

Wisconsin Chapter NECA
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Winter in the Wild, Wild West

Well it was a hootin' good time at the Paper Valley Hotel when the Wisconsin Chapter gathered for their annual meeting. The meeting was held January 27 and 28 in Appleton (which we know isn't west, but the "wild, wild east" just doesn't have the same ring to it!) There was a good turnout and the weekend began with a cocktail reception where guests were asked to have their photos taken. These turned into "Wanted" posters for the Saturday night western-themed party. Thanks to everyone who allowed us to post your wanted poster, and that reward money will be forthcoming! On Saturday our morning session was devoted to Dr. Perry Daneshgari, who along with two associates, presented an abbreviated version of his Operational Cost

Differences seminar, including breakout sessions for brainstorming. Our afternoon speakers were Jeff Anthony of WE Energies, who spoke on emerging technologies and their potential applications, and then Larry Smith, UC Management, who discussed updated unemployment law and the importance of properly documenting any employee who is terminated. Our newest member, **Tim Burton, System Technologies Div. of Pieper Electric** won the drawing for the NECA Convention in Boston. Summer meeting certificate winners were **Joe & Judy Simon, Simon Electric, Bob Pynaker, Zirbel Pynaker Electric, James Schwab, Arrow Electric, Greg Dewitz, Great Lakes Electric, and Dan Wargolet, Pieper**

Electric. The certificates will be mailed to your office soon. Congratulations to **Fritz Geske, Rural Electric Service**, who won the attendance prize. Fritz Geske also had the privilege of honoring former NECA **Governor, Jerry Hill, Hill Electric**, with **Veteran NECA Membership.** Fritz and Jerry are the only two remaining Charter Members of the Wisconsin Chapter, and we thank them both for their dedication to NECA and our Chapter. Veteran Membership is only made available to person having represented a regular member in good standing for at least fifteen (15) years and not currently engaged in the electrical contracting business. The Executive Committee of NECA selects veteran Members.



NECA Adds to NEIS Library

The National Office of NECA will soon be mailing new NECA identification cards to all members. The accredited representatives and registered users of NECA's private site will receive cards, which contain your personal user name as well as your company ID number.

If you have not yet used NECA's private site, contact Jennifer at the Chapter Office to learn how.



Since the National Electric Code has expanded to include a section on the use of less flammable liquids for outdoor applications, NECA developed a complementary standard describing installation and maintenance procedures for liquid-filled transformers. *NECA 410-2005, Standard for Installing and Maintaining Liquid-Filled Transformers* includes important information on these transformers that have long been used indoors and for sensitive outdoor installations. This new ANSI-approved standard NECA 410 is the latest publication in the [National Electrical Installation Standards](#) (NEIS)[®] series published by NECA.

"In the wake of the recent disasters in the southern states, it is important to have a standard like this

which — among other subjects — covers special procedures used after adverse operating conditions such as short-circuit, ground-fault, or immersion in water," commented Brooke Stauffer, executive director of standards and safety at NECA. NEIS are the first performance and workmanship standards for electrical construction. Referencing NEIS saves spec-writing time, and provides unprecedented control over workmanship and long-term performance. As an enforceable part of the contract documents, NEIS significantly reduce misunderstandings among engineers, electrical contractors, owners, and facility managers

Ordering information: Call Jennifer at the Chapter Office to order your copy.

NECA Releases New Safety Software

Tired of lugging around that **BIG Red Binder** filled with all your NEIS publications? NECA Members now have a new way to store and access each of the NEIS performance standards - the **2006 NEIS Yearbook!** This just published CD contains all the NEIS publications to date in one lightweight, easy-to-transport fashion. NECA members pay just \$150 for the CD this year, and will pay a reduced rate of \$50 for the 2007 NEIS Yearbook.

Call Jennifer at the Chapter Office to order your copy today!



NECA has just announced the release of their new *NECA Safety Expert System Software*, a comprehensive system created to help electrical contractors comply with safety requirements while meeting customer's demands. New and revised content reflects the latest regulatory changes and best industry practices, and functional improvements make the software easier to use.

This system allows contractors to design company safety programs, including the written programs required by many OSHA standards. It also enables the user to keep accurate records as required under federal law, print out safety procedures to satisfy customer or contractual requirements, and develop company safety manuals. The recordkeeping module has been up-

dated with the very latest changes in OSHA's paperwork rules. It also includes updated content on fall protection in line with recently revised OSHA regulations.

Also new is a module on NFPA-70E-2004, the standard for electrical safety in the workplace. It provides step-by-step instructions, model documents, checklists and worksheets. The updated software also includes extensive information about personal protective equipment based on the NFPA-70E standard.

Other features include a word search function, and a new backup and restore feature to save and/or transfer your safety data.

NECA members may purchase the software at a special discounted rate of \$150.



From the Desk of Attorney Kay

Like other employers, contractors are obligated to injured employees under Wisconsin worker compensation statutes where the employee is injured in the course of his or her employment. However, occasionally a contractor's employee who is injured on a job, and therefore entitled to workers compensation will decide to sue the owner or an upstream contractor in an effort to recover damages greater than the workers compensation benefits. When that type of action results in a recovery, the injured employee is required to repay the workers compensation carrier out of the damages awarded.

Owners of real estate improvements are particularly sensitive to the possibility that construction employees may seek additional recovery beyond the workers compensation benefits. Therefore, they often require that they be named as an additional insured on the contractor's liability insurance policy. Often the owner (and its architect) and the general contractor will also seek being named as additional insureds on the subcontractor's liability insurance policy. That is what happened in a recent case decided by the Wisconsin Court of Appeals, *Mikula v. Miller Brewing Company*.

Miller got sued by a subcontractor's injured employee on the grounds that Miller had failed to provide a safe place for the work and had complete control over the premises. Miller tendered its defense to the insurance company for the general contractor, who agreed to defend Miller but commenced a separate proceeding to challenge the coverage, asserting "it does not provide free liability insurance coverage to Miller when an employee

of a subcontractor is injured." Miller then filed another complaint against the subcontractor and its insurance carrier, claiming that it was an additional insured on the subcontractor's liability insurance as well. It claimed that if the general contractor's insurance company wasn't required to defend Miller, then the subcontractor's insurance company was required to do so.

The trial court concluded that the general contractor's liability insurance carrier provided no coverage for Miller. The subcontractor's insurance carrier also filed a motion to dismiss, asserting that it had no obligation to defend Miller. The trial court held that the subcontractor's insurance carrier was correct and relieved it of any obligation to defend Miller.

Miller appealed these dismissals to the Court of Appeals and the Court of Appeals held that under standard insurance policy law, the meaning of an insurance policy presented a question to the Court of Appeals which it could determine regardless of the trial court's legal conclusions. The court held that it would look at the insurance policies and construe them as they would be understood by a reasonable person in the position of an insured. The general contractor's insurance carrier argued that the subcontractor's employee was injured under circumstances where the general contractor had absolutely nothing to do with the injury and that the general contractor's insurance carrier should not be expected to provide coverage to Miller for anything and everything that happens on Miller's premises. The Court of Appeals disagreed. The court held that if the subcontractor's employee's

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March 2006 Meetings

March 1
Madison Membership
Janesville-Beloit Membership

March 2
La Crosse Membership

March 8
Fox Valley Membership

March 9
Indianhead Membership

March 13
Kenosha-Racine Membership

March 15
Northeastern Membership

March 23
Wisconsin Valley Membership

March 26 - 29, 2006
Midwest Region Spring Conf.
Amelia Island, FL

Upcoming Meetings:

July 27 - 29, 2006
Summer Meeting
Spring Green, WI

October 7 - 10, 2006
NECA Convention
Boston, MA

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Enclosed is registration information for the Basic Estimating Seminar sponsored by the Wisconsin Chapter April 24 - 27 in Madison. The cost is \$675, which includes course materials, continental breakfast and lunch each of the four days. Space is limited.



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

From the Desk of Attorney Kay *(Continued from Page 3)*

injury occurred while the employee was performing the work subcontracted to it by the prime contractor, the injury occurred while the prime contractor was performing work for Miller.

The Court of Appeals then turned to the question of whether Miller was also covered under the subcontractor's liability insurance policy. It reached the same conclusion, i.e., the subcontractor was performing work as a subcontractor for the general contractor, and the subcontractor's employee was injured in the course of that work. Therefore, the injury arose out of the subcontractor's ongoing operations and the policy covered Miller.

Both the general contractor and the subcontractor argued that the sub-

contractor's employee's injury was caused by a condition on the Miller Brewing premises and had nothing to do with the operations of the contractors. The court said that didn't make any difference, that there was a sufficient causal relationship between the injury and the contractors' ongoing operations.. It also illustrates that once an owner seeks and obtains an amendment to the contractor's policy, naming it as an additional insured, the owner will be fully covered even where the owner causes the injury by having unsafe conditions on its premises.

A Busy Year at CIR

The Council on Industrial Relations heard a total of 147 cases in 2005 making it the busiest year for the CIR since 1994, when 169 cases were heard. The Wisconsin Chapter did not take any cases to CIR last year.

Tom's Code Corner

Question: A typical nonmetallic device box is supplied with Type NM cables. Some cables are No. 12's on 20-ampere branch circuits. Some are No. 14 on 15-ampere branch circuits. No isolated equipment grounding conductors are present. Does 250.148 require all of the equipment grounding conductors present in that box to be spliced together?

Answer: Yes. Section 250.148 of the NEC says "any separate equipment grounding conductors associated with the circuit conductors shall be spliced or joined within the box or to the box." The exception covers isolated receptacles. If it were a metal box both circuits would be bonded to the box. Section 250.148 (B) says one or more equipment grounding conductors brought into a nonmetallic outlet box shall be arranged so that a connection can be made to any fitting or device in that box requiring grounding.

Laborers & Operating Engineers Withdraw from BCTD

The Laborers International Union and the International Union of Operating Engineers, representing more than one million members between them, announced plans to break away from the Building and Construction Trades Department (BCTD) of the AFL-CIO effective March 1, citing concerns with declining membership and "misplaced priorities." The Owner members of the Construction Users Roundtable (CURT) Tripartite Initiative (CTI), in which NECA is an active participant, met to discuss implications and review possible responses, and we will provide additional information after we have a clearer indication of what this move might mean for union-employing contractors and the electrical contracting industry.

The two trade unions remain in the AFL-CIO but are abandoning the BCTD to join with four other unions in the construction business -- the Teamsters, Carpenters, Iron Workers and Bricklayers unions -- to form the National Construction Alliance, a confederation aimed at expanding union membership in the construction field, according to reports by the Associated Press. Union representation among construction workers has fallen from 40 percent in 1973 to 13 percent now, according to Terence O'Sullivan, the Laborers' president.

NECA's labor partner the International Brotherhood of Electrical

Workers remains a BCTD affiliate at this time. However, as we previously reported, IBEW International President Ed Hill joined with the leaders of five other specialty trade unions last fall in establishing the Mechanical Allied Crafts Council. The other unions involved are the United Association of Plumbers and Pipe Fitters; the Sheet Metal Workers International Association; the Bridge, Structural and Ornamental Iron Workers; the International Brotherhood of Boilermakers and Forgers; and the International Association of Heat and Frost Insulators and Asbestos Workers. Members of the council represent about 1.5 million trades workers.



Though this fledgling organization is still planning many of its initial steps, MAC's establishment has reportedly been in the works since 1997. The primary purposes for which it was created are (1) to avoid duplication of services and jurisdictional disputes among the six unions and (2) to share common training in such areas as welding, rigging, safety including federal safety training, hazardous material certification, supervision, owner relations, and personal development tools. The council is also interested in coordinating a national marketing program to promote union construction.

NECA will provide more information as developments unfold.

NECA recently announced this year's destination for the International **Study Mission**. The mission will be August 12 - 23 and will be touring Russia and Finland. Stops will include Moscow, Novgorod, St. Petersburg, Helsinki and Lapland. Go to www.travelata.org for more info.

We are pleased to welcome our new Member firm - **Systems Technologies**, a Division of Pieper Electric, Inc. **Tim Burton** is the accredited representative for Systems Technologies. They are located in Merrill, Wisconsin, and are members of the Wisconsin Valley Division.

We're thrilled to have you with us!

It's that time of year again...
Labor Negotiations time!
 Negotiations are underway on the Residential Agreements in Locals #14 and 430, and the Inside Agreement in #430 and 577. In addition, Local #158 has wages only open on both the Inside and Residential Agreements.
 That means we could use your "Lost Work to Non-Union" information. Thanks for your assistance!

Happy St. Patrick's Day!
 It's a sure sign that Spring is coming...

