

Wisconsin Chapter NECA
2200 Kilgust Rd.
Madison WI 53713



August 2008

Chapter Officers:

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Michels Power, Neenah
President: Bernie Cleppe
Roman Electric, Sturtevant
Vice Pres: Mark Hady
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Treasurer: Joel Westphal
QWEST Electric, Green Bay
Executive Vice President:
Loyal D. O'Leary

Chapter Board of Directors:

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Mark Hady, Janesville-Beloit
Arlan Hanson, Indianhead
Greg Dewitz, Kenosha
Tim Padesky, La Crosse
Larry Navarrete, Fox Valley
Bob Van Ert, Wisconsin Valley
Joel Westphal, Northeastern

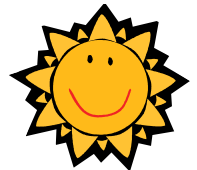


Inside this issue:

Packer Ticket Auction	2
Electrical Contractor Survey Results	2
Attorney Bob Kay's Letter	3
September 2008 Calendar	3
Recognize the Symptoms of Stroke	4
Tom's Code Corner	4
Manpower Statistics	5

2008 Summer Meeting

As you know, the 2008 Summer Meeting was held July 24-26 at Eagle Ridge Resort, Galena, IL. We heard reports from Governor Jerry Schulz and President Bernie Cleppe on recent District meetings they had attended. Chapter Manager Loyal O'Leary gave an update on the Chapter financials, manhours reports, membership changes and a labor relations update. Our first speaker of the day was the ever-popular Attorney Robert Kay. Bob discussed Wisconsin's sales and use tax laws, which are quite confusing to navigate, and gave examples of when taxes are to be paid and which taxes should be paid. Our second speaker was motivational speaker Jim Mathis, who talked about creating a professional image and learning to use different personality strengths to improve communication with others. As has become tradition, our Saturday session was a code update and electrical licensing update by Joe Hertel, Chief State Electrical Inspector.

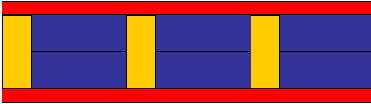


Drawings were held for winners of \$400 2009 Winter Meeting certificates; Rewald Electric, NEI Northern Electricians, Van Ert Electric, Simon Electric and Michaels Power. The Winter Meeting will be held at Great Wolf Lodge, Wisconsin Dells. Hill Electric won the drawing for a \$2300 certificate for the 2009 Spring Conference, which will be held in Hawaii. Congratulations to the lucky winners. The daily attendance prizes were won by Bernie Cleppe and Jerry Schulz.

(Continued on page 6)

NECA Convention Offers Education & Fun

The "Early Bird" deadline for registration has passed, but there is still time to register for the 2008 NECA Convention in Chicago. Starting with a cocktail reception at Chicago's landmark Navy Pier, and concluding with a private concert featuring Ricky Skaggs and Bruce Hornsby, this year's event is sure to be another you won't want to miss. This year the convention features even more technical and management seminars, and the NECA Show promises to be one of the best yet. Hotel rooms are going quickly, so register as soon as possible. For more information, check out the official NECA Convention website: www.necaconvention.org.



The July 2008 edition of Electrical Contractor Magazine contains the results of its annual survey of electrical contractors. It is an interesting portrait of the electrical contracting industry as a whole as well as a gauge for trends that are developing.

Among the respondents to the survey, 70% of the firms represented employ fewer than 10 employees, and report less than \$250,000 in annual revenue.

The majority of contractors (90%) have some form of continued education, whether apprenticeship or some college coursework.

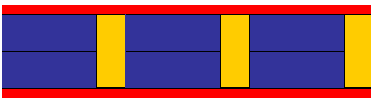


The average age of contractors has steadily increased to 51.5, up from 48.6 in 2004.

Nearly all of the responding contractors reported that they perform traditional power/lighting work.

About 80% of firms said they do some design/build or design assist, accounting for approximately 47% of revenue.

For a full report, check out Electrical Contractor Magazine, July 2008 edition.



Packer Ticket Auction Returns

The Wisconsin Chapter NECA has four remaining sets of Packer tickets for the 2008 season, and they will be auctioned online at the Chapter website www.wisneca.com. The remaining games are:

- Sunday, October 5, Atlanta Falcons (12:00 noon) on Fox
- Sunday, October 19, Indianapolis Colts (3:15 p.m.) on CBS
- Sunday, December 7, Houston Texans (12:00 noon) on CBS
- Sunday, December 28, Detroit Lions (12:00 noon) on Fox

There are four club seat tickets for each game. Club seats offer amenities such as armrests and cup holders and access to the concourse suite level concessions and restroom facilities. Access to the club seats is through a special amenity entrance as well, generally meaning shorter lines.



The bidding might get a little competitive on these tickets, as the Board of Directors has decided to open the bidding on tickets to all NECA members, regardless of their chapter affiliation, so Detroit NECA members might bid on the December 28 game. We hope this will be a fun way to draw attention to our website and some of the upgrades we are currently working on.

Call Shari or Rachel at the Wisconsin Chapter Office (608-221-4650) if you have problems accessing the online auction.

Close Convention is Unique Opportunity

The NECA Convention doesn't come close that often, but this year we are fortunate enough to have it in Chicago, Illinois. The convention runs from October 4th through the 7th, and features a unique opportunity for electrical contractors to network with their peers, learn about the latest technologies and tools available, and gain technical and management expertise all in one package.

The pre-convention workshops are also becoming an invaluable tool for contractors and the training this year is no exception. Learn how to develop a presence in the Solar PV market or building automation, learn about lighting and energy solutions in the Lighting Workshops, or unlock the mystery of NFPA 70E Compliance.

Also, if you have employees who would like to see the **NECA Show**, the largest electrical construction trade show in the country, the NECA Office has **free passes** for them. The pass includes admission to the trade show floor, the technical seminars and displays, and lunch. Call Rachel (608-221-4650) to request the passes.

For a list of programs offered, go to www.necaconvention.org.

From the Desk of Attorney Kay



HOW MUCH DEFERENCE DOES THE WISCONSIN COURT OF APPEALS GIVE A STATE AGENCY DECISION?

Recently a case was decided by the Wisconsin Court of Appeals on the subject of whether worker's compensation benefits are subject to the social security offset. In Michaels Pipeline v. LIRC, decided in March, 2008, a Michaels Pipeline injured employee receiving temporary disability benefits while engaged in a vocational rehabilitation program discovered that his temporary disability benefits were being offset by social security benefits. He objected and both the administrative law judge of the Wisconsin Department of Workforce Development, Worker's Compensation Division, and the LIRC determined that the social security offset may not be taken against payments during a period that the injured employee is receiving vocational instruction. Michaels appealed.

The Court of Appeals held that the court's standard practice in reviewing a state agency's conclusions of law and statutory interpretation are applied at three different levels of deference to the agency's decision. The Court stated that the agency's decision would receive "great weight" deference if the agency's experience, technical competence and specialized knowledge aid the agency in its interpretation and application of the statutes. The Court said that it would only give "due weight" deference to an agency decision that addresses what are very nearly issues of first impression. Finally, it stated that in reviewing an agency's conclusions of law and statutory interpretations where it was clear that the agency had no special expertise or experience in resolving the legal question presented would result in the Court's review without deference to the agency's interpretation.

Under the circumstances in the Michaels Pipeline case, the Court concluded that "due weight" deference was appropriate in reviewing the DWD and LIRC decisions. The Court held that LIRC's conclusion that the offset does not apply because the DWD followed a practice that the offset does not apply was not based upon sound reasoning or special expertise. It noted that the Worker's Compensation Division offered no legal analysis as to why the social security offset did not apply during vocational rehabilitation and the LIRC had addressed the question in only two cases in the past 16 years.

In responding to the LIRC's argument that the worker's compensation law should whenever reasonably possible be liberally construed in favor of compensation, the Court of Appeals agreed but said that such liberal construction must give way to clear statutory language. The Court noted that worker's compensation benefits derive solely from legislative enactments and said, "We ascertain nothing in the statutes that authorizes LIRC to recast temporary disability benefits as vocational rehabilitation benefits at its discretion. Temporary disability, the term the legislature defined to include the period during which the employee receives vocational rehabilitation, is the same term the legislature employed when crafting the social security offset." The Court concluded that LIRC's legal conclusion that the offset did not apply when the statute said it did bordered on the unreasonable.

(Continued on page 6)

September 2008

September 3

Madison Membership
Janesville-Beloit Membership

September 4

La Crosse Membership

September 8

Kenosha Racine Membership

September 10

Northeast-Fox Valley Memb.

September 11

Indianhead Membership

September 18

Wisconsin Valley Membership

Upcoming Meetings

September 23-26, 2008

Basic Estimating Seminar
Holiday Inn-Madison

October 4-7, 2008

NECA Convention
Chicago, IL

January 23-24, 2009

Winter Meeting
Great Wolf Lodge, Wisconsin
Dells

March 22-25, 2009

Midwest Regional Spring Conf.
Kauai, Hawaii

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Collective bargaining data collected by BNA shows the average first-year wage increase in 2008 was 3.5 percent, identical to the increase reported for the same period in 2007. The median first-year wage increase for settlements reported was 3 percent, and the weighted average was 3.4 percent, compared to 2.4 percent in 2007. The average increase when construction and state and location government contracts were excluded was 3.6 percent, compared to 3.7 percent in 2007.

Construction contracts provided an average increase of five percent compared with 4.4 percent in 2007, and a median increase of 4.3 percent.

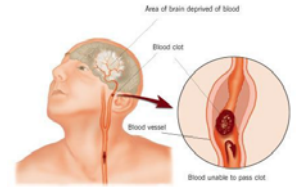


Have you got a code question for Tom? Let us know and we'll ask him to answer it in a future newsletter.

Recognize the Signs of Stroke

Each year an estimated 600,000 Americans experience strokes, an interruption of blood flow in the brain. Medical advances have greatly improved the odds of surviving a stroke, and even reducing the effects, however, quick medical attention is essential.

Sometimes symptoms of a stroke are difficult to identify. The stroke victim may suffer severe brain damage when people nearby fail to recognize the symptoms of a stroke. Now doctors say a bystander can recognize a stroke by asking three simple questions using the first three letters of the word Stroke:



S * Ask the individual to SMILE. Many stroke victims will exhibit an asymmetrical smile, with one side of the smile appearing noticeably lower than the other, or will be unable to smile due to numbness.

T * Ask the person to TALK and SPEAK A SIMPLE SENTENCE (i.e. It is sunny out today) Many times the stroke victim will have a slurred speech, or will be confused.

R * Ask him or her to RAISE BOTH ARMS. Sudden numbness or weakness in the arms or legs is a symptom. Also a lack of coordination can be an indicator.

If he or she has trouble with any ONE of these tasks, call 911 immediately and describe the symptoms to the dispatcher.

The sooner a stroke victim reaches proper medical care, the more likely the damage from a stroke can be minimized.

Orders for electrical equipment and appliances increased by 27.8% in the month of April this year. Orders for durable goods as a whole dropped by .5% during the same period.

Tom's Code Corner

Question: In a limited care facility, under 150kVA generator backs up several emergency generators. All are older and not designated life safety or critical branch. Where would I feed a new either life safety or critical branch circuit from? What would be required?

Answer: NEC 517.45(C) requires any new work comply with 517.30 through 517.35. This means a new life safety or critical branch circuit can only be supplied through a transfer switch and distribution that supplies only essential system loads.

MANPOWER STATISTICS

For the Month of -- June 2008

Local Union #	14	127	158	159	388	430	577	890	TOTAL
	=====	=====	=====	=====	=====	=====	=====	=====	=====
Local Contractors: NECA	8	4	3	19	5	5	1	6	51
Non-NECA	36	10	15	19	14	15	10	17	136
Total Local Contractors:	44	14	18	38	19	20	11	23	187
Traveling Contractors: NECA	11	4	5	0	4	5	4	6	39
Non-NECA	6	12	8	3	2	4	0	4	39
Total Traveling Contractors:	17	16	13	3	6	9	4	10	78
TOTAL # OF CONTRACTORS - LOCAL AND TRAVELERS:	61	30	31	41	25	29	15	33	265
Contractors More Than Two Months Delinquent in N.E.B.F.	1	1	0	1	1	0	1	0	5
Total Number of Contributing Contractors in Area:	62	31	31	42	26	29	16	33	270
Employees: NECA	270	54	148	636	250	47	145	232	1782
Non-NECA	208	66	183	103	55	61	61	80	817
TOTAL EMPLOYED:	478	120	331	739	305	108	206	312	2599

<u>Union #</u>	<u>NECA Division Name</u>
127	Kenosha Division
158	Northeastern Division
159	Madison Division
388	Wisconsin Valley Division
430	Racine Division
577	Fox Valley Division
890	Janesville-Beloit Division
14	Indianhead/La Crosse Divisions

NOTE: These figures only reflect employees of contractors not more than 2 months delinquent in their N.E.B.F. payments.

About one in four adults actively planning for their retirement have prematurely withdrawn money from their retirement accounts, a new Wall Street Journal Online/Harris Interactive Personal Finance Poll has found. People were most likely to withdraw funds after losing a job or to put a down payment on a home. Those under age 35 were more likely to withdraw money for a home, and financial pressures prompting early withdrawals appeared to begin at age 35. In addition, the survey found that almost one in three adults who had made early withdrawals couldn't pay them back, and 45 percent either couldn't repay the money or hadn't begun to repay.

The survey drew responses from 2897 U.S. adults and was conducted in early March.

From the Desk of Attorney Kay (continued)

This case is a helpful example that the courts will reject the legal position of the Worker's Compensation Division of DWD and the LIRC decisions awarding benefits where the Wisconsin statutes do not support the agencies' decisions. All too often, employers assume that the state's position on matters of employment are the final word on the subject. The Michaels Pipeline case is a good example that these agencies are to carry out the laws as passed by the legislature...rather than simply providing liberal statutory constructions favoring benefits.

We Want Your Opinion

The 2008 Summer Meeting had one of the lowest turnouts ever for a Summer Meeting event. The Chapter Staff is committed to providing the meeting you want to attend, and therefore, we are in the process of creating a Member Survey to find out what things you would like changed and what you would like to keep. When you receive the survey, please take a few minutes to complete it and return it to the Chapter Office.

Some of the ideas discussed: changing the format of the Summer Meeting to one and a half days of meetings (i.e., full day of meetings Friday and dinner Friday night followed by a half day of meetings on Saturday) rather than the current two half-day sessions. Members who wish to golf could then play on Saturday afternoon, and members could spend the night Saturday night or go home following the conclusion of the meeting. The timing of the Summer Meeting was discussed, and the Chapter would consider moving the meeting to September to avoid conflicts with family reunions, weddings and vacations. The Chapter Board also discussed the possibility of holding just one annual meeting per year rather than the current two meeting format.

We hope you will consider what works best for you, and let us know, because it's your meeting.

Summer Meeting in Review

(Continued from page 1)

Our annual golf outing was held on Friday afternoon, and once again we offered a \$20,000 prize to anyone who shot a hole in one. The golfers were all too polite to accept our money, so once again, we did not award that prize to anyone. Congratulations to our trophy winners: Longest Drive - Keith Watts, Longest Putt - Jim Wilson, Closest to the Pin - Tim Richards, Low Net - Jeff Knudtson, and Low Gross - Mike Jones.

Our annual weekend event concluded with an awards ceremony and ECPAC Auction. **Former Governor Ron Jahnke** was awarded Veteran Membership status by the National Electrical Contractors Association, and he was recognized by Chapter Manager Loyal O'Leary. Ron thanked the members for allowing him to represent the Wisconsin Chapter as both President and then Governor. Following the golf prize awards, the floor was turned over to **Auctioneer Bob Kay**, who lead members in a lively auction of donated items including Packer tickets, Badger tickets, Vera Bradley bags, jewelry, and of course, "special grass." The auction was a fun event that raised \$3662 for ECPAC, and a special thank you goes out to Bob who made the event so much fun.

The Chapter also gathered donations from members and the proceeds from the online auction held in May to send a total of \$6,351 to ECPAC. This puts the Chapter very close to the 2008 fundraising goal, however, members are still encouraged to donate the recommended \$100 per member firm if they have not already done so, and thanks to those who have. The Chapter will also be holding an online auction for the remaining 4 sets of Packer tickets (see Packer Ticket Auction Returns). The next Chapter Meeting will be the 2009 Winter Meeting, January 23-24 at the Great Wolf Lodge, Wisconsin Dells.