



MERIT MESSENGER

Statewide Edition
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Empire State
Chapter

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Year End Legislative Wrap-UpWhat's in Store for 2010?

A Message from the Empire State ABC President:

As the year 2009 quickly draws to a close, the enormous legislative challenges that we have faced, and thus far overcome, should remind us all how important it is for the merit shop construction industry to have the strong voice that they have in ABC going forward. With the Democratic takeover of the NYS Senate in the 2008 elections, we knew we would face considerable obstacles in keeping the pro-labor agenda from completely taking over in the Legislature. That pro-labor agenda has reared its ugly head a number of times throughout the course of 2009, most notably in the battle to re-authorize civic facility IDA funding programs. We have fought long and hard, and continue to fight long and hard, to keep prevailing wage, apprenticeship and PLA mandates out of the legislation to accomplish this reauthorization. Many of you have answered our calls throughout the year to get involved and make the ABC voice on this issue heard through our grassroots advocacy efforts. And so far, we are winning the battle, but it is a battle that is far from over and continued vigilance in making our voice heard is critical. ABC is a leader in a broad-based coalition formed to fight wage mandates and other discriminatory requirements from being included in ANY IDA reauthorization legislation, and we will continue, on your behalf, to lead that charge.

We have fought other pro-labor and anti-business legislative initiatives, so far successfully, throughout 2009 as well, many of which would expand prevailing wage requirements into areas where the requirement does not currently exist, add discriminatory PLA and apprenticeship requirement mandates to state or local construction procurement initiatives, or increase the already high cost of doing business here in NY State and nationally. The mis-named Employee Free Choice Act is not, as of this date, the law of the land, because of the efforts of ABC and the many other pro-business groups that have worked tirelessly to keep it from moving through Congress. Rest assured that we will continue these fights for your rights as a merit shop contractor into 2010, but the fight will ONLY be effective with your continued support and participation. Together, we can and will make a difference.

Election Year 2009 could signal the beginning of a broader victory for the Merit Shop and business in general going into 2010 and beyond. ABC played a pivotal role, through its political action committee, in ushering in a new, more business and merit shop friendly local government agenda in many areas across the state. We plan to continue that momentum into the 2010 statewide and national elections, and achieve an even greater victory at those levels this coming year. But like our grassroots advocacy efforts, we cannot do this alone – we need ABC members to understand the importance of involvement in the political process by contributing to our political action committees, at both the state and national level, and getting involved in the voter registration and employee informational drives that we will be facilitating across the state. The saying *Get Into Politics or Get Out of Business* could not be more relevant than in the upcoming 2010 elections. We will need EVERY ABC member to step up to the plate and help ABC engineer its' most significant impact yet on state and national level elections. Your long term survival as a merit shop contractor depends on it. Please make one of your New Year's resolutions to get into politics and let's show the entire state and nation that merit shop contractors are a force to be reckoned with. We represent a majority of the construction industry, and our voice must be heard LOUD AND CLEAR. The challenges will be significant, but we can and will prevail.

I wish you all the happiest of holidays, and look forward to working with each and every one of you to spread the ABC message of free enterprise and open competition in the construction industry both locally, statewide, and nationally. God bless you all, and God bless the United States of America – the land of the FREE and the brave!

2009 Empire State ABC Board of Directors

Jim Collins, Milherst Construction, Chairman; Dave Rakvica, Delaney Construction, Chair-Elect; Joel DiMarco, Admar Supply/DiMarco Constructors, Past Chair; Ken Gardiner, Dannible & McKee, LLP, Treasurer • **Long Island/Metro Reps:** Chris Richey, C.M. Richey Electrical Contractors; Jeff Grube, Chesterfield Associates; Todd Panzner, Panzner Demolition • **ENY Reps:** Chris Tague, Cobleskill Stone; Dan Crandell, Cranbrook Construction; Jeff Luck, Luck Bros. Inc. • **CNY Reps:** John Czebiniak, Atlas Fence; Jim Farrell, Pella of CNY; Steve Tallman, TAG Mechanical • **Rochester Reps:** Floyd Rayburn, FG Rayburn Mason Contractors; Roger Gutheil, GMR Associates • **WNY Reps:** Dave Resetarits, Resetarits Construction Corporation; Dave Visone, Visone Construction

New NYS Labor Law Requirement – Are you in Compliance?:

New York State Labor Law was recently amended to require that ALL NYS employers notify NEW hires after October 24, 2009 of their rate of pay, their overtime pay rate if applicable, and their regular pay day. The NYS Department of Labor issued a form to be used to convey this information to new hires, but, as a result of ABC's communicated concerns with regard to the varying wages that contractors who do prevailing wage work pay, they quickly realized that the form they created would not work for the construction industry, particularly for those in the industry who do public work. So, until the DOL comes up with a form that will work in the construction industry, they have advised that employers may create and use their own form until such time as a DOL-mandated form is made available. ABC has created a form for your use in complying with this law until such time as DOL issued its mandated form. If you'd like a copy of the ABC form for use with any new hires, please email us at empire@abncnys.org and in the subject line, simply type PLEASE SEND NEW EMPLOYEE NOTIFICATION FORM, and we will email the form to you.

UPCOMING SAFETY AND MANAGEMENT TRAINING PROGRAM OPPORTUNITIES IN EARLY 2010

FREE SAFETY TRAINING AVAILABLE TO ABC MEMBERS:

WNY: Two (2) OSHA 30 classes and one (1) OSHA 10 class
ROCHESTER: One (1) OSHA 30 class, two (2) Lead Awareness classes, two (2) Asbestos Awareness classes
CNY: One (1) OSHA class and one (1) OSHA 10 class
ENY: Two (2) OSHA 30 classes
Long Island: Two (2) OSHA 30 classes and one (1) OSHA 10 class

UPCOMING MANAGEMENT TRAINING OPPORTUNITIES:

CNY AND WNY: Estimating Sitework Construction (being offered in February in both locations)
Long Island: Estimating Earthwork Construction (being offered in February)
ENY: Estimating Commercial Buildings (being offered in March)

We are also currently enrolling for our spring semester and winter academy apprenticeship/craft training programs. If you are interested in finding out what programs are running in your region, contact your regional office (see contact phone numbers at the top of the front page of this Merit Messenger). For exact dates and locations for any of our safety and management training programs, contact the ABC Education Department at 1-888-696-2237.

New Verizon Wireless Discount Program Saving ABC Contractors Thousands of Dollars! Enroll in this Exclusive ABC Member Program Today!

Verizon Wireless and ABC have teamed up to provide special discounts and offers for ABC member contractors**. This program's exclusive discounts apply to monthly calling plans for existing AND new lines of service. Thousands of ABC member contractors nationwide have signed up already to take advantage of what many insist are savings that could easily offset more than your annual ABC dues. Don't delay – check out this program TODAY and see how much you can cut your cell phone costs and improve your bottom line. For more information on this program and enrollment information, visit http://www.abc.org/Membership/Member_Discounts2/Verizon.aspx.

****PLEASE NOTE AT THIS TIME THIS PROGRAM IS ONLY AVAILABLE TO CONTRACTOR MEMBERS – ABC IS WORKING TO DEVELOP A SIMILAR PROGRAM FOR ASSOCIATE AND SUPPLIER MEMBERS.**

Happy Holidays to All and Best Wishes for a
Successful and Prosperous New Year!