



# MERIT MESSENGER

Statewide Edition  
May 1, 2007

Empire State  
Chapter

ABC Empire State Chapter  
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## ABC Calls on Congress in Support of Health Insurance Reform and Protection of Private Ballot Elections

*Legislative actions were at the forefront in April as ABC met with members of Congress on two very important issues:*

**Health Insurance Reform** - In conjunction with "Cover the Uninsured Week" and "Small Business Week" during April 23-27, ABC called on Congress to heed the growing call of small business owners nationwide for increased access to affordable, quality health care for their employees and their employees' families. A 2006 report by the Commonwealth Fund found that employees in the nation's smallest firms pay, on average, 18 percent more in health insurance premiums for the same benefits than do those in the largest firms

According to Kirk Pickerel, ABC president and CEO, "Small businesses are the engines powering the nation's economy, representing more than 99 percent of all employers in America. Yet, every year, they face sky-rocketing health care costs. Today, an estimated 44 million Americans do not have health insurance. The time has come for Congress to take action. Last month, the U.S. Senate unanimously approved a bipartisan amendment to the FY08 budget resolution that makes room in the budget to pay for market-based health insurance reform legislation. This was a commendable first step by the Senate, and I urge lawmakers to maintain this momentum. The nation's small businesses can't afford to wait any longer."

**Protection of Private Ballot Elections** - Members of ABC's National Industrial Contractors Council April 25 traveled to Washington, D.C., to personally urge U.S. Senate leaders to protect the workplace right of their employees to a private, secret-ballot election when deciding whether to join a union. The "Employee Free Choice Act" (S. 1041), a measure introduced March 29 by U.S. Senate Health, Education, Labor and Pensions Committee Chairman Edward Kennedy (D-Mass.) would replace private, secret-ballot elections—the preferred and statutorily provided method for determining whether employees want a union to represent them—with a "card check" system where employees indicate their choice of whether to join a union by signing a card in front of their co-workers, employers and union organizers.

"This issue is of utmost importance to our industry," said Gary Bennett, ABC National Industrial Contractors Council chairman and corporate relations director for TIC-The Industrial Company, Steamboat Springs, Colo. "We came to Washington because our first priority is always our employees, and they deserve better. Our democracy is built upon the fundamental right to private elections, and we felt it was important to remind Washington that private ballots are not an exclusive right reserved for the few, they are for everyone."

### ABC/ENY Address NYS Assembly Republican Task Force

On April 26<sup>th</sup> ABC members and staff from the ENY region spoke with the Assembly Republican Task Force on Small Business. The task force included Assemblymen Reilich, Lopez, Molinaro and Assemblywoman Sayward. This team is traveling throughout the state to gather input from business owners on government policies that impede the construction industry, leading to business closures or out of state migration.

Steve Ryan of ABC Member Frank J. Ryan & Sons addressed the importance of reforming NY's Scaffold Law (Labor Law Sections 240-241 and 241-a). Steve explained how the total liability standard has dramatically increased liability insurance rates and has even resulted in many insurance non-renewals. The task force confirmed that the Assembly Republican Conference was indeed going to push to reform the Scaffold Law as early as this year.

The task force will be making stops throughout the state, and we strongly encourage ABC members and friends to participate. Be sure to visit the ABC/Empire State Chapter web site ([www.abcnys.org](http://www.abcnys.org)) for information on future forums – *and get involved!*

### ABC Stops Adoption of Apprenticeship Ordinance

On April 17<sup>th</sup> the Riverhead Town Council held a meeting to discuss the adoption of an ordinance which would require developers planning on building a facility larger than 100,000sq. ft. to show evidence that the contractors used on the job have a NYS DOL registered apprenticeship program. *What's unique about this ordinance? **IT APPLIES TO PRIVATE WORK!***

The ABC LI/Metro office had only a few hours to notify members, but were able to get Todd Panzner, Tom Walsh of Jackson-Lewis, Bob and Pat Panchak and other ABC members and friends to participate and speak out against this ordinance. In addition, a local newspaper, *Suffolk Life*, sent a reporter to cover the action.

Thanks to the involvement and perseverance of this team - **The proposal was defeated by a 3-2 vote!** ABC really is the *only* Voice of the Merit Shop, and ABC members across the state, and even the nation, must be relentless in seizing opportunities to defeat harmful legislation!

**Get Into Politics – Or Get Out of Business!**

### 2007 ABC Empire State Board of Directors

**Sam Fresina**, Chairman, Tersal Construction Services, Inc.; **Jeffrey Grube**, Past Chairman, Chesterfield Associates, Inc.; **Kenneth Gardiner**, Treasurer, Dannible & McKee, LLP ♦ **CNY Rep's: Peter Donohoe, Jr.**, Demco New York Corp; **Jim Hagan**, Northland Associates.; **John Czebiniak**, Atlas Fence, Inc. ♦ **ENY Rep's: Dan Crandell**, Cranbrook Construction, Inc.; **Steve Ryan**, Frank J. Ryan & Sons, Inc. ♦ **LI/Metro Rep's: Edward Tyrrell**, Core Electric; **Todd Panzner**, Panzner Brothers Demolition ♦ **Roche Rep's: Joel DiMarco**, DiMarco Constructors; **Floyd Rayburn**, F.G. Rayburn Mason Contractors, Inc. ♦ **WNY Rep's: James Collins**, Milherst Construction, Inc.; **Dave Resetarits**, Resetarits Construction Corp.



### TeamWorks Event Sparks Competition

Six teams of high school students currently enrolled in construction craft training at Career & Technical Centers (BOCES) from across New York State competed in the TeamWorks competition held on Thursday, April 19 at the Reller Risk Management Safety Center in East Syracuse.

The TeamWorks competition consisted of four-member student teams who were required to build a project in one day as they demonstrated their abilities in residential construction. Team members analyzed a project drawing, wrote an action plan, made a presentation, and demonstrated their capabilities in residential carpentry, plumbing, electricity, and masonry. They also were judged on jobsite tidiness, safety, timeliness in completion, and proper ordering and inventory of tools and equipment. TeamWorks is a program of SkillsUSA, a national vocational program that relies on applied learning where students practice skills and build self-confidence while helping their schools and communities.

Kudos to Jerry Talerico, one of ABC's top notch apprenticeship program instructors and employee of ABC member Demco NY Corp. who served as Chairman for this event - he did an outstanding job pulling it all together. We thank him for all of his hard work and dedication to making it the success that it was! The event would not have been possible without the very generous contributions of construction materials from ABC members Demco NY Corp, Tersal Construction, TAG Mechanical Systems, Northland Associates, Structural Associates, Charles Haller Enterprises, Atlas Fence, and Dannible & McKee - we thank them all. And finally, special thanks and recognition go to Charlie Reller and Eileen Clinton for their very generous donation of the RRM Safety Center to showcase the event!

The members of the team that came in first place from the Oswego County Tech Career Center were: Joe Allen, Bruce Clark, Patrick Hotaling and Kyle Randall. These first place students will head to the national competition held in Kansas City, Missouri, in June. The second place winners were from the Herkimer County Boces and included: Thomas Andrews, Brandon Erick, Cody Oleic and Eric Steersman. Finally, the third place team was from the Oneida County Boxes Occupational Center, and included: Patrick Conrad, Dan Snyder, Matt Southwick and Salvatore Cirrincione.

The remaining contestants were from F Donald Myers Educational Center, Niagara Career and Technical Center and Orleans Career & Technical Education Center. ***Congratulations to all these great competitors - we look forward to another great competition in 2008!***



### Spot Light on ABC Member Service - Assistance with Completion of the NYSDOL Registered Apprenticeship Application Process

ABC members who bid on and perform public work, and who want to officially employ 'apprentices' on these jobs, must register the employees with the NYSDOL Apprenticeship program.

Official registration begins with completing an application with the NYSDOL and, *if approved*, ends with entry-level men and women learning a specialized trade or occupation through specific on-the-job training (practical, paid experience) and learning the related technical knowledge in a classroom. ABC will provide any member with one-on-one assistance in navigating through the registration application process which can be challenging and very detailed. Failure to properly complete all the forms and other attachments can unnecessarily delay the disposition process. ***and your ability to use apprentices on public works projects!***

Before you tackle this important process on your own, please call ABC for assistance. It's your right and your privilege as an ABC MEMBER. **For assistance call Penny Hazer, VP of Education, at 1-800-477-7743.**



### **Hurry... Time is Running Out for Participation in FREE Hazard Awareness Safety Training!**

Time is quickly running out for the **FREE** Hazard Awareness safety training being offered by ABC via a grant received from the NYSDOL Hazard Abatement Board in 2006. Many ABC members have already registered and received the training, but many more may lose out, and thousands of dollars in grant money will be forfeited if members do not participate in already scheduled courses, or request customized courses before the deadline: **JUNE 30, 2007.**

As reported in several past editions of the Merit Messenger, the safety courses are designed to reduce the number of injuries, illnesses and fatalities on construction projects by increasing hazard awareness in the following areas:

**Contact with Equipment Hazards Training** - Review caught-in between and struck by hazards and pre-planning to minimize hazards.

**Fall Protection** - Learn how to prevent falls due to unstable walking and working surfaces, scaffolds, exposed edges and elevated platforms.

**Overexertion & Back Injury Prevention** - Learn to minimize strains when lifting and/or moving materials.

**Respiratory Lead Health Hazards** - Review the tasks typically affiliated with exposure to lead and the importance of an effective protective program.

**Hazcom for Craft Workers** - Review the Hazard Communication process, labeling and MSDS reqmts.

**Respiratory Asbestos Awareness** - Review the tasks affiliated with exposure to asbestos and the importance of effective protection.

**Hazcom for Supervisors** - Review the HazCom regulations & how to interpret MSDSs and labels, describe health hazards and PPE.

**Safety Dynamics** - Review jobsite factors that create a positive safety climate and improve jobsite site training.

**Respiratory Asbestos Awareness** - Review the tasks affiliated with exposure to asbestos and the importance of effective protection.

**Please call the ABC Education Department at 1-800-477-7743 for (regional) schedule and registration information, and to request customized training for 6 or more employees.**

**DEADLINE: JUNE 30, 2007**

### ABC WORKERS' COMPENSATION TRUST

The 'Trust' you can depend upon. To confirm your eligibility for lower workers' compensation costs, call Reller Risk Management: (315) 432-8210