. It has never been particularly easy to find the kinds of well-rounded, well-spoken individuals who have the technical as well as interpersonal skills needed to work within clients' homes.

"We need candidates who are not only proficient in their skill set, but can also be forward-facing with our clients," says Peter Michelson of Renewal Design Build, in Atlanta. This spring, he filled two project manager positions, using e-blasts, Indeed.com and Facebook, but he is still trying to find an estimator and a designer.

Economic and political conditions are exacerbating the problem. A study released in May by the National Association of Homebuilders found that at least 35 percent of remodelers report a shortage of finish carpenters, rough carpenters and framing crews. Smaller yet significant percentages report shortages of certain trades, including bricklayers/masons, roofers, weatherization workers and plumbers.

The improving economy and nascent homebuilding surge are key factors behind the shortage. Housing starts and architectural billings are up, and homebuilder confidence is at a seven-year high. "With new construction kicking into high gear in metro Atlanta, we are all competing for the same pool of talent," says Michelson.

In Texas, Burrill says many tradespeople are distracted by economic oppor-

tunity elsewhere. She wanted to hire one man after his boss, a plumber, retired, but "he started a lawn care business and says he's making too much money mowing the grass!"

Greener pastures

Equally intractable are other factors, says John Courson, president and CEO of the Homebuilders Institute, a national nonprofit that provides training, mentoring, curriculum development and job placement services in support of the building industry.

"The home building industry is experiencing overall labor shortages because 1.4 million construction workers left the industry when they were laid off after the housing bubble burst, and they were unable to find new jobs in the industry," Courson says.

Moreover, "many skilled construction tradespeople, forced to find employment elsewhere, retrained for other industries and have not returned to the home building sector. This includes immigrant laborers who were forced to leave the industry, with many finding work in other trades or returning to their home countries."

In Sacramento, Calif., Darius Baker of D&J Kitchens & Baths is as frazzled as Burrill by a mostly fruitless search for talent. "I need people!" he says. He advertises on Craigslist, but gets a dwindling response that consists mainly of inexperienced people and "failed business owners looking for \$70k a year

jobs where all they do is ride around in a truck and watch everyone else do the work."

As for the sharp decline in immigrant laborers, Baker points to the "huge Hispanic population in California. In the past I had many applicants from this sector, but most of them were not legal so I could not hire them. I think they went back to Mexico when the 'crash' happened."

Tighter border security and continuing discussions about immigration reform won't likely bring them back, at least not in the numbers the construction industry needs.

Guess what else won't likely return? Construction training through vocational education, where "cutbacks have had an adverse effect on the pool of skilled construction workers and on the housing industry as a whole," according to Courson.

Don't even get Baker started on the topic of vocational education. "Goes to show how stupid we have been in our educational efforts and how lazy we have become as a society to a huge degree," he says.

What's a rafter?

For more roots of the talent shortage — as well as a modest victory over it — turn to Newport News, Va., where Robert Criner of Criner Remodeling just last week hired an experienced carpenter to join his 36-year-old company.

A broad-based recruiting campaign did the trick. It included spreading the word

**Talent** continued on page 6

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# Safety: Big Fan Benefits

Adequate air movement is important for the productivity and safety of your crew.

*Written by Megan Browning for constructionbusinessowner.com*

Lack of air movement on construction sites can exacerbate safety problems associated with heat and air quality, and makeshift solutions can create new issues, such as noise control and fire hazards. Since workers are typically on construction sites only temporarily, mobile fans that supervisors can bring to every jobsite are ideal for continuous air movement needs. Durable, portable fans can be used to help create healthy and productive work environments in any location. In more permanent facilities such as warehouses used to store construction equipment and vehicles, large-diameter overhead fans maximize air movement and energy efficiency.

## Heat Safety

Whether workers are directly in sunlight or inside a sweltering building, stagnant air can create health and safety hazards. Along with the lack of air movement, the layers of protective clothing construction workers often must wear add a challenge to keeping workers cool.

According to OSHA, air temperatures exceeding 95 F significantly increase the heat load on the body, and temperatures of 100.4 F and above are dangerous for workers. This increased heat load can lead to heat-related illnesses and a difficulty focusing, resulting in a higher potential for safety issues in con-

struction zones.

Besides being unsafe, discomfort can also have a negative impact on productivity. Studies show that elevated temperatures affect both physical and mental work. Hot working conditions negatively affect worker morale and quality of workmanship and can increase absenteeism, turnover and frequency of accidents and grievances.

Fans engineered to withstand harsh work environments, such as construction sites, make workers feel up to 10 F cooler, leading to safety and productivity benefits.

## Fan Mobility

Mobility allows for flexibility in any environment, from open-air treatment plants and accompanying warehouses to construction sites. Employees at the City of Tampa Advanced Wastewater Treatment Plant sweltered in the underground 6,900-sq.-ft. facility. To help ensure employee comfort and safety, plant team leader Eddy Drovie turned to a mobile eight-ft.-diameter fan built to withstand tough environments. Using a crane, the fan was lowered into the tank and rolled from bay to bay following the workers. "The fact that you can move those fans around is a plus," says Drovie. "I think that's a big part of the reason why we chose this."

## Air Quality

Air quality is often an issue on construction sites. Dust and dirt is often stirred up on jobs, and construction materials may

contain harsh chemicals and toxins. Poor air quality can contribute to decreased focus in workers, leading to costly mistakes and health problems. Adequate indoor air quality is primarily important in the occupant breathing zone, which is defined as the area three to 72 inches from the floor. According to the Center for the Built Environment, temperature and air quality are two of the most important factors when considering productivity. Properly sized fans can turn the air over several times per hour, creating uniform air distribution and improving health conditions for workers.

Employees at the Environmental Service Center (ESC) Household Hazardous Waste drop-off facility in Houston, Texas, sought a breath of fresh air after

inhaling vapors ranging from exhaust fumes to chemicals and pesticides. In order to combat the problem, ESC facility manager Roger Jones turned to fans and increased air movement. An eight-ft.-diameter vertical fan offered both massive air movement and easy transportation throughout the facility, ensuring dilution of the gases dispersed in the air.

"These fans make a big difference," Jones said. "We deal with not only the ambient temperature but the odors from all those chemicals we handle, and the fans help move those odors out of our breathing zone."

With so many different fan sizes, options and features, it may be difficult to know what type of fan is appropriate for your

**Safety** continued on page 6

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**Talent** continued from page 4 through staff and suppliers, along with Craigslist, the Virginia Unemployment Commission and help-wanted signs on company vehicles. The new hire is 42-years old, practically a spring chicken compared to most applicants, many of whom “are nearing the end of their careers,” Criner says.

Rather than being ageist, Criner is a realist with an eye on the future. “I need to bring in people I can train, who can stay with me for a real career.” Similar to Baker’s observation, he says, “I’m not sure how anxious some of these older guys are to return to working full-time in the field. They’re trying to slow down.”

As for younger workers still – those who can staff Criner Remodeling in the years ahead – he acknowledges fortune in being near the shipbuilding operations of Newport News, along with a vocational center called New Horizons, where he sits on the board.

“The trades are a little easier to get here; we’re really working to groom our next generation of welders and shipbuilders.” Carpentry? Not so much, but his options are better than some. “Our carpentry courses are very introductory in their

skill level. In the old days you would learn how to cut a rafter. Now they’re just trying to teach what a rafter is.”

### Finding workers through HBI, from CEO and president John Courson

“HBI plays a critical role in supplying the building industry with skilled workers as a national leader in career training for various populations including underserved and at-risk youth, veterans, ex-offenders and displaced workers. We also maintain close relationships with state and local home builders associations, which are another resource for recruiting skilled workers.

“We have an 80 percent job placement rate for graduates in part because they have pre-apprenticeship-level trades skills, as well as the academic and employment skills needed to be successful in any job. In the case of our Pre-Apprenticeship Certificate Training (PACT) program, students graduate with a certificate that is one of only three recognized by the Department of Labor.

“Builders and remodelers can visit HBI.org, click ‘Find an HBI Program’ to view a map of where HBI’s 150 programs are located throughout the U.S., and find contact information for local offices to get in touch with to inquire about graduates who are available to recruit.”

### Safety continued from page 5

space and needs. Look for a fan that is designed by a company that understands your needs. There’s no one-size-fits-all solution, so being able to work with somebody who recognizes what you’re trying to achieve is important.

#### Additional Benefits

In addition to reducing heat-related troubles and air-quality issues, fans can also help reduce safety hazards in other ways. In some cases a single high-quality fan can replace several smaller fans, reducing noise and trip hazards presented by cords on the floor. Some fans include misting options, which create ultra-fine atomized mists that have the cooling effect of up to 22 tons of air conditioning without making you feel wet. Selecting a fan that is built to withstand harsh environments reduces the chance for safety-related catastrophes and hindrances.



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# Prepare for Whistleblower Investigations

Written by Richard D. Alaniz for *constructionbusinessowner.com*

December 2012, the Occupational Safety and Health Administration (OSHA) announced that it had sued DKS Structural Services, a Huntsville, Ala.-based company that specializes in structural relocation, foundation repair and leveling, for allegedly terminating an employee who refused to enter a 15-foot-deep trench that did not have adequate protection to prevent cave-ins. The lawsuit sought back wages, interest and compensatory and punitive damages for the employee, expungement of the employee's record and a permanent injunction against the employer.

According to OSHA, the walls of the trench began to slide and cave in, breaking the ladder that was used to enter and exit the trench. The employee was directed to access the inside of the trench by being lowered in by the bucket of a backhoe. When he refused to do so, the employer allegedly told him to "get in the hole or go home." The employee again refused and was immediately fired.

The lawsuit is the result of a complaint filed by the employee with OSHA, which found that the company unlawfully and intentionally terminated the worker for engaging in activity protected by Section 11(c) of the Occupational Safety and Health Act, which prohibits retaliation against employees who report or refuse to work in unsafe conditions. "When an employer fails to correct a hazardous condition, workers have the right to refuse to enter an unsafe area without fearing retaliation," says Cindy Coe, OSHA's regional administrator in Atlanta, Ga. "Employers violating this basic right will be prosecuted to the fullest extent of the law."

The case is part of a growing nationwide trend that may have a severe impact on the construction industry. Over the last several years, as part of a "multifaceted plan for strengthening the enforcement of 21 whistleblower laws," OSHA has restructured its whistleblower program and has made changes to its program policy, training and internal systems. For example,

OSHA recently announced that the Office of the Whistleblower Protection Program will report directly to the higher-profile Labor Department's Office of the Assistant Secretary, rather than the Directorate of Enforcement Programs. The Department of Labor called the restructuring a "significantly elevated priority status for whistleblower enforcement." Even before the agency's new efforts, OSHA handled 34-percent more cases in fiscal year 2012 than in 2009.

When we read about whistle-blowing, we tend to think about big banks and white-collar crime, but OSHA's initiative clearly extends the possibilities to construction companies. Employers need to understand what these changes are and how to take proactive steps to avoid potential investigations and ensure that they have defensible policies in place should an investigation arise.

## OSHA Whistleblower Law

As any construction company should know, under the Occupational Safety and Health Act of 1970 (OSH Act), employers must provide a "safe and healthful workplace." Employers need to comply with all the specific OSHA standards applicable to their industry as well as the General Duty Clause of the OSH Act, which requires employers to make sure that their workplaces do not have any "serious recognized hazards."

Employers must ensure that workers abide by all safety requirements that apply to their work. They must also alert workers about workplace hazards, keep accurate records of work-related injuries and illnesses, perform workplace tests and provide medical tests required by OSHA standards. They also have to post OSHA citations as well as the OSHA poster. Employers are required to notify the agency within eight hours of a death or when an accident sends three or more workers to the hospital.

Under the OSH Act, employers cannot discriminate against workers for exercising their rights, which include filing an OSHA complaint, taking part in an inspection or talking to an inspector, seeking access to records about exposure and injury and raising a health or safety complaint. Adverse treatment of an employee

for engaging in such activities is at the heart of a whistleblower claim.

According to OSHA, possible retaliation against employees can include firing or laying off, blacklisting, demoting, denying overtime or promotion, disciplining, denying benefits, failing to hire or rehire, intimidating, threatening, reducing pay or hours and hurting chances of promotion through reassignment.

## What to Do Now

Employers should expect an increase in the number and intensiveness of OSHA investigations and inspections, especially if a whistleblower claim is involved. In order to minimize the chance of coming into OSHA investigators' crosshairs, employers should take sev-

eral steps.

Review and update health and safety programs. Common industry practices may now leave employers vulnerable to whistleblower claims. Companies should consult with in-house attorneys and outside counsel to determine whether their processes and procedures need to be revised. They should also look at best practices among their peers and customize programs to match their needs.

Employers need to consider how they can promote a culture in which employees feel comfortable raising concerns. Safety programs should explicitly state that no punitive action will

**Whistleblower** continued on page 8

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**President** continued from page 1

**Mistakes** - Everyone makes mistakes, but it's hard to own up to them. Here's where it's easy to pass the buck. We see it every day in the news. By owning up to the mess, you now can start cleaning it up. Effective leaders sharpen their troubleshooting skills by finding good solutions. Admitting mistakes and working to solve them will also build your employees' confidence in your leadership and set the example.

**Continuing Education** - Once you're running a company, you have to stay current in the industry. Keep your skills up-to-date, and make yourself accountable as a lifelong learner. With all the regulation changes and technology upgrades, don't leave it to someone else. Without knowledge of what's really going on in the industry and in the administrative/financial side of the business, the competition will beat you.

**Planning** - No one enjoys those meetings to sit down and strategize. There's real work to do after all. But this is a component that's important to personal responsibility. Ben Franklin said, "By failing to prepare, you are preparing to fail." Anticipating risks and capitalizing on opportunities, you can position your business for success. Involving employees and your leadership team in the planning process gives everyone ownership and real direction.

**Finances** - The first thing is to do it right. Make sure you're protecting the business by keeping straightforward books that can withstand scrutiny. There are so many regulatory agencies that can take a peek at these records, it always pays to keep the accounting accurate and honest. It's another example of leadership that will become a part of your company's mindset.

While the government continues its Chicago-style politics, resist the temptation to head down that road. True leadership faces the challenges head on learning from mistakes, staying current, planning for the future, and keeping the house in order.

## Water Wise AWE working for tax exempt rebates

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The Alliance for Water Efficiency (AWE) is working with members of Congress in Washington DC to make rebates provided for water efficiency tax exempt.

Energy efficiency rebates have been tax exempt in the IRS code for almost 20 years," said Mary Ann Dickinson, President and CEO of AWE, "But we have never gotten water efficiency rebates the same status at the federal level. We hope to change that."

Rebates for energy efficiency upgrades provided by energy utilities are exempt under US tax code, but not rebates from water utilities, whether they be for drinking water efficiency, wastewater, or storm water programs. Because water utilities cannot process tax-free rebates, they either provide 1099s at the end of the year to customers that have received \$500 or more in water rebates, or advise their customers that the rebates are taxable.

"This situation serves as an additional disincentive to water efficiency retrofit programs and other worthy efforts to encourage sustainable water use," explained Dickinson. "Making these incentives tax exempt would be a clear benefit to water conservation programs."

AWE has developed an informational flyer to assist decision makers in understanding this issue. AWE will update progress on this legislation as information becomes available.

In an effort to increase the accuracy of residential water meters at low flow rates in the hope of reducing leakage in homes, the Natural Resources Defense Council (NRDC) and a consortium of water utilities submitted a proposal to the American Water Works Association (AWWA) asking for changes to standards for water meters.

The proposal would set a leakage detection flow rate of 0.0625 gallons per minute (1/16 gpm) for the size of water meter commonly found at American homes. Currently these meters are tested to be accurate at 0.25 gpm (1/4 gpm) according to the AWWA Manual M-6,

Water Meters – Selection, Installation, Testing, and Maintenance.

"Stronger accuracy standards will lead to the widespread installation of more accurate meters, and major water savings will follow when homeowners fix leaks identified," said Tracy Quinn, NRDC Water Policy Analyst.

Joining NRDC in the request for low flow accuracy standards were representatives from Austin Water Utility and San Antonio Water System of Texas and American Water.

Colorado-riverAmerican Rivers (AR) has released their annual report identifying America's Most Endangered Rivers and the Colorado River and the Flint River top the 2013 list.

AR put the Colorado River atop this year's list because demand for water is outstripping supply and there is growing concern that outdated water management across the basin may be inadequate to respond to the pressures of over-allocation and persistent drought. The US Bureau of Reclamation's Colorado River Basin Water Supply and Demand Study (December 2012), states that there is not enough water in the Colorado River to meet the basin's current water demands, let alone support future demand increases. Scientists predict climate change

**Whistleblower** continued from page 7 result from legitimate safety complaints. Rather than a punitive approach to safety hazards, employers should consider incentive programs that encourage workers to raise concerns and report problems to the appropriate people. Along with safety program incentives, employers should also review training procedures to see if any areas of weakness exist, and then address them.

### Educate All employees

When workers have concerns, they should know exactly what steps to take in order to raise those concerns. A suggestion box, hotline or anonymous email account that is managed by an independent third party are all viable options. HR and legal advisors should be involved in this process as well. Managers and supervisors should receive training about how to manage employee safety complaints. They should also be trained in

will reduce the Colorado River's flow by 10 to 30 percent by 2050.

The Flint River in Georgia was listed as the second most endangered river in the US. The Flint provides water for over one million people, 10,000 farms, unique wildlife, and 300 miles of exceptional fishing and paddling. Despite being in a historically wet area of the country, in recent years many Flint River tributaries have dried up completely. Various organizations are working to restore the flows and health of the Flint, but AR points out that the State of Georgia also has a role to play and must act to protect the Flint in droughts and at all times to safeguard the river's health for current and future generations.

Other rivers making the "most endangered" list include:

- San Saba River (Texas)
- Little Plover River (Wisconsin)
- Catawba River (North Carolina, South Carolina)
- Boundary Waters (Minnesota)
- Black Warrior River (Alabama)
- Rough & Ready and Baldface Creeks (Oregon)
- Kootenai River (British Columbia, Montana, and Idaho)
- Niobrara River (Nebraska, South Dakota, Wyoming)

how to escalate employee concerns up the chain of command when necessary.

### Put everything in writing

Thorough documentation can help employers minimize liability when workers file a whistleblower complaint with OSHA. Companies should be sure to carefully abide by all OSHA reporting requirements. If a complaining or injured worker is ever disciplined for violating safety or other regulations, managers and supervisors should specifically record why the discipline occurred in order to ward off potential retaliation claims.

Employers need to understand the implications of OSHA's new emphasis on whistleblower investigations and inspections. By taking appropriate steps, they can minimize the number of potential whistleblower complaints that employees file, and they can lessen the impact and liability they face if OSHA targets them for an investigation.

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