

Wisconsin Chapter NECA
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Madison WI 53713

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August 2009

2009 Summer Meeting

The 2009 Summer Meeting of the Wisconsin Chapter NECA was held July 30 through August 1 at the Lake Lawn Resort in Delavan. The weekend began with the traditional cocktail reception where NECA members from across the state became reacquainted or met new friends. Our Saturday general session was led by Mike Johnston, NECA's Executive Director of Standards and Safety, who discussed the many safety materials NECA has available to its members. He gave a demonstration of the NECA Safety Expert System Software, and described the features. Dr. Awad S. Hanna was our second speaker of the day, giving the attendees a sneak peek at his newest MEI seminar, Managing Field Productivity. Among his many observations, he noted that construction productivity has remained flat from 1964 to 2003, while overall non-farm productivity has increased steadily during the same period. One reason he gave for this is the fact that construction has not taken advantage of prefabrication, pre-construction planning, and supply delivery methods. Dr. Awad Hanna's complete seminar How to Avoid Killer Jobs will be presented September 2, 2009 at the Hilton Garden Inn. Space is still available, please see accompanying article for registration information.



Chapter Governor, Jerry Schulz gave an update on his activities, and Chapter President Bernie Cleppe gave his report. Mark Hady, Political Action Chair, gave a report on the legislative conference he attended in Washington, DC, and an update on the Chapter's ECPAC fundraising efforts year-to-date. Darrell Braun, Braun Electric, was the lucky winner of the daily attendance prize.

After consecutive years of dwindling attendance at the annual Summer Meeting, and due to the budgetary concerns faced in this economy, the Chapter Board of Directors made the difficult decision to cancel the 2010 Summer Meeting. The 2010 Winter Meeting will be held as scheduled, however, there will not be a Summer Meeting next year. The Chapter Board plans to poll members to find out if they wish to see a modified format of the meeting in future years, or perhaps just an expanded Winter Meeting weekend. We will keep you updated through your Division meetings and other correspondence.

We previously reported that the TruPro.org Locals 158 (Green Bay) and 577 (Appleton) had agreed to help fund the cost of a solar-powered billboard in the Fox River Valley area.

On July 21, 2009, the billboard was celebrated in a ribbon-cutting ceremony involving members from Green Bay's city hall, area legislators and representatives, the area Chamber of Commerce and members of the TruPro.org committee.

The billboard is located on Highway 41 near DePere, and the site was selected for its south-facing orientation. The board is visible to northbound traffic and is located on the left side of the highway.

Rick Eland, Eland Elec-



tric, Green Bay, designed the system which produced more energy than required by the second month of operation. The billboard also received a small grant from Focus on Energy to help cover the costs. NextMedia, the billboard owner, is very happy with the project and hopes to fund additional billboards next year.

A New Alternate Energy Source

NECA member Electrical Systems & Services, Sturtevant, has recently become Wisconsin's exclusive dealer/installer of the new Windspire wind turbine. The turbine is smaller—30 ft. high and 4 ft. wide, and quieter than the traditional propeller turbines you see dotting the rural landscape, and are therefore, more readily adaptable to more locations. The electrical output is about 1.2 kilowatts per year, about 10 to 20 percent of the electricity used by an average sized home. The cost of installation is approximately \$12,000 and federal stimulus money is available to pay for about 30% of the cost of installation. Wisconsin Focus on Energy is also considering a rebate of approximately 25%, which would bring the cost to about \$5,400. At that cost, the Windspire would pay for itself in approximately 5 years.

Electrical Systems President Jay Datt said he first saw them installed outside a bank in Illinois, and he quickly decided he would like to sell them. The turbines are produced in Manistee, Michigan, by displaced auto workers. Even though they have not yet marketed the Windspire, Electrical Systems has had inquiries from local companies who are interested in purchasing the turbines, and they are already anticipating adding an additional employee to work on Windspire.

A "grand opening installation celebration" of the Windspire was held Friday, August 14 at Electrical Systems & Services in Sturtevant.

NECA-OSHA Alliance

The NECA-OSHA Alliance held its quarterly meeting at the NECA Office on July 23, 2009. The Committee agreed to sponsor another NFPA 70E seminar, led by Pat Ostrenga, to be held in September in the Wisconsin Dells. The Committee is also working on development of a new course on temporary power. There was discussion on a recent standard interpretation letter issued by OSHA on fall protection. Pat noted that he had not seen the letter prior to this meeting, however, this would be an item for discussion at the next OSHA area meeting and he would have a better idea then of how this would be enforced. He noted that there is a new OSHA chief who will likely be more organized-labor friendly, and it is expected that there will be a much stronger emphasis on enforcement, including larger penalties for "willful repeat offenders". There is new legislation in Congress seeking to raise all OSHA penalties, and OSHA has been given a 10% increase in their budget which will help them hire 150 new inspectors in 2010.

The next NECA-OSHA Alliance Committee meeting will be held in October. If you would like to become involved with the Committee, contact Shari Brunner at the Chapter Office.

From the Desk of Attorney Randy Andersen

Kay & Andersen, S.C.



SMART DECISIONS MADE EARLY INCREASE THE LIKELIHOOD OF COLLECTING PROBLEM ACCOUNTS

In our current economy, electrical contractors need to take extra care in monitoring their accounts receivable, looking for red flags which give an early warning of potential collection problems.

There are a number of sources of information available regarding the financial strength and creditworthiness of your customer, the owner or general contractor. One such source is Wisconsin Circuit Court Access, more commonly known as "CCAP." CCAP can be accessed through the internet, and provides information regarding lawsuits and legal proceedings filed in the state (circuit) courts in Wisconsin. The web site is: <http://wcca.wicourts.gov/index.xsl>. Similar information is available from the federal court system, through a subscription service known as PACER. Most law firms subscribe to PACER.

When a concern arises regarding the collectability of an account, time may be of the essence. With private projects, one of the first questions which should be asked is whether the electrical contractor can (and whether it should) file a lien. Wisconsin's construction lien statute provides a powerful tool to enhance the prospects for collecting a problem account. However, the rules for perfecting a lien must be followed carefully. At least one, and in some cases two written notices must be served on the owner before a construction lien can be filed in Wisconsin. In some cases, a notice of lien rights must be served on the owner within 60 days of the date that the lien claimant first performs services or provides materials for the project. In all cases, a notice of intent to file lien must be served on the owner at least 30 days before the lien is actually filed. The lien itself must be filed in the courthouse of the county where the property is located, within six months from the date the lien claimant last performed services or provided materials for the project. Certain information must be included in the notices, and the Wisconsin statutes dictate the manner in which the notices must be served on the owner. Failure to properly give required pre-lien notice (s) in most cases will result in a waiver of the right to file a lien.



The pre-lien notices and the lien itself require specific information regarding the identity of the owner, legal description, etc., which, if not properly completed, will result in the lien being invalid. We often obtain a title report to make sure that we know the true identify of the owner, and have the correct legal description for the property.

After the lien is filed, the lien claimant has a period of two years to take legal action to enforce its lien. However, the mere filing of the lien will in some cases result in payment of the amount owed.

Wisconsin law usually does not allow a construction lien to be filed against a public works project. However, subcontractors and material suppliers on public works projects may have the right to assert a lien on funds held by the public owner and payable to the prime contractor. On many public projects, and some private projects, there may also be a payment bond to which the electrical contractor can look for payment. However, the electrical contractor must be assertive in giving the proper notices and taking the required action within the specified deadlines.

Wisconsin has other tools available for enforcement of creditor's rights which should not be overlooked, including a collection lawsuit. The goal of filing a lawsuit is to either induce payment, or obtain a "judgment" for the amount owed. After a collection

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September 2009

August 27

Indianhead-La Crosse Joint Membership

September 2

Madison Membership
Janesville-Beloit Membership

September 9

Northeast-Fox Valley Joint Membership

September 14

Kenosha-Racine Membership

September 17

Wisconsin Valley Membership

Upcoming Meetings

September 2, 2009

Avoid Killer Jobs Seminar
Hilton Garden Inn, Wi. Dells

September 12-15, 2009

NECA Convention
Seattle, WA

September 18, 2009

NFPA 70E Seminar
Courtyard Hotel, Madison

January 29-30, 2010

NECA Winter Meeting
Holiday Inn, Manitowoc

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Consumer spending rose slightly in June, following a slight increase in May as well. Economists warned that the increase in spending was unlikely to continue, as falling wages and rising unemployment will still provide a drag on the economy's recovery. That prediction proved true as July spending decreased, despite the beginning of the typically busy back-to-school season. Personal savings rate also fell to 4.6% in June, after jumping to 6.2% in May, the highest reported savings rate since February 1995. The personal savings rate had dropped as low as 1 percent last year.

The good news? The government reported that the overall economy, measured by the GDP, shrank at an annual rate of 1 percent in the second quarter, far below the 6.4 and 5.4 percent declines for first quarter 2009 and fourth quarter 2008.



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

Another Survey Period Ends

Less than one quarter of all contractors responded to this year's annual prevailing wage survey according to the Wisconsin Department of Workforce Development, which oversees the surveys. The department mailed 21,705 surveys, and received just over 4600 completed survey forms by the July 31, 2009 deadline. The 21 percent return this year was better than the 17.4 percent return in 2008 and 2007; however, the Department was hoping for much higher numbers. While state law requires that contractors submit the survey, the law is not enforced. Wages reported on those survey forms are used to determine the wage and fringe benefit rates for public projects on a county by county basis. The Department selects the wage and fringe rate that was reported for the most hours in any county, and that becomes the rate. Should that rate match their number for the union contract in that area, then the union rate becomes the prevailing rate, and future increases in the contract also would become effective. The process is cumbersome for all involved with the Department of Workforce Development devoting numerous hours compiling the data that contractors spend hours detailing. The Wisconsin AFL-CIO tried earlier this year to get the survey eliminated, asking them to mandate that prevailing wages would mirror the wages and benefits set by the collective bargaining agreements in the area. That effort was met with resistance, as you may expect, from the non-union sector. However, the proposal would certainly save the state money.



Thank you to all of you who completed the annual prevailing wage survey; your hours do make a difference in helping us maintain a competitive prevailing wage.

Tom's Code Corner

Question: Are UFER grounds still optional? If a UFER ground is installed, is a supplemental electrode required?

Answer: UFER grounds are now required. A concrete-encased electrode is commonly referred to as a UFER ground after H.G. Ufer who spent many years documenting the effectiveness of a concrete-encased electrode.

250.50 indicates that all grounding electrodes described in 250.52 (A) (1) through (A)(6) be bonded together to form the grounding electrode system. If the UFER ground is present in the footings of the building you are working on, you must use it as an electrode for the service.

250.52 (A)(3) describes a concrete-encased electrode to be a minimum of 20-feet of ½-inch minimum steel reinforcing rods or 20-feet of 4 AWG copper conductor encased by 2-inches of concrete. 250.50 Exception indicates that concrete encased electrodes of existing building are not required to be used if they only available by disturbing the concrete.

MANPOWER STATISTICS

For the Month of -- June 2009

Local Union #	14	127	158	159	388	430	577	890	TOTAL
	=====	=====	=====	=====	=====	=====	=====	=====	=====
Local Contractors: NECA	7	3	5	17	5	5	3	6	51
Non-NECA	31	9	14	18	9	17	8	14	120
Total Local Contractors:	38	12	19	35	14	22	11	20	171
Traveling Contractors: NECA	8	5	5	2	3	3	5	7	38
Non-NECA	5	10	4	3	1	3	1	1	28
Total Traveling Contractors:	13	15	9	5	4	6	6	8	66
TOTAL # OF CONTRACTORS - LOCAL AND TRAVELERS:	51	27	28	40	18	28	17	28	237
Contractors More Than Two Months Delinquent in N.E.B.F.	3	2	1	0	4	0	0	0	10
Total Number of Contributing Contractors in Area:	54	29	29	40	22	28	17	28	247
Employees: NECA	265	52	96	420	200	39	116	136	1324
Non-NECA	187	101	136	58	36	54	53	57	682
TOTAL EMPLOYED:	452	153	232	478	236	93	169	193	2006

<u>Union #</u>	<u>NECA Division Name</u>
14	Indianhead/La Crosse Divisions
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.

The NECA-OSHA Alliance will sponsor its NFPA 70E seminar on Friday, September 18, 2009 at the Courtyard by Marriott Hotel on Madison's northeast side.

The seminar will feature speakers Patrick Ostrenga of OSHA, Ron Skow, Werner Electric, and Bear Daniels of Raasch Associates, and will feature discussion on the need for the proper PPE when performing any work live. Ron and Bear will lead the group through the process of using the NFPA 70E Tables to determine the proper PPE, and will then focus on performing the calculations necessary to determine which PPE is appropriate.

The seminar, held in Wisconsin Dells and Eau Claire earlier this year, has been approved for up to 8 CEUs, and has been highly recommended by past attendees. Registration information is enclosed with this newsletter, and will also be available on the Chapter website, www.wisneca.com.

From the Desk of Attorney Andersen (continued)

(Continued from page 3)

suit is filed and judgment is obtained, post-judgment collection remedies, such as garnishment, sheriff's execution and supplementary examinations of the debtor, are available. Once a judgment is obtained and docketed in the office of the clerk of court, it constitutes a "lien" against any real estate owned by the debtor in the county where it is docketed.

Wisconsin law provides a variety of tools for collecting delinquent accounts. However, the electrical contractor must take prompt action in asserting its rights in order for these tools to be effective. Smart decisions made early can often make the difference in whether a delinquent account will be paid.

2009 Summer Meeting (continued)

(Continued from page 1)

The general session on Saturday was once again mainly dedicated to electrical licensing and code updates from State Electrical Inspector Joe Hertel. Joe reported on the progress being made for implementation of the electrical licensing, which takes effect April 1, 2013, and the new requirement for all contractors to be registered with the State of Wisconsin, either as a specialty contractor (i.e. electrical contractor) or as a Building Contractor. The requirement took effect July 1, 2009. He noted that the inspections will likely be done by independent contract inspectors, and he discussed the exceptions such as owner-occupied construction. Joe then discussed grounded conductors and ungrounded systems and rules for grounding. He noted that tamper-resistant receptacles will be a proposed requirement for 2011, and that there was a push to require them for all replacement receptacles as well, not just in new construction. Mark Hady gave an update on ECPAC Raffle sales for the meeting, and reported that an auction would be held following the banquet Saturday evening.

The final action at the meeting was the drawing for \$400 certificates toward attendance at the 2010 Winter Meeting. The lucky winners were **Foley Electric, Westphal & Company, H & H Electric, K & M Electric,** and **Wamboldt Electric**. Congratulations to those member firms. The 2010 Winter Meeting will be held at the Holiday Inn, Manitowoc, Wisconsin.

Mike Newton, Newton Electric, was the winner of the daily attendance prize drawing.

The closing banquet and awards ceremony was held Saturday evening. **Hill Electric** was awarded a **50 year NECA Membership** award, accepted by **Jay Hill**, who noted his father, **Jerry Hill** would have been very proud of this accomplishment. **T.D. Padesky Electric** was honored for **25 years of NECA Membership**, and **Tim Padesky** noted that his membership in NECA has brought him strong business partners over the years, as well as the educational value of the meetings. Congratulations and thank you to **Hill Electric** and **T.D. Padesky Electric** for their superb commitment to the Wisconsin Chapter, NECA.

Our annual golf prizes were awarded following dinner. Congratulations to **Tom Kottraba, B.J. Electric Supply**, longest drive; **Dan Rustick, Jacobs Electric**, longest putt; **Tom Newton, Newton Electric**, closest to the pin; **Rod Howard, Electric Construction**, low gross score; and **Mike Pohlman, Nickles Electric**, low net score.

As noted above, the next Chapter meeting will be the 2010 Winter Meeting, January 29-30 at the Holiday Inn, Manitowoc, where the weather may be cold but the conference will be hot!

One of the secrets in life is to make stepping stones out of stumbling blocks.

- Jack Penn

ECPAC Update

A raffle and auction were held at the 2009 Summer Meeting to raise funds for ECPAC, NECA's Political Action fund. As many of you know, NECA's PAC fund gives campaign contributions to legislators on the national stage who share the concerns of NECA contractors and support legislation that is beneficial to electrical contractors and the construction industry.

The raffle featured 2 sets of 4 Packer Club Seats for the pre-season games August 15 and August 22 at Lambeau Field, an autographed Aaron Rodgers plaque, an autographed Prince Fielder plaque, and a gift basket from the Lake Lawn gift shop. Our winners were

Packers Preseason – Browns	Louise Hady
Aaron Rodgers Plaque	Greg Dewitz
Packers Preseason – Bills	Joe Robertson
Prince Fielder Plaque	Bob Van Ert
Summer Gift Basket	Jeff Knudtson

Things really got hoppin' once our auctioneer, **Tim Padesky**, stepped up to the mike to kick off the ECPAC Auction 2009. In a rousing round of furious bidding, along with Tim's assistant, "Vanna" displaying the auction items, the following people brought home treasures in the auction:

Packers – Bears Tickets	Greg Dewitz
Blue Topaz Pendant	Jerry Schulz
Packers – Vikings Tickets	Joe Robertson
Custom Sun Wall Sculpture	Mike Newton
UW Football Tickets	Tim Padesky
Muskie Fishing Trip	Jerry Schulz
"Larry" Birdhouse	Joe Robertson
American Flag	Tim Padesky
American Flag	Jay Hill



The raffle ticket sales raised \$1635, the auction raised \$4495, and additional donations totaled \$1075, for a grand total of \$7205 raised at the Summer Meeting. Special thanks go to **Bernie Cleppe** who donated the Aaron Rodgers and Prince Fielder autographed plaques, **Ron Jahnke** who donated the UW Football Tickets, **Mark Hady**, who donated the American flags, **Justin Hady** who donated the Muskie Fishing Trip, **BR Diamond Suite** for the custom crafted blue topaz pendant, and **Gretchen O'Leary** who donated the summer gift basket.

There is still time to donate to ECPAC for the 2009 season. Contact Shari or Loyal at the Chapter Office for donation forms and information, or contact your Political Action Chair, **Mark Hady, Hady Electric** to find out how you can help! Mark can be reached at 920-261-4947, or e-mail him at mark@hadyelectric.com. Remember, your donation does make a difference - ECPAC is your national legislative fund.



Farewell, Attorney Bob Kay

It is with sadness that we report the death of Attorney Robert Kay, Kay and Andersen, S.C. As many of you know, Bob was the Chapter Legal Counsel for many years, and was a constant fixture at our annual Summer Meetings, always appearing in his trademark plaid sport coat.

Bob was instrumental in developing Wisconsin lien law legislation, and had recently been working with the Chapter on proposed legislative changes to lien law and risk transfer statutes. Bob's expertise in the construction industry, and his experience with NECA contractors will be sorely missed.

Our hearts are with his family in this difficult time.



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 Phone: (608) 221-4650 Fax: (608) 221-4652

NFPA 70E Seminar

Friday, September 18, 2009

8:00 a.m to 5:00 p.m.

Courtyard by Marriott – Madison

****Please Register by September 10, 2009****

Fax this Registration Form back to the Chapter Office at (608) 221-4652

Company Name: _____ Phone No.: _____

Address: _____ City: _____ State: ___ Zip Code : _____

Name(s): _____

If you need hotel reservations, there is a block of rooms at the Courtyard by Marriott for the night of September 17, 2009. Please call the hotel directly at (800) 321-2211 and specify the “NECA-WI Chapter” block. The rate is \$99/night.

Please note, the registration fee of \$80 includes continental breakfast starting at 7:30 a.m. on the morning of September 18th, the NFPA 70E Standard for Electrical Safety in the Workplace book, and lunch.