

**Wisconsin Chapter NECA**  
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## Spring-like Florida Shines

The 2006 Midwest Region Spring Conference was held at Amelia Island Plantation, Amelia Island, Florida. The unique resort is nestled among centuries-old Live Oaks, the majestic maritime forest, tranquil salt marshes and the beauty of the Atlantic Ocean and exemplifies environmental sensitivity as well as the luxury of a leisure lifestyle. The conference, held March 26 – 29, was well attended by the Wisconsin Chapter, with 16 people present. Speakers included District IV Vice President Jim Stouffer, Dr. Perry Daneshgari, and NECA President,

E. Milner Irvin, and a number of industry topics were addressed. Among the speakers the recurrent theme was the need for market recovery amidst the news that market share has declined 38% since 1972. The Construction Wireman/Construction Electrician classification was discussed, as was the Florida Initiative, the IBEW's aggressive growth strategy for capturing the booming construction market. Watch for the special report from **Governor Ron Jahnke** for more details on the conference.

## Still Time to Become a Better Estimator

Space is still available in the Basic Estimating of Electrical Construction seminar scheduled for April 24 – 27, 2006 at the Crowne Plaza Hotel in Madison. The course instructor is Bob Mooty, who has become NECA's authority on estimating electrical construction. The seminar was created specifically for NECA contractors and is a comprehensive study of proper estimating

techniques and methods, and is designed for the novice to the intermediate estimator.

The course fee, \$675, includes course materials, continental breakfast, and lunch on all four days.

Call Jennifer at the Chapter Office to register or if you have questions regarding the course.



*The reward for work well done is the opportunity to do more. Jonas Salk, MD*

## New PPE Manual

The NFPA 70E Standard has become the driving force in the industry for the protection needed by electricians. Applying this complex standard to what personal protective clothing and equipment should be worn in the field can be difficult. NECA's Personal Protection Equipment Selector Manual and Software can simplify this task. Both tools offer an overview of the standard and easy to follow links. The software is interactive and the manual is color-coded for quick reference. The manual is available for \$75 each, the software (CD) is \$150 each, or you can purchase the pair of them for \$200. Call Jennifer at the NECA Office to order.

NECA needs updated statistics on compensation and benefit levels in the electrical contracting industry for the 2006 Officer and Overhead Personnel Compensation Study and they need you to participate. For participating in the survey, you will receive a free copy of the final industry-wide Compensation Study (a \$99 value), plus a free, confidential report comparing your firm's compensation rates to those of similar responding companies. You can take the survey online:  
<http://www.iisecure.com/>

## LM-10 News

As we have previously reported, the U.S. Department of Labor will begin enforcement of the filings of LM-30 (employee) and LM-10 (employer) reports for gifts given to a union or its officers with a value of \$250 or higher. The DOL recently announced the filing deadline for the forms has been extended for 2005 only until May 15, 2006, due to its recently issued new guidance on filings. In future years, the LM-10 and LM-30 forms for most employers will be due by March 31.



The forms require that most financial payments, loans or gifts made by an employer to any union, union official or employee of the union above the custodial and clerical levels must be disclosed. This includes "other things of value" such as green fees, trips, meals purchased including the pro rata value of food and drinks at a company party or reception. In these cases, the employer should file an LM-10 form to report such payments and the union or union official must file an LM-30 form to report receipt of such.

Under section 302(c) of the Labor Management Relations Act, employers do **not** have to report, among others, the following types of payments:

- with respect to money paid to their employees as compensation for, or by reason of, service as an employee;
- in satisfaction of a court or administrative judgment, or in settlement of a dispute;
- with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business;
- with respect to money deducted from the wages of employees in payment of union dues;
- with respect to money paid to certain health and welfare trust funds or labor management committees.

A "Frequently Asked Questions" section is available at the DOL website: [http://www.dol.gov/esa/regs/compliance/olms/LM10\\_FAQ.htm](http://www.dol.gov/esa/regs/compliance/olms/LM10_FAQ.htm), which addresses additional questions regarding the LM-10 filing requirements.

## Latest EDL Focuses on Safety & Quality

The newest Electrical Design Library (EDL) publication is "NEIS: A Bridge Between Safety & Quality" and discusses NECA's National Electrical Installation Standards, which go a step beyond the basic safety requirements of the National Electrical Code and clearly define installation of systems in a "neat and workmanlike manner."

This EDL explores how an owner or electrical specifier can implement the NEIS, and how contractors benefit from using them.

The Wisconsin Chapter purchases one copy for each member firm, and also mails them to a list of approximately 60 architects and engineers in our jurisdiction.

If you know of an architect/engineering firm you would like added to our list, contact Jennifer at the Chapter Office.





## From the Desk of Attorney Kay

Many construction projects involve contracts providing for critical path scheduling. The CPM schedules integrate many construction activities and sequences necessary to complete the project by the contract completion date and to meet contract milestone dates.

The question arises as to who owns the float time contained in the CPM schedule. Float determines whether a change in the CPM schedule provides a contractor with more or less time to complete the work. If a contractor has 20 days to complete the work and a change or delay of 10 days is encountered, one would think that the contractor is entitled to a 10-day schedule extension. However, if the original schedule contained 10 days of float, the time extension should be only 10 days rather than 20 days.

Many construction contracts contain contract provisions that contractors pay little attention to. One of them is a provision that gives owners the ownership over float time. In other words, when the owner approves the CPM schedule, any float time within the critical path schedule not absolutely essential in sequencing all work may be consumed by the owner without any additional compensation given to the contractor, even though the contractor may be aware of the float time and planning to use some of it in scheduling its own work performance.

Sometimes in contracts where the owner has retained the right to own all float time, the owner does not deliver the job site on time, which causes a portion of the float time to disappear. Under

those circumstances the contractor has lost nothing because the contractor could not rely upon the use of float time if the contract provisions granted that right to the owner. However, in a contract where there is no provision granting the owner ownership over the float time, it belongs to the contractor. Accordingly, under those circumstances when the job site is given late to the contractor, the loss of the float time should immediately entitle the contractor to additional time to perform, or possibly to additional compensation.

All too often contractors postpone discussions with the owner over the loss of float time. Even in construction projects where there is no CPM schedule and where there is simply a construction start date and completion date for the electrical contractor's work, a late start date is ignored. Since the electrical contractor is often sequenced into the later part of the construction process, a late start will very often adversely affect the electrical contractor's completion date.

Consequently, it is always helpful for an electrical contractor to monitor the progress on a job site to determine whether the schedule is being maintained by other crafts. If the owner is not timely furnishing the site or owner furnished items, or other contractors are not on schedule, the electrical contractor is well advised to give written notice to the owner that these delays may adversely impact the electrical contractor and that the electrical contractor is reserving the right to seek additional time to complete its work or additional compensation, or both.

### April 2006 Meetings

#### **April 5**

Madison Membership  
Janesville-Beloit Membership

#### **April 6**

La Crosse Membership

#### **April 10**

Kenosha-Racine Membership

#### **April 12**

Fox Valley Membership

#### **April 13**

Indianhead Membership

#### **April 19**

Northeastern Membership  
Wisconsin Valley Membership

### Upcoming Meetings

#### **July 27 - 29, 2006**

Summer Meeting  
Spring Green, WI

#### **October 7 - 10, 2006**

NECA Convention  
Boston, MA

#### **January 26 - 27, 2007**

Winter Meeting  
Madison

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The International Foundation of Employee Benefit Plans will hold its **Trustees Institutes** in Chicago on June 26th through 28th at the Fairmont Hotel. All pension and health & welfare Trustees are encouraged to attend the Trustees Institutes. Call NECA for more information.



Have you got a code question for Tom? Let us know and we'll ask him to answer it in a future newsletter.

## Construction Falls Leading Cause of Industry Death

Of the nearly 800 fatal construction accidents that occurred in 2004, most were caused by rooftop falls, according to researchers at the University of Tennessee. Other leading causes of construction deaths were being run over by equipment, falling from structures, lifting accidents, and electrocution. Dr. William Schriver of University of Tennessee's Construction Industry Research and Policy Center

notes that these types of accidents also topped the list in the center's 1991 study. Schriver notes that miscommunication between Spanish-speaking workers and English-speaking supervisors may contribute to construction accidents. The U.S. Occupational Safety and Health Administration will use the study to improve construction operations and enhance safety training for contractors and unions.

## Committee Working on Drug Testing

The Wisconsin Chapter NECA has been working with the eight local unions in our jurisdiction on negotiating a new mandatory drug testing program. The IBEW and NECA released guidelines for the program last year, and the parties have been meeting to try to create a program that will work for the employers and employees within the Wisconsin Chapter area. The Chapter's goal is to create one unified policy for all locals so that an employee who works in multiple jurisdictions would not have to retest to work in a new local union area if he has previously tested in another area.

The Employer members of the drug testing subcommittee will be meeting this month to try to resolve remaining issues with the actual testing requirements, testing frequency, and appropriate action moving forward.

**The Construction Industry Crime Prevention Program reports that theft of equipment from construction sites creates costs of more than \$1 billion a year for builders across the country.**

## Tom's Code Corner

**Question:** Is a disconnecting means other than the circuit breaker required for a dishwasher?

**Answer:** Yes, unless the unit switch is in compliance with Section 422.34, has a marked-off position and disconnects all ungrounded conductors. Timers and controllers do not comply as unit switches. Section 422.31(B) would apply since the motor is greater than 1/8 horsepower and the circuit breaker, switch or disconnecting means (cord and plug Section 422.16(B)(2)) is required to be in sight from the appliance.

## Legislative News

### Estate Tax (Death Tax) Repeal

Just as permanent estate tax repeal was set to reach the Senate floor last year, the nation was hit with two major hurricanes. The cost of hurricane relief, combined with the costs of the Iraq war, made the income loss that would come from permanent estate tax repeal look unpalatable at that time. The Family Business Estate Tax Coalition, of which NECA is an active member, is gearing up for a major effort to regenerate support for Senate passage of estate tax repeal. (The House has already passed the measure.) There will be an effort to get this measure on the Senate floor for action by Memorial Day, and NECA members can count on requests for their letters, phone calls and e-mails to their Senators to move this issue to floor action and passage.



### Internet Reverse Auctions

Language was included in the House-passed version of the Defense Authorization Bill (HR 1815, Sec. 812) calling for a General Accounting Office study on the issue of Internet reverse auctions. This would be followed by legislation prohibiting its use in federal construction contracting if the results of the study indicated this to be appropriate action. NECA is working to make sure the GAO receives the Corps of Engineers' study that showed the inappropriate nature of the reverse auctions for construction procurement. NECA also is pressing for swift completion of the study and the introduction of strong legislation prohibiting Internet reverse auctions for any sort of construction procurement.

### Immigration

The issue of immigration law reform is drawing increasing attention in the construction industry. Some are urging greatly increased enforcement of immigration laws to prevent the influx of more than a million illegal aliens every year. Others argue that the construction industry could not function without many of the illegal workers. NECA will be studying this issue this year with an eye to developing a policy that fairly represents our members' interests and concerns.

### New Guidance To Charities

The Internal Revenue Service (IRS) released a report February 24 on the agency's examination of political activity by 501(c)(3) tax exempt organizations during the 2004 election cycle, and promised additional guidance to charities in time for the 2006 elections.

In its report, the IRS states it has completed 82 examinations of 501(c)(3) groups in the U.S., and found that nearly three-quarters of the organizations engaged in "some level of prohibited political activity." Some examples of prohibited activity included charities distributing printed materials encouraging their members to vote for a particular candidate; charities placing signs on their property endorsing a particular candidate; and charities making cash contributions to a candidate's political campaign.

The IRS said most of the exams concerned "one-time, isolated occurrences of prohibited political activity," addressed through written advisories to the organizations. The IRS also said it will release a new fact sheet to help 501(c)(3) organizations stay in compliance with federal tax law as it regards political activity.

**Labor negotiations are progressing quite well so far in Locals #14 (Residential), #158 (Inside and Residential Agreements, wages only), #430 (Inside & Residential) and #577 (Inside).**

**The NECA staff would like to thank the members of the negotiations committees for serving their respective divisions. It is a big time commitment, and we appreciate your cooperation!**

"Our greatest natural resource is the minds of our children." – Walt Disney