

SMACNA

News

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SMACNA 1943-2007

ASC And SMACNA Endorse A401 And ConsensusDOCS 750 Construction Contracts

At their recent meeting, the majority of trustees of the Associated Specialty Contractors (ASC), including SMACNA, voted to endorse the American Institute of Architects (AIA) Document A401-2007 Standard Form of Agreement between Contractor and Subcontractor.

SMACNA, as an ASC member, participated in the revision process over the past three years by providing AIA with written recommendations, comments supporting desired changes, reviewing and commenting on revised language written by AIA and meeting with AIA committees to discuss the reasons for the requested changes as well as the potential impacts of proposed language. Most of the changes proposed by ASC were incorporated in the final language of the document.

SMACNA and ASC believe that the 2007 A401 is better than the 1997 version it replaces. ASC has endorsed the AIA A401 for more than 30 years.

Earlier this fall, a diverse group of 20 construction associations representing designers, owners, contractors, subcontractors and sureties launched ConsensusDOCS, more than 70

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OSHA Proposes New Rule On Confined Spaces In Construction

The Occupational Safety and Health Administration (OSHA) is proposing a new standard to protect employees from the hazards resulting from exposure to confined spaces in the construction industry.

OSHA does not believe that the existing general industry (shops) standard adequately addresses the unique characteristics of confined spaces in construction. Therefore, similar to the existing general industry standard, employers would be required to inspect jobsites and identify confined spaces.

However, under this proposed rule for construction sites, employers would have to classify the confined spaces into one of four classifications rather than the two classifications in the existing standard.

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SMACNA Goes Solo With 2008 Legislative Conference

Mark Your Calendar for the SMACNA-only Legislative Conference, May 12-14, 2008 at the Renaissance Hotel in Washington, D.C.

Contractors are the driving force for getting the focus and support of Congressional members on legislative issues affecting the industry. We need each and every one of you at the 2008 SMACNA Washington Issues Conference to have a true impact on the process.

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Find Communicative And Motivating The Younger, Millennial Generation A Challenge?

Are you providing the direction, structure and stimulation to get the best out of your millennial workforce? Do you find their different work ethic challenging? Robert Wendover, millennial expert, will help you communicate with and motivate these young people when you attend the Partners in Progress Conference, April 3-5, 2008 in Las Vegas at Caesars Palace.



Robert Wendover

Mr. Wendover, managing director of the Center for Generational Studies, www.gentrends.com/bob_wendover.html,

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SMACNA's mission is to provide products, services and representation to enhance members' businesses, markets, and profitability.

In Memoriam: Leo Zahner



Leo Zahner

Former SMACNA board member Leo Zahner, 82, passed away on Nov. 15, 2007 in Olathe, Kan.

Mr. Zahner served two terms on SMACNA's board of directors and was chairman of the Architectural Sheet Metal Committee, where he played an instrumental role in the creation of the "Architectural Sheet Metal Manual," used and highly respected by craftspeople all over the world today.

Mr. Zahner served as president of the Builders Association of Kansas City and two terms as president of the Kansas City Chapter of the Sheet Metal Association. He was a trustee on numerous labor/management trusts, assisting in the protection and betterment of labor families working in the construction trades.

Mr. Zahner was the retired president of A. Zahner Sheet Metal Company of Kansas City, Mo.

Donations in the memory of Mr. Zahner may be sent to Villa St. Francis, 16600 West 126th, Olathe, KS 66062, or to Catholic Charities Community Hospice, 9740 West 87th Street, Overland Park, KS 66212, or to the Shrine of St. Patrick, P.O. Box 1250, Laurie, MO 65038. ▼

Find Communicating And Motivating The Younger, Millennial Generation A Challenge?

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will explore ideas and innovative recruitment methods used to attract new people to the industry. He'll share ways to motivate these young people and speak their language on the jobsite and in the shop.

A Future Leaders Session, moderated by Mr. Wendover, will feature a panel of apprentice contestants, business managers and contractors. Hear what's on the minds of these new, up-and-coming sheet metal workers. Their concerns may surprise you. Mr. Wendover will help facilitate a dialogue among all of the participants, including Nathan Dills of Midwest Fabricators LLC, Oklahoma City, Okla., and Paul Le Bel of Walsh Mechanical Contractors, Abington, Mass.

For the complete Partners in Progress convention program brochure, visit www.pinp.org/conf08/pdfs/PiP_Conf_Brochure.pdf.

Early-bird registration discount ends Jan. 7, 2008. To register, go to www.pinp.org/conf08/registration.htm. ▼

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collaboratively drafted construction contracts. The Associated Specialty Contractors (ASC) and SMACNA were active participants in this three-year effort.

The release of ConsensusDOCS represents the first time that broad industry representation has had an equal voice in collaboratively drafting construction contracts. The unprecedented buy-in for these contracts reflects a genuine effort to identify and utilize best practices to better the industry.

ConsensusDOCS is unique because each document was drafted with an effort to reflect the project's best interests, rather than a single party interest. These documents help facilitate parties to focus on better project results, rather than negotiating risk-shifting contract terms or worse, contract claims in court, to assess fault.

SMACNA has endorsed both the ConsensusDOCS 750 and the AIA A401. An initial analysis of both contract forms finds the consequential damages, pay when paid and dispute settlement clauses in the AIA A401 more favorable to subcontractors. The additional insured, schedule and indemnity clauses in the ConsensusDOCS 750 appear to be more favorable to the subcontractor. There are inherent strengths and weaknesses in both documents and SMACNA will be releasing member-only Contract Bulletins on each document in the coming weeks.

For a complete list of the member organizations participating in ConsensusDOCS, visit the Web site at www.consensusdocs.org/about_member-organizations.html. Visit www.ConsensusDOCS.org for more information or to make a purchase. As an endorsing organization, SMACNA members are entitled to receive a discount when purchasing the publication online. Please use the following codes – Partner Code: SMACNA; Promotion Code: 200. ▼

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The four classifications are: Isolated-Hazard Confined Space, Controlled-Atmosphere Confined Space, Permit-Required Confined Space and Continuous System-Permit-Required Confined Space. The proposed requirements for each type of confined space are tailored to control the different types of hazards.

A copy of the Federal Register version of the proposed rule is available at www.smacna.org/safety. Comments are due to OSHA by Jan. 28, 2008.

SMACNA invites members to submit comments or case studies for inclusion into SMACNA's comments on the proposed rule.

SMACNA members can contact Mike McCullion, director of safety and health, at mmcullion@smacna.org or (703) 995-4027, to submit comments or if they have any questions on the proposed rule. ▼

President's Column



Ron Palmerick

Gear Up For Success: Build A Solid Labor Partnership

For as long as I can remember SMACNA has proudly labeled itself as a contractor-driven association. At the national level, SMACNA contractors sit on numerous committees and task forces, 61 to be exact. SMACNA members provide the direction and expertise for more than 30 technical manuals and standards that are internationally respected.

But quite frankly, not enough of us are stepping up to meet the challenge of a changing workforce, a changing marketplace and changing technology.

As union contractors, we are at the crossroads of making some drastic changes in how we do business. Many of us don't realize that a positive labor management relationship will make it a lot easier to meet those changes. Many of us are avoiding getting involved in a solid labor management partnership. If we do not form a solid partnership with labor at the local level, we all are going to fail. The nonunion forces keep on getting leaner and stronger as we continue to be bogged down with outdated and costly work practices.

The Partners in Progress conference this coming April in Las Vegas will help you form a solid partnership with labor and effectively meet the challenges that lie ahead.

Together we will tackle generational differences, especially on communicating and motivating the younger workforce. You'll hear what's on the minds of new apprentice leaders and younger contractors during a roundtable session. Many of us don't seem to realize that the apprentice is the future of our industry. And many of us for much too long have relied on the union to hire and train our apprentices.

It's time for us to do as featured speaker Mark Breslin says. It's time to stand up and lead. Not only is Breslin's Alpha Dog message a real wake-up call, it will motivate and keep you on the edge of your seat. In addition, he will play a pivotal role in our regional breakouts and help you and your labor partner take home practical solutions and action items to get you started immediately.

Do you have problems with the values of this younger workforce? Generational expert Robert Wendover will share his vast experience in recruiting, retaining and motivating the young workforce.

We will take a serious look at succession planning and how to find your alpha team. And during the real eye-opener session we'll cover in detail the New Horizons Study of Union versus Nonunion Costs.

SMWIA General President Mike Sullivan will step up and lead when he introduces a Code of Excellence for all Sheet Metal Workers.

Other topics include a new market opportunity—Bidding Green, Partnering to Improve Workers' Compensation Practices, and Using Skill Certifications to Gain a Competitive Edge, for starters.

Any number of local SMACNA contractors and Chapters in our industry are working constructively with their SMWIA partners to increase their market competitiveness. The whole premise behind the Partners in Progress Conference is to highlight those best practices so that their success can be

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Final Rule on Employer-Paid Personal Protective Equipment (PPE) Announced

On Nov. 15, 2007, the Occupational Safety and Health Administration (OSHA) announced a final rule on employer-paid Personal Protective Equipment (PPE). Under the new rule, all PPE, with a few exceptions, will be provided at no cost to the employee. The rule provides an approximate implementation date of May 15, 2008 to allow employers time to change their existing PPE payment policies to accommodate the final rule. The rule applies to general industry (shop) and construction settings and does not require PPE where none has been required before.

The rule requires that all employers provide and pay for appropriate PPE to protect workers from safety and health hazards in accordance with existing OSHA standards. However, the final rule contains important exceptions as to when employers must pay for PPE, including ordinary safety-toed footwear and prescription safety eyewear that employees are allowed to take home or wear off the jobsite and "everyday clothing" and weather-related gear that is not considered required PPE.

There are additional exceptions and clarifications, including potential impact on bargaining agreements described in more detail in SMACNA Safety Bulletin 07-10 available on the SMACNA Web site at www.smacna.org/safety (Safety Products and Services).

For more information on the safety and health implications of the standard, contact Mike McCullion, safety and health director, at (703) 995-4027 or mmccullion@smacna.org.

For information on collective bargaining agreements, contact Jason Watson, assistant director of labor relations, at (703) 803-2981, or jwatson@smacna.org. ▼

