

**Wisconsin Chapter NECA**  
**2200 Kilgust Rd.**  
**Madison WI 53713**

**Chapter Officers:**

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

**Chapter Board of Directors:**

**Darrell Braun**, Madison  
**Bernie Cleppe**, Racine  
**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:**

Drug Testing Tips	2
Attorney Bob Kay's Letter	3
July 2008 Calendar	3
Unemployment Reporting Changes	4
Code of Excellence	4
Tom's Code Corner	4
Manpower Statistics	5

# Watts News

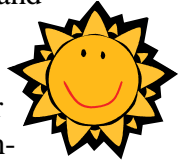


**June 2008**

## 2008 Summer Meeting

It's that time of year again, the weather is finally beginning to feel like summer, and that means it is time to register for the 2008 Summer Meeting. This year the event will take place at Eagle Ridge Resort near Galena, IL, and will run from Thursday, July 24 through Saturday, July 26.

Our speakers this year will be Attorney Bob Kay who plans to address Wisconsin Tax Law changes, Jim Mathis will present a seminar on how to create a more professional workforce, and of course, the annual examination of the electrical code by State Electrical Inspector Joe Hertel.



As always, the general meeting sessions are Friday and Saturday mornings, which leaves the afternoons available for golf, or exploring Eagle Ridge Resort and the Galena area. Eagle Ridge Resort offers opportunities for hiking, biking, fishing, boat rentals are available, and of course, the resort features three golf courses. The village of Galena is an historic outpost from the lead mining days of Southwestern Wisconsin, and was once an important port on the Mississippi. There are many historic sites to see, and of course, the scenic "driftless area" landscape is perfect for a leisurely drive.

*(Continued on page 2)*

## Governor & Assembly Fundraiser

David Boetcher and the IBEW State Conference is working to organize a fundraiser for Governor Jim Doyle and State Assembly Democratic Campaign Committee (ADCC) campaigns. The reception will be held July 16, 2008 at the Concourse Hotel in Madison. The intended outcome of this fundraiser will be to raise awareness of how beneficial Project Labor Agreements (PLAs) can be to a project, and also to support candidates who will be union-labor friendly.

We are asking for your help in donating needed funds. The event will be publicized as the IBEW State Conference, Milwaukee NECA, and Wisconsin Chapter NECA reception in support of Unionized Electrical Construction and Generation in Wisconsin. Governor Doyle and Assembly leaders will attend the reception from the Assembly Democratic Campaign Committee. NECA members who contribute will be invited to attend the event with established donation



*(Continued on page 5)*

**Prevailing Rate Survey Information** will be mailed soon to all signatory contractors in the Wisconsin Chapter jurisdiction.

As you know, it is vital that contractors who employ union electricians report as many projects as possible in order to ensure the union rate prevails. In the past several years, the non-union sector has become more active in completing survey information, making it more important than ever that the NECA-IBEW contractors get their information submitted.

The DWD website publishes a list of contractors who have submitted the survey, and there are many non-union firms represented on that list.

The State selects the wage rate and fringe benefit rate that has the majority of hours reported but the rates **must be an exact match to the union rate of record**, which is why it is important that contractors use the wage and fringe benefit numbers we send out to complete the reports. A foreman or general foreman's hours should be reported at the journeyman rate for the purposes of this reporting, as there is no matching rate for supervisory personnel.

## Drug-Free Wisconsin

Drug testing has begun in most of the Wisconsin Chapter's eight local jurisdictions now, and overall the program has been running very smoothly.

Some reminders for employers :

- If you identify a testing location that is not currently one of the approved testing sites, contact Dickinson Clinic to either include the clinic you identify or ask them to find a clinic in the area.
- All drug testing information is to remain confidential. Try to notify your employees of their need to test in private, and request that they test within 24 hours of notification.
- An employer will only be notified in the case of a "positive" test result. This means the MRO has confirmed that it is a positive test. Dickinson Clinic will not notify an employer of a "negative" test.
- The only way for an employer to verify that their employee did, in fact test is to check the database a day or two later, where they should be listed as active, meaning they had a negative drug test. Dickinson is working on creation of an e-mail that would go to the employer just verifying that a test was done (no results would be sent).
- Employees who have tested negative in the past year in another local do not need to retest. Consult the administrative guide for the form to request a waiver of the test, or call Shari at the Chapter Office.

While there are still some bugs to work through, with the cooperation of the contractors, the programs should be very effective in providing a safe, productive workforce for the electrical industry.

## Summer Meeting (Continued from Page 1)

Our annual golf outing will be held Friday afternoon on the North Course at Eagle Ridge, and golf trophies will be awarded. Once again we intend to hold a Hole-in-One event and we hope this is the year that we will have one lucky (skilled) golfer who will take home the \$20,000 cash prize. It feels like this could just be the year!

The 2008 Summer Meeting will conclude on Saturday evening with our annual banquet and award ceremony. Back by popular demand this year – the ECPAC Auction will follow the awards presentation. So far we have some great auction items lined up, so bring your wallet and prepare to bid often!

Registration materials have been mailed to all member firms, and the registration form is also available online [http://wisneca.com/chapter\\_meetings.htm](http://wisneca.com/chapter_meetings.htm). Don't miss out –the resort expects a full house that weekend, so make sure to get your registration in early.

Call Rachel at the Chapter Office (608) 221-4650, if you have registration questions. We look forward to seeing you there!



## From the Desk of Attorney Kay



### CONTRACTOR'S RIGHT TO CURE CONSTRUCTION DEFECT

Many contractors are unaware of a statute passed in 2005 by the Wisconsin Legislature which requires that the owner, tenant or lessee of a dwelling or a home owner's association, condominium association, or unit owners association, or a non-profit corporation created to own and operate portions of a planned community, give 90 working days' written notice to a contractor of any claim concerning a construction defect. This statute, § 895.07, Wis. Stats., defines "construction defect" as any defect under the terms of a warranty, or if there is no warranty, a deficiency in the construction or remodeling of a dwelling that results from any of the following: (1) defective material, (2) violation of applicable codes, or (3) failure to follow accepted trade standards for workmanlike construction. Failure to give the notice may bar the owner, tenant or lessee from making the claim.

Under § 895.07, Wis. Stats., a dwelling means any portion of a structure that is used as a place of residence, and includes driveways, sidewalks, swimming pools, terraces, patios, fences, porches, garages, and basements. Section 895.07(2), Wis. Stats. states:

- “(2) NOTICE AND OPPORTUNITY TO REPAIR. (a) Before commencing an action against a contractor or supplier regarding a construction defect, a claimant shall do all of the following:
1. No later than 90 working days before commencing the action, deliver written notice to the contractor containing a description of the claim in sufficient detail to explain the nature of the alleged defect and a description of the evidence that the claimant knows or possesses, including expert reports, that substantiates the nature and cause of the alleged construction defect.
  2. Provide the contractor or supplier with the opportunity to repair or to remedy the alleged construction defect.
- (b) Within 15 working days after the claimant serves notice of claim under par. (a), or within 25 working days if the contractor makes a claim for contribution from a supplier under sub. (7)(a), each contractor that has received the notice of claim shall serve on the claimant any of the following:
1. A written offer to repair or remedy the construction defect at no cost to the claimant. The offer shall include a description of any additional construction necessary to remedy the construction defect and a timetable for the completion of the construction.
  2. A written offer to settle the claim by monetary payment.
  3. A written offer including a combination of repairs and monetary payment.
  4. A written statement that the contractor rejects the claim. The contractor shall state in the written response to the claim the reason for rejecting the claim and include a comprehensive description of

(Continued on page 6)

### June 2008

#### **June 4**

Janesville-Beloit Membership

#### **June 5**

La Crosse Membership

#### **June 9**

Kenosha Racine Membership

#### **June 11**

Northeast-Fox Valley Memb.

#### **June 12**

Indianhead Membership

#### **June 18**

Madison Golf Outing

#### **June 19**

Wisconsin Valley Membership

### Upcoming Meetings

#### **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

#### **March 22 - 25, 2009**

Midwest Regional Spring Conf.

Kauai, Hawaii

Attorney Robert J. Kay can be reached at

Kay & Andersen, S.C.

One Point Place, Suite 201

Madison, Wisconsin 53719

Phone: 608-833-0077

Fax: 608-833-3901

[www.kayandandersen.com](http://www.kayandandersen.com)

The first ever online ECPAC Auction was a success, and the winning bid for Green Bay Packer tickets came in just before the deadline.

Congratulations to **Mark Hady**, who won the bidding, and selected the Chicago Bears game (November 16) tickets. Congratulations also to **Darrell Braun**, whose second place bid came in so close to Mark's that the Chapter Manager decided to allow him to also purchase tickets for a game at the same price as the winning bid.



The next opportunity for Packer tickets will be the ECPAC Auction at the Summer Meeting, where the Chapter will donate 3 sets of tickets for the auction.

You'll have to show up to see which games they will be!



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

## New Unemployment Law Changes

A recent law change requires that all quarterly contribution and wage reports **must be received by the DWD on or before the due date**. Any reports and/or payments received after the due date, even if post-marked by the due date, **will be subject to penalty and interest**. This change takes effect with the third quarter report and payment due October 31, 2008.

Quarterly reporting requirements will also change for employers with 25 or more employees beginning with reports filed for third quarter 2008:

**Contribution Reports** – Employers with 25 or more employees who prepare and file their own reports must file via QTWRS, the web-based reporting application. <http://uiqtwrs.wisconsin.gov>.

**Wage Reports** – Employers with 25 or more employees who file their own reports must file electronically, via QTWRS or other automated media reporting options described at <http://dwd.wisconsin.gov/uiben/wagehome.htm>.

Failure to comply with these filing requirements will result in penalties of **\$25** for each Contribution Report filed on paper and **\$15 per employee** for Wage Reports filed on paper.

## Code of Excellence To Be Implemented

Congratulations to the local Labor Negotiations Committees who recently completed negotiations on this year's round of contracts. There are new agreements this year in Locals 14, 158, 159 and 577.

New language which was inserted into each of these new agreements is the new Code of Excellence language. Many of you have seen information on the idea behind this new code; ensuring the workforce follows simple job rules such as working eight for eight, showing up prepared and on time, and doing the best work possible on each job.



In the next couple of months we will begin working on creating the actual Code of Excellence program which will provide the guidelines for projects. We'll keep you updated on our progress.

## Tom's Code Corner

**Question:** I was wiring an air conditioner at a new house. The nameplate says the maximum overcurrent rating is 40 A with a minimum circuit ampacity 24.1 A. Is it OK to use #12 wires to supply the AC unit and connect it to a 40 A breaker?

**Answer:** Yes. NEC 240.4G and 440.21. 240.4(D) does not apply to conductors used in motor circuits.

## MANPOWER STATISTICS

For the Month of -- April 2008

Local Union #	14	127	158	159	388	430	577	890	TOTAL
	=====	=====	=====	=====	=====	=====	=====	=====	=====
Local Contractors: NECA	8	4	3	18	5	5	3	6	52
Non-NECA	37	9	15	18	15	16	8	17	135
<b>Total Local Contractors:</b>	<b>45</b>	<b>13</b>	<b>18</b>	<b>36</b>	<b>20</b>	<b>21</b>	<b>11</b>	<b>23</b>	<b>187</b>
Traveling Contractors: NECA	10	5	5	1	4	4	5	6	40
Non-NECA	6	12	8	6	1	4	0	5	42
<b>Total Traveling Contractors:</b>	<b>16</b>	<b>17</b>	<b>13</b>	<b>7</b>	<b>5</b>	<b>8</b>	<b>5</b>	<b>11</b>	<b>82</b>
<b>TOTAL # OF CONTRACTORS - LOCAL AND TRAVELERS:</b>	<b>61</b>	<b>30</b>	<b>31</b>	<b>43</b>	<b>25</b>	<b>29</b>	<b>16</b>	<b>34</b>	<b>269</b>
Contractors More Than Two Months Delinquent in N.E.B.F.	1	1	0	2	1	1	0	0	6
Total Number of Contributing Contractors in Area:	62	31	31	45	26	30	16	34	275
Employees: NECA	251	54	194	639	199	44	203	294	1878
Non-NECA	200	89	335	100	52	65	66	78	985
<b>TOTAL EMPLOYED:</b>	<b>451</b>	<b>143</b>	<b>529</b>	<b>739</b>	<b>251</b>	<b>109</b>	<b>269</b>	<b>372</b>	<b>2863</b>

<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

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

### Fundraiser (continued from Page 1)

levels of **Host = \$500**, **Sponsor = \$250**, or **Guest = \$100**. WE Energies has also expressed an interest in being involved in the event.

A special brochure will be printed with individual contributor names and will be distributed to guests at the reception and distributed to the ADCC members.

The goal is to raise at least \$5,000 to present that evening as a show of our financial strength in the industry, and to allow for donations to multiple assembly campaigns this fall. Please note that donations must be from individuals, not companies, and checks should be made payable to the ADCC and sent to the NECA Office so your name will be included in the event brochure.



## From the Desk of Attorney Kay (continued)

all evidence the contractor knows or possesses, including expert reports, that substantiates the reason for rejecting the claim. The contractor shall also include in the written response to the claim any settlement offer received from a supplier.

- 5. A proposal for inspection of the dwelling...”



If the contractor proposes an inspection, the claimant is required within 15 working days of receiving the contractor’s proposal to give the contractor reasonable access to the dwelling to inspect the alleged construction defect and to perform any testing deemed necessary. The contractor is then given 10 working days to serve a written notice on the owner, tenant or lessee of any offer to prepare or remedy any alleged defect. If the claimant rejects the contractor’s offer, the claimant is required to serve written notice of the rejection on the contractor within 15 working days after receipt of the offer. The notice must include reasons for the claimant’s rejection of the contractor’s offer.

If the claimant accepts the contractor’s offer, and the contractor does not proceed to repair or remedy the construction defect, the claimant may bring a legal action against the contractor. If the claimant accepts the contractor’s offer, he is required to provide the contractor reasonable access to the dwelling to remedy the work complained of.

If the claimant receives a written statement from the contractor rejecting the claim, or if the contractor does not respond to the claimant’s notice, the claimant may bring a legal action against the contractor for the claim described in the notice of claim, without any further notice. The essence of this statute is provided in § 895.07(3), Wis. Stats. Under that subsection, if the claimant commences an action but fails to comply with the notice requirements, the circuit court, or an arbitrator if the matter is in arbitration, shall dismiss the action.

It becomes evident that if the claimant fails to give the notice and takes other steps to remedy the alleged defect, the owner, tenant or lessee may be barred from recovering anything from the contractor for the alleged defective construction. However, the claimant is permitted under the statute to make immediate repairs to a dwelling to protect the health or safety of its occupants.

This new statute represents advantages for contractors who perform construction work on residential dwellings and gives such contractors a meaningful opportunity to correct construction defects and avoid legal arguments and expenses. The statute also protects contractors who are accused of defective construction by claimants who fail to give timely notice of the claim, or who arbitrarily demand an instant cure when the contractor honestly doubts the merits of the claim or wishes to investigate the claim before the construction is altered by someone else.



Health insurance has been in the news daily as candidates discuss ways to insure every American, employers struggle to pay increasing costs of coverage, and each year more workers lose their coverage. There is another growing concern about health insurance; that of the workers whose insurance coverage is too limited or their co-payments and deductibles are so high they cannot afford medical care. The combination of increased medical costs, higher deductibles, higher co-payments, and less extensive insurance coverage is now leading to even insured workers postponing routine doctor visits. For those who are insured, the employee’s average annual share of health insurance premiums has nearly doubled since 2001, from \$1,800 to \$3,300, while increases to income during that period have not kept pace. The costs are expected to continue to climb, however, and that means more employees may have to make hard decisions about whether they can afford medical care in lieu of the higher costs. Experts have not been able to reach a consensus on whether a national health plan will actually reduce costs for the American public, and it is certain that the debates will continue on how to reduce high medical costs.

