

Wisconsin Chapter NECA
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January 2008

Shop 'Til You Drop

The 2008 Winter Meeting of the Wisconsin Chapter NECA will be held January 25-26 at the Embassy Suites Hotel in Bloomington, MN, near the Mall of America. A cocktail reception will be held Friday evening at the hotel. The general membership meeting will be held on Saturday and will feature a preview of the Emerging Green Markets seminar. Dickinson Occupational Clinic will be there to discuss the drug testing policies and methods being implemented in various local unions in 2008. We also plan to have Bob Durkee, of OSHA, on hand to present a two-hour Arc Flash and safety seminar.



The Embassy Suites Hotel features guest suites with refrigerator, microwave, sleeper sofa, and a private bedroom with either two double beds or one king bed. The hotel provides free shuttle service to the Mall of America, which is a great place to take the kids (Camp Snoopy), catch a movie, or try one of their theme restaurants like the Rain Forest Café. The special room rate for the weekend is \$134.

The registration fee is \$50 per person for Member firms, or \$165 for Affiliate Member firms. The registration deadline was December 28, however space may still be available. Call Jennifer at the Chapter Office (608) 221-4650 for details.

Our theme for this year's closing banquet is "Shop 'Til You Drop" in honor of our location. It is sure to be an informative and entertaining weekend, and we hope to see you there!

Think Spring, Think Key Largo

The 2008 NECA Midwestern Regional Spring Conference will be held in Key Largo, Florida at the Ocean Reef Club. The dates of the Conference are April 6-9, and the location is certain to be warmer than Wisconsin.

The Conference begins with a cocktail reception Sunday evening, April 6. Meeting sessions will be Monday and Wednesday mornings and breakout sessions will be held on Tuesday morning. The Conference will close with a farewell reception Wednesday evening.



Registration material will be mailed out shortly, the deadline to register for the Spring Conference is February 21, 2008.

The U.S. Commerce Department reported that sales of new homes fell to an annual rate of 647,000 units, down 9% from October and 34% from a year ago. It was the lowest rate since April 1995. Economists had forecast a drop in November sales to an annual rate of 715,000.

Sales were weakest in the Midwest -- down more than 27% from October to November -- while sales in the West were up 4% to 157,000 homes. Worse, the Commerce Department revised its estimate for October sales down to 711,000 from an original estimate of 728,000. The report showed that builders have a 9-month supply of homes for sale, and they're looking at getting less for their efforts.

The median price of a new home was \$239,100, up slightly from October but down 9% from a peak of \$262,600 in March. The reason for the uptick in October was the relative strength of sales in the West, which includes California, the nation's priciest state, however, home values in many of California's metro areas are expected to continue to drop. Not all areas of the country saw the huge downturn, many areas of the west, such as Colorado, Idaho and Utah are experiencing rising home values, while the southern states, excluding Florida, remain strong.

Drug Testing Programs Delayed

As reported earlier, Local Unions #127, 158, 159, 388 & 890 have all completed negotiations on a drug testing policy that will include random drug testing. The programs were scheduled for implementation in January 2008; however, a recent development has delayed implementation until March 1, 2008. Dickinson Occupational Clinic will handle the third party administration duties, and they were recently informed by their drug testing group, Marshfield Clinic, that they have relinquished their SAMSHA certification, and are therefore, no longer qualified to provide the service. Dickinson has contracted with Medtox Laboratories to provide testing services, but they have requested additional time to get started.

Meanwhile, employer meetings will be scheduled in each of the areas in January or early February to educate employers and their staff on testing procedures, database usage, and confidentiality involved in the process. Each contractor should designate one individual who will have database access and will oversee the drug testing of employees. This individual should plan to attend the educational meeting for training.

Please call the Chapter Office if you have any questions regarding the drug testing policies or implementation testing, and thank you for your cooperation.



OSHA Rules on PPE

OSHA published its final rule "Employer Payment for Personal Protective Equipment" on November 15, nearly eight years after first proposing that employers should pay for PPE. The rule goes into effect in early 2008 and requires that the employer must pay for required PPE. While employers typically have been paying for the equipment anyway, NECA had urged OSHA to exempt certain items of PPE, which they argued were viewed as tools of the trade, and employees would take better care of equipment if they had to purchase it themselves. Ultimately, however, OSHA rejected the concept saying that employers should use education on care of equipment as well as appropriate disciplinary actions to discourage abuse of PPE.



Everyday clothing and items used for protection from the weather such as coats, gloves, rubber boots and hats do not have to be provided by the employer.

Now that OSHA has published its final rule on PPE, which will be effective February 13 and enforced beginning May 15, it's a good time to take a look at two NECA tools available to member firms; The NECA Personal Protective Equipment (PPE) Selector, and NECA Tables of Arc-Flash Energy levels. Both are available through the Chapter Office (contact Jennifer) or through the NECA website, www.necanet.org/store.

From the Desk of Attorney Kay



WISCONSIN STATUTES GOVERNING ELECTRICAL CONTRACTORS AND ELECTRICIANS

It might be helpful for NECA electrical contractors to be reminded or informed that under Subchapter IV of the Wisconsin Statutes, there is a section entitled Inspection of Electrical Construction and Certification of Master Electricians, Contractors, Journeymen and Beginning Electricians. The subchapter is divided into subparagraphs which the revisor of statutes has numbered Sections 101.80, 101.82, 101.84, 101.86, 101.865, 101.87 and 101.88. As the legislature continues to enact or revise statutes relating to electrical construction and electricians, the numbering may change in the future.

Wis. Stat. 101.80 contains definitions for “municipality”, “public buildings” and “places of employment.”

Wis. Stat. 101.82 expresses the powers of the Wisconsin Department of Commerce which the legislature has authorized to regulate industry in Wisconsin. Under that section, the Department has authority to adopt rules for the construction and inspection of electrical construction of public buildings and places of employment, and for the inspection of electrical construction of places where farming is conducted. The Department’s standards are to be those that are nationally recognized. The Department may not adopt a rule which does not take into account the conservation of energy in construction and maintenance of buildings. The Department is empowered to adopt rules for the certification of electrical inspectors.

Wis. Stat. 101.84 empowers the Department to hold hearings on matters relating to these sections in the statute and to issue subpoenas to compel the attendance of witnesses in the production of evidence at the hearings. The Department at the request of the owner or tenant may enter, inspect and examine the exterior and interior wiring of a public building or place of employment to ascertain compliance with the administrative rules promulgated under this legislation.

Wis. Stat. 101.86 empowers municipalities to exercise jurisdiction over electrical construction and inspection of electrical construction in public buildings and places of employment by the passage of ordinances, meeting the minimum requirements of the department’s rules. The county ordinance shall apply where any city, village or town has not enacted such an ordinance. A municipality may contract with the Department for inspection services which the municipality does not perform itself or contract for.

Wis. Stat. 101.865 creates a duty on every contractor and other person who does any electrical wiring in Wisconsin to comply with the Wisconsin State Electrical Code and the utility furnishing the electric current shall obtain proof of such compliance before furnishing electric service. Municipalities are expressly given the power to promulgate more stringent regulations than those contained in the Wisconsin State Electrical Code. Any person who fails to comply with the Wisconsin Electrical Code or any municipal code is guilty of a misdemeanor.

Wis. Stat. 101.87 provides for the Department’s adoption of a uniform

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January 2008

January 3

La Crosse Membership

January 9

Madison Membership

January 14

Ken-Rac Membership

January 19

Indianhead Christmas Party

January 25-26

Winter Meeting

Bloomington, MN

Upcoming Meetings

April 6 - 9, 2008

Midwestern Region Spring Conf.

Key Largo, FL

July 24-26, 2008

Summer Meeting

Eagle Ridge Resort, Galena, IL

October 4-7, 2008

NECA Convention

Chicago, IL

January 23-24, 2009

Winter Meeting

Wisconsin Dells

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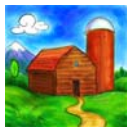
www.kayandandersen.com

New Energy Grants For Farm Waste

Focus on Energy will provide \$1.5 million in grants to eight Wisconsin farms to build anaerobic digesters that will turn manure and other waste into electricity.

The digesters use bio-gas, which is produced by the decomposing waste materials to power a generator. One 1,000 cow dairy farm can produce enough energy to power 150 homes, and the digesters also help manage animal waste and produce organic fertilizers.

The excess electricity generated can be sold back to the power companies for additional income for the farms.



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

Organizing and Industry Night Events

Local Union #159, Madison, held its first Organizing Blitz and Industry Night event the first week of December. The Industry Night, held on Thursday evening, culminated an intensive organizing effort by organizers from locals around the state, and was focused on reaching residential employees. While there were only a handful of applicants who ventured out to the hotel on the snowy evening, there were six contractors on hand to interview candidates, as well as the Apprenticeship Coordinator representative, Jim Cook, who met with each of them to discuss apprenticeship requirements and opportunities.



As expected, the event was a learning opportunity for all parties and some new strategies will likely be used when the local holds its next event. In addition, the contractors present learned more about what to expect from the event and how to be better prepared next time.

Local #158, Green Bay, has scheduled an industry night for February 21, 2008 from 4:00 to 9:00 p.m., the location is not yet determined. Local #577, Fox Valley, is also planning to hold an event some time in March 2008. We'll keep you posted as these events approach.

Tom's Code Corner

Question: Can we use aluminum conductors to wire a dairy barn?

Answer: Aluminum conductors are being used more frequently primarily due to the high cost of copper conductors. There are several types of aluminum conductors that can be used in conjunction with farm wiring. There also are several types that are not permitted or only permitted in certain areas.

Type USE-2 cables are permitted with restrictions. The conductors can be direct buried with 24-inches of cover. The USE cables must be protected from physical damage as they rise out of the ground for termination outside the building. USE cables cannot be used within any building. Aluminum Type SE or SER cables cannot be used within any animal confinement building or portion of building that is washed down with sanitizing and cleaning agents.

Aluminum conductors can be used with a raceway if the insulation is suitable for use in damp or wet locations. Such insulation types are found in Table 310.13 of the NEC. Typical insulation types are THWN-2, XHHW-2, or RHW-2. Where used inside of agricultural buildings or underground, the equipment grounding conductor must always be insulated or covered copper.

Aluminum conductors that are only marked "URD" or "XLPE" cannot be used. A more comprehensive summary of these requirements is found in the National Electrical Code (NEC) Articles 338, 547, and Sections 310.13 and 300.5.

MANPOWER STATISTICS

For the Month of -- **October 2007**

Local Union #	14	127	158	159	388	430	577	890	TOTAL
Local Contractors: NECA	8	4	2	18	5	5	3	6	51
Non-NECA	38	11	15	18	15	16	7	18	138
Total Local Contractors:	46	15	17	36	20	21	10	24	189
Traveling Contractors: NECA	10	4	6	4	5	4	6	7	46
Non-NECA	6	12	6	5	0	4	1	3	37
Total Traveling Contractors:	16	16	12	9	5	8	7	10	83
TOTAL # OF CONTRACTORS - LOCAL AND TRAVELERS:	62	31	29	45	25	29	17	34	272
Contractors More Than Two Months Delinquent in N.E.B.F.	0	1	0	3	2	3	0	2	11
Total Number of Contributing Contractors in Area:	62	32	29	48	27	32	17	36	283
Employees: NECA	257	60	211	779	318	69	192	214	2100
Non-NECA	241	76	172	89	51	71	74	84	858
TOTAL EMPLOYED:	498	136	383	868	369	140	266	298	2958

<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 Division

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

A national watchdog group recently estimated that at least 35 states will face water shortages within the next five years, and population surges in the arid West and the drought-stricken Southeast have exacerbated problems there. The shortages are also due to rising temperatures, increased evaporation rates, decreased rainfall, urban sprawl, and waste. The water levels of the three largest Great Lakes; Superior, Huron, and Michigan, have been declining since the 1990's; a problem for the U.S. since the Great Lakes contain about 90 percent of the nation's fresh surface water. Governors of several Great Lake states have met to try to create a plan that would prohibit sending water outside the drainage basin, in response to fears that the politically powerful Sun Belt states will try to divert water from the Great Lakes basin to their states. With Wisconsin and Ohio to be considered important swing states, this will likely become an issue as the candidates visit key Great Lakes states.



From the Desk of Attorney Kay

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examination for the statewide certification of master electricians and establishes certification requirements for electrical contractors, journeymen electricians and beginning electricians. The statute requires that the rules shall specify that only master electricians and persons who employ at least one master electrician may be certified as electrical contractors; that persons who successfully complete an apprenticeship program lasting for at least four years and approved by the U.S. Department of Labor and by the Department of Commerce, or pass an inside journeyman wireman examination and who have installed electrical wiring for at least 48 months and have maintained and repaired electrical wiring for at least one month shall be certified as journeyman electricians; and that only persons who have some experience installing and repairing electrical wiring may be certified as beginning electricians. The statute requires periodic administration of the examination by the Department, the specification of a certification period, an examination fee, and the establishment of criteria for the suspension of the certificate by the Department for violations of a municipality's electrical code. The statute provides that any municipality which by ordinance requires the licensure of electrical contractors shall issue a license to any electrical contractor who wishes to perform electrical construction work in the municipality upon the submission by the electrical contractor of evidence that at least one of his or her full-time employees has been certified by the state as a master electrician and upon the payment of the municipality's licensure fee and the posting of any required bond. The statute also provides that if a municipality that requires the licensure of electrical contractors on March 28, 1984, but thereafter ceases to require licensure, but requires state certification, a person licensed by the municipality may continue to perform electrical construction work in that municipality upon application to the Department for restricted certification limited to that municipality.



Wis. Stat. 101.88 requires every contractor, designer and owner to use building materials, methods and equipment which are in conformance with the rules adopted by the Department under this subchapter; that all inspections shall be made by persons certified by the Department and that whoever violates the subchapter or any rule promulgated by the Department under the subchapter shall forfeit to the state not less than \$25.00 nor more than \$500.00 for each violation...each day of violation constituting a separate offense.

In the next publication of this newsletter I will review the administrative rules that have been promulgated under this section by the Department of Commerce.

EEOC Allows Reduced Health Benefits to Older Retirees

The Equal Employment Opportunity Commission (EEOC) has issued a new regulation that allows employers to provide more limited health care benefits for retirees who are age 65 or older. In a move that has been challenged as discriminatory, the EEOC says its policy change will protect retiree benefits by allowing employers to spend more on benefits for retirees under age 65 and cutting benefits for retirees who are 65 or older and therefore, qualify for Medicare.



A 2000 U.S. Court of Appeals ruling required that health insurance benefits received by Medicare-eligible retirees be the same, or cost the employers the same, as the benefits received by younger retirees. Labor unions and employers alike argued that the ruling would force many companies to cut or eliminate all retiree benefits, leaving those who retire before age 65 without coverage. More than 10 million retirees in this country rely on employer-sponsored health care coverage as primary coverage or as a supplement to Medicare.

The new ruling will help employers control their costs as they continue to insure retirees who have not yet reached the age for Medicare coverage. The AFL-CIO, National Education Association, and the American Federation of Teachers have all been supporters of the new regulation.