

Wisconsin Chapter NECA
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December 2009

Winter Meeting Beckons

The 2010 Winter Meeting of the Wisconsin Chapter NECA will be held in Manitowoc at the Holiday Inn. The dates of the conference are Friday, January 29 and Saturday, January 30.

Located on the shore of Lake Michigan, Manitowoc features a long history of maritime involvement in the Midwest. Our opening reception will be held Friday, January 29 from 6:00 p.m. to 8:00 p.m. at the Wisconsin Maritime Museum, where members will be able to tour the museum, and even tour the WWII submarine, USS Cobia. As always, the cocktail reception will allow members to reacquaint themselves with fellow electrical contractors from other areas of the state.

Our general membership meeting will be held Saturday, January 30, and will feature speakers on a variety of "green" topics. First up will be Tom Glavinich, a professor at the University of Kansas who has done extensive research in creating his program, "Emerging PV Market Guide." The course outlines strategies for entering the lucrative photovoltaic market and discusses the potential for growth in this area, as well as strategies to maximize profitability of this market sector. IBEW Sixth District Representative Terry Roovers will then discuss the Wisconsin IBEW Solar Initiative and will explain how the IBEW is utilizing grant money to create training for journeymen in PV installation. We will also hear from Rick Eland, Eland Electric Solar Power, who will discuss projects his company has completed and share experiences they have had in entering the solar/PV market.

Our closing banquet will be held Saturday, January 30 with cocktails starting at 6:00 p.m. This year we have a "Pirate" theme, in keeping with our maritime setting.

Labor Relations Seminar

Members of the labor-management committees have been invited to attend a special seminar on labor relations to explain negotiations tactics. The seminar will be held at the Courtyard by Marriott Hotel in Madison on Thursday, January 7, 2010.

The course covers research, planning, negotiations, and concluding the negotiations, and is intended for those who serve on a labor negotiations committee. To register, contact Rachel or Tavia at the Chapter Office.

A Wisconsin lawmaker is pursuing legislation that would require the Department of Commerce to share more information on its strategies for pursuing new business and retaining existing Wisconsin businesses in the state.

New business startups in Wisconsin dropped 10 percent from July 2008 to June 2009. Startups also dropped 2 percent from July 2007 to June 2008. Some legislators feel the Department of Commerce could be doing more to attract and retain business to Wisconsin and would like to see an annual report of activities and the results.

Department of Commerce officials say their efforts are individualized based on each situation, and full disclosure of their practices may give information to neighboring states which could be used to beat Wisconsin to the punch. In this economy, competition is greater than ever to attract and retain quality jobs.

Of course, one of the largest hurdles facing the DOC pursuit of business is the fact that Wisconsin does not have a business-friendly culture. The state needs to provide more in tax credits and other financial assistance in order to compete head-to-head with its neighbors, notably Illinois and Minnesota.

Ron Steiner Scholarships Awarded

The annual Ron Steiner Scholarship was presented to three engineering students recently at the University of Wisconsin Construction Club banquet. Ron's wife, Donna O'Leary, was present at the banquet and talked about how much the scholarship meant to Ron, and how much he appreciated all the opportunities the construction industry had afforded him.



Pictured with Donna at the banquet are two of the three recipients this year; left to right, Jason Krebs, Justin Kavanaugh, Donna O'Leary, and Jeff Russell, Chair of the Civil & Environmental Engineering Department at University of Wisconsin, Madison. The third recipient of the scholarship, William Kasch, was unable to attend the banquet.

The Ron Steiner Scholarship fund was established by UW Professor Awad S. Hanna to recognize the many contributions Ron made to the electrical and construction industry during his career. The Wisconsin Chapter NECA and NECA members have generously supported the scholarship and are pleased to have this recognition.

Hard Hat Productivity Seminar

The Wisconsin Chapter recently hosted MEI's seminar "Hard Hat Productivity: 9 Critical Factors for Maximizing Profits" lead by instructor Norb Slowikowski. The program is beneficial for all levels of management, but lends itself especially well to project managers, field supervisors, and foremen in introducing various factors that have an impact on overall project productivity. One of the hallmarks of Norb's system is communication and he urges management to consider use of tools such as a "daily huddle" in which all workers on the job gather at the beginning of the day to clarify tasks to be completed that day, tools and materials that will be needed and to look forward to the next couple of days work as well. Involvement of all employees provides a sense of accountability to all the employees on the project, thereby empowering them to work as a team to complete tasks. Norb's unique personality profile, always entertaining, provides valuable insight into how to motivate employees, how to select tasks to delegate to certain employees, and discussed methods to pair individuals whose work styles complement each other. NECA continues to promote educational offerings from MEI and we hope that our members consider this to be a valuable resource.



From the Desk of Attorney Randy Andersen



MAKING A FEDERAL CASE OUT OF IT

As you may have noticed, our federal courts have been in the news lately. Both of the district court judges in the Western District of Wisconsin (Judge Shabaz and Judge Crabb) have elected “senior status” and will likely be replaced by Obama administration nominees. The Western District of Wisconsin covers Jefferson County and most of the Wisconsin counties located to the west of it.

Most legal proceedings in which electrical contractors are involved are filed in state court (i.e. circuit court), not federal court. Why? Because the federal courts only accept jurisdiction over certain types of cases.

In general, federal courts can decide cases that involve federal government, the U.S. Constitution or federal laws, controversies between states or between the federal government and foreign governments. A case which raises a “federal question” can be filed in federal court, including claims for money under a federal government program, claims involving the violation of federal laws, and challenges to actions taken by federal agencies.

A case can also be filed in federal court based on “diversity of citizenship” of the parties. Diversity of citizenship exists if the parties to the lawsuit reside in different states. The idea is that to ensure fairness to out-of-state litigants, they can bring their claims in federal court rather than in state court. However, the amount of the claim must be at least \$75,000.00 in order for the federal court to have jurisdiction based on diversity of citizenship.

Some types of legal matters, such as bankruptcy proceedings, must be brought in federal court. However, the great majority of legal disputes are handled in the state courts. Almost all divorce and child custody cases, probate and inheritance issues, real estate questions, juvenile matters, contract disputes, traffic violations and personal injury claims are brought in state court.

With the right case, there can be advantages to filing suit in federal court. For example, federal court cases often proceed to trial more quickly than state court cases. In federal court, the jury pool is selected from a larger geographic area, so there may be less “local bias” among federal court jurors. In some cases, the federal court will follow different rules than the state court (which can be either an advantage or a disadvantage, depending on the case).

A lawsuit which has been filed in state court can in some cases be “removed” to federal court at the request of a defendant. Removal will only be permitted if the federal court has jurisdiction of the subject matter of the lawsuit.

An electrical contractor who is contemplating the filing of a lawsuit, or is facing the prospect of defending against a lawsuit, should consult with its attorney to determine whether the matter could be decided by a federal court. If jurisdiction exists, the electrical contractor should weigh with its attorney the advantages and disadvantages of proceeding in federal court.

January 2010

January 6
Madison Membership
Janesville-Beloit Membership

January 7
Labor Relations Seminar in
Madison

January 11
Kenosha-Racine Membership

January 13
Fox Valley-Northeast Joint
Membership

January 14
Indianhead Membership

Upcoming Meetings

January 29-30, 2010
NECA Winter Meeting
Holiday Inn, Manitowoc

March 21-24, 2010
2010 Spring Conference
Palm Desert, CA

No 2010 Summer Meeting

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A recent report issued by payroll and human resources company Automatic Data Processing (ADP) notes that the private sector lost 169,000 jobs in November, the lowest number of jobs lost since July 2008. The private sector has lost jobs for 22 months in a row, however the lower number of jobs lost in November was seen as a sign that the economy is stabilizing.



Overall, private sector employment was at 108.2 million in November 2009, down 7.4 million jobs from December 2007, when the recession began.

According to the report, goods-producing jobs fell by 88,000 in November, including 44,000 jobs in construction.

Experts believe employment will continue to decline somewhat over the next few months as the economy slowly rebounds.



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

Electri International Scholarship

Each year, NECA's Electri International awards scholarships to students who are currently enrolled in construction-related courses in college and who have shown exemplary leadership and innovation in their studies. NECA Chapters across the country nominate students that they feel are on pace to become future leaders in the construction industry.

This year the Wisconsin Chapter was pleased to learn that a University of Wisconsin student, Avin Kallenbach, was one of the recipients.

The Chapter nominated Avin for the award, based on a recommendation by UW Professor Awad S. Hanna. Avin is enrolled in the Construction Management Program at the UW. She is a senior this year, carrying a 3.4 GPA and will be graduating in May of 2010. She is a member and officer of the Student Chapter Construction Club serving as the President of Finance. She is also a teacher's assistant for the UW OSHA 500 course and is a certified OSHA instructor.

On hand to present her scholarship check to her was NECA President Bernie Cleppe and Governor Jerry Schulz, pictured with Avin at right. Also pictured is Chapter Manager Loyal O'Leary.



Left to right: Loyal O'Leary, Jerry Schulz, Avin Kallenbach, Bernie Cleppe

Tom's Code Corner

Question: A large HMO is building "Urgent Care" clinics. The staff can take a person's temperature, prescribe medications, and give injections. There are no operating rooms, no overnight stay, and patients that are really sick are told to go to a hospital. There is a waiting area and several "exam rooms". Would the receptacle outlets in these "exam rooms" require redundant grounding per Article 517? What about "hospital grade" receptacles?

Answer: Yes, the receptacles must be wired to meet 517.13(A) & (B). No "hospital grade" receptacles are not required. 517.2 Definitions, describes a Health Care Facility as: "Buildings or portions of buildings in which medical, dental, psychiatric, nursing, obstetrical or surgical care are provided." Health care facilities include hospitals, nursing homes, limited care facilities, clinics, medical and dental offices, and ambulatory care centers, whether permanent or movable.

NEC 517.13(A) applies to wiring methods for all branch circuits supplying lighting, receptacles, and electrical equipment in the exam rooms. These circuits are required to be run in a metal raceway or metallic cable armor that is in itself an equipment grounding conductor. 517.13(B) also requires an insulated equipment grounding conductor sized in accordance to 250.122 for the size of the overcurrent protection of the circuit.

"Hospital grade" receptacles are not required. The HMO has indicated that there are no critical care areas and no patient bed locations in the facility. The requirement for "hospital grade" receptacles is in 517.18(B) and 517.19(B). A patient bed location is defined as a patient sleeping bed or the bed or procedure table in a critical care area.

MANPOWER STATISTICS

For the Month of -- **September 2009**

Local Union #	14	127	158	159	388	430	577	890	TOTAL
Local Contractors: NECA	7	4	4	17	5	5	3	5	50
Non-NECA	32	8	14	18	9	18	7	15	121
Total Local Contractors:	39	12	18	35	14	23	10	20	171
Traveling Contractors: NECA	8	6	6	2	3	3	5	8	41
Non-NECA	5	7	6	3	1	3	1	2	28
Total Traveling Contractors:	13	13	12	5	4	6	6	10	69
TOTAL # OF CONTRACTORS - LOCAL AND TRAVELERS:	52	25	30	40	18	29	16	30	240
Contractors More Than Two Months Delinquent in N.E.B.F.	3	2	1	0	3	0	1	0	10
Total Number of Contributing Contractors in Area:	55	27	31	40	21	29	17	30	250
Employees: NECA	294	50	164	540	201	36	134	139	1558
Non-NECA	214	69	215	71	40	53	45	63	770
TOTAL EMPLOYED:	508	119	379	611	241	89	179	202	2328

<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.

In accordance with Article VII, Section 7.01 of the Chapter Bylaws and Article VIII, Section 8.3 of the National Bylaws of the National Electrical Contractors Association, an election will be held for Chapter Governor.

Nominations will be accepted and an election will take place Friday, January 29th during the general meeting session at the 2010 Wisconsin Chapter Winter Meeting in Manitowoc. Ballots will be prepared in the event more than one individual is nominated; otherwise, a voice vote will be held.



The Governor's term of office is two years, from 2010 through 2011.

Man-hour Comparison Chart

Local and Chapter Man-hour Comparison								
	Hours	Hours	2009 vs.	%	Hours	Hours	2009 vs.	%
	Oct-09	Oct-08	2008	Change	2009 YTD	2008 YTD	2008	Change
Local #14	74269	83170	-8,901	-11%	660293	796242	-135,949	-17%
Local #127	27376	27002	374	1%	251240	266292	-15,052	-6%
Local #158	74577	52290	22,287	43%	448324	585876	-137,552	-23%
Local #159	101205	103923	-2,718	-3%	855997	1213606	-357,609	-29%
Local #388	39573	46496	-6,923	-15%	353741	515700	-161,959	-31%
Local #430	16457	20917	-4,460	-21%	173030	223770	-50,740	-23%
Local #577	29063	39260	-10,197	-26%	290748	399584	-108,836	-27%
Local #890	31813	54725	-22,912	-42%	315552	556799	-241,247	-43%
Chapter	394333	427783	-33,450	-8%	3348925	4557869	-1,208,944	-27%

*YTD numbers are January through October

NECA's Midwestern Spring Conference in Palm Desert, CA

NECA's 16th Annual Midwest Regional Conference will be held in Palm Desert, California from March 21 – 24, 2010. The conference offers a unique opportunity for NECA contractors to network with their peers from the entire region in a setting that is warm enough to allow them to forget those Midwest winters! The conference will be held at the JW Marriott Desert Springs Resort and Spa, which features stunning views of the desert and the Santa Rosa mountains. The elegantly appointed guest rooms feature luxurious amenities such as granite, and Italian marble features and lush, cotton bedding with a spa-like quality. Palm Desert is located just a few miles southeast of Palm Springs and is one of the area's most beautiful settings.

The conference will begin with a cocktail reception Sunday evening, the general session meeting will be held Monday morning, and the Awards Breakfast will be held Wednesday morning, featuring keynote speaker Peter Marshall, former host of "Hollywood Squares". The conference will conclude Wednesday evening with a farewell reception. NECA has also scheduled a golf outing on Tuesday afternoon for those who wish to challenge themselves on the championship golf courses on property.

Registration information was mailed to all member firms. Contact Rachel Jaeb or Tavia Brunner at the Chapter Office (608) 221-4650, for more information.

New Mileage Rate for 2010

Beginning on Jan. 1, 2010, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- *50 cents per mile for business miles driven*
- *16.5 cents per mile driven for medical or moving purposes*
- *14 cents per mile driven in service of charitable organizations*

The new rates for business, medical and moving purposes are slightly lower than last year's. The mileage rates for 2010 reflect generally lower transportation costs compared to a year ago.