Labor Management Partnership Hard At Work – Denver’s Prevailing Wage Ordinance Changes

With the 2016 nation-wide election behind us, I wanted to share that CAMPC has been hard at work this year with our labor partners on an effort that concluded November 7, 2016 – one day before the election. Advocacy is one of the many offerings we provide you, our members. We continue to work tirelessly on state-wide issues affecting the construction industry. One of the many regulatory fronts affecting construction is Prevailing Wage.

Denver’s Prevailing Wage Ordinance (§20-76) requires payment of the prevailing wage on contracts with the City. Contractors and subcontractors conducting work at or in connection with any public building or public work for the City of Denver must pay their workers the prevailing wage rate. The problem is the ordinance did not contact a definition of what work in Denver the ordinance and therefore Prevailing Wage applied to.

Soon after taking office, Tim O’Brien, Denver’s elected Auditor began to review Denver’s Prevailing Wage Ordinance as the City was being sued for the ordinance. In an effort to improve and modernize the statute, a Steering Committee was formed. A compressive review began with the contractor community, as well as the union groups attached to the Prevailing Wage Ordinance. The ordinance had not seen many changes to it, since its inception in 1952.

Members of the Prevailing Wage Working Group included representatives from the Rocky Mountain District Council, Plumbers Local 3, Pipefitters Local 208, Electrical Workers Local 68, Sheet Metal Workers Local 9, contractors, city officials, and the Auditors Office.

After eight months of negotiations a consensus draft of changes were submitted to Denver City Council and Management collaborated to update the statute that had not seen revisions since its inception in 1952.

Here are the significant changes made to the ordinance:

• As Prevailing Wage Increases, now so can the Contracts (for projects of more than 1 year).

• Prevailing Wage is defined as and city owned, leased or maintained property or where $1 of city funds are expended – so now Prevailing Wage will apply to Denver Public Schools, Denver Water and many other political subdivisions of the City and County of Denver.

• Contractor Debarment, for the repeat violators (or those who cheat the system by false reporting classifications or not reporting at all). Since its inception no one has been debarred by the City for Prevailing Wage violations. The Debarment Panel has been increased in size from 3 to 5, and the Auditor can now participate in the debarment hearing process.

• Fines for violations changed and increased to align with the Federal Davis-Bacon statute.

Continued on page 11
Looking Forward to New Challenges

By Rick Allen, Business Manager

Almost 6 years ago, The United Association decided to form the Rocky Mountain Pipe Trades District #5. Initially the discussions were either set up a District Council (DC) or merge everything in Colorado and Wyoming into Denver. I was adamantly opposed to merging local unions because in the instances across the building trades where that had happened within a few years, a large percentage of market share was lost. We all know it is much harder to gain market share than to lose market share. Eventually, the UA asked me to become the Business Manager of the District Council, and unlike other district councils, ours would allow local unions to keep their autonomy. I accepted the offer and DC #5 was born.

My first realization was – I had no idea what I was doing. There were no manuals or literature telling me how to set up and run a district council. Lucky for me I was able to talk to the Business Manager of DC #16, Sid Stopler. Sid had me fly out to his office in California and I spent a week with him. Their DC is massive and they have a ton of Locals in a geographically small area, but densely populated in Southern California. The biggest thing I took from my time there was labor management relationships were as good as one could hope for. I knew somehow we had to get there. As we all know, we were not in a good place for 2 years after the DC was formed. Labor and Management were at odds and the situation was deteriorating. The funny thing was: nobody wanted to have these kinds of relationships. Nobody wanted to fight every day, but that is where we were. One day, Dave Davia and I sat down to try and figure out what to do when Richard Barnes name came up. Looking at our situation, it was like throwing a Hail Mary in the fourth quarter of a football game. We had to do something and that seemed like the best option to both labor and management at the time. Richard Barnes was everything we were told he was. He facilitated the biggest turn around in Colorado labor management history. He is an awesome human being.

No matter who we had come in to help, nothing would have changed had we not had the leadership with the brains — and guts — to try and break a decade’s old stalemate between Labor and Management on both sides of the relationship. I am eternally grateful for my Business Managers, and for my contractor’s representatives who were able to set the past where it belongs in history and move forward with a new vision. Dave Davia deserves a whole bunch of credit. This man came out of an unrelated industry and took over as an MCA Executive in the middle of a dog fight; with his leadership along with all of our contractors and all of our Business Managers, we have turned this relationship from poison to collective business development. I believe over the next few years we are all going to get to witness fruits of this labor. We are setting the table for things we would have never imagined 4 years ago. I am so proud to be associated with this group of leaders.

As most of you know I have been elected as an International Representative with the UA, along with Kurt Steenhoek. I have no idea what I will be doing and neither does Kurt at this time. I am honored to have the opportunity and look forward to new and different challenges. It is going to be odd not having the District Council and all of you to work

Continued on page 8


**LEGISLATIVE UPDATE**

**2016 Colorado General Election Results**

*By Pete Kirchhof*

**U S Senate (Bennet (D) v. Glenn (R))**
- Incumbent Sen. Michael Bennet defeated (closer than most expected) El Paso County Commissioner Daryl Glenn. Bennet was running for his second term in the Senate after being initially appointed in 2008 by Governor Bill Ritter to replace Sen. Ken Salazar who joined the Obama administration.

**The Republicans retain the majority in the U S Senate.**

**Congressional Districts 6 and 3**
- CD 6 (Aurora) – Incumbent Rep. Mike Coffman defeated former Senate President Morgan Carroll. Coffman will be serving his fifth term.
- CD 4 (Cortez) – Incumbent Rep. Scott Tipton defeated former state Senator Gail Schwartz from Snowmass. Tipton will be serving his fifth term.

**The Republicans retain the majority in the U S Senate.**

**State Senate Districts (targeted seats):**
- SD 8 – (Grand) – Baumgardner (R)/Tracy (D) – incumbent Sen. Randy Baumgardner, a former CDOT employee and rancher, defeated Emily Tracy from Summit County.
- SD 19 (Jefferson) – Woods (R)/Zenzinger (D) – incumbent Laura Woods lost her rematch to Rachel Zenzinger after defeating her in 2014. Zenzinger served one year in the Senate and also on the Arvada City Council.
- SD 25 – (Adams) – Priola (R)/May (D) – Rep. Kevin Priola defeated Jenise May after serving four terms in the House. Priola is in the real estate investment business.
- SD 27 (Arapahoe) – Tate (R)/Sullivan (D) – Sen. Jack Tate defeated Tom Sullivan a retired postal worker and father of Aurora theater shooting victim Alex Sullivan. Tate recently worked as a project engineer and served one year in the House before being appointed to fill the vacancy of Sen. David Balmer who moved out of state.
- SD 35 (Alamosa) – Crowder (R)/Casias (D) – Incumbent Sen. Larry Crowder easily defeated Las Animas County Sheriff Jim Casias. Crowder is serving his second term and is a rancher in southern Colorado.

**Republicans retain the majority in the Senate with an 18-17 majority. Sen. Kevin Grantham (R-Fremont) is likely to be elected President. Sen. Lucia Guzman (D-Denver) is expected to retain her position as minority leader. There are 9 new members in the Senate including five who came over from the House.**

**Side Note:** Sen. Ellen Roberts announced that she is resigning in the middle of her second term. It is expected that the vacancy committee will appoint Rep. Don Coram (R) Montrose to complete her term. He will run for the seat in 2018. A vacancy committee will appoint Coram’s replacement who will serve his entire 2017/18 term.

**State House Districts (targeted seats):**
- HD 17 (El Paso) – Roupe (R)/Tony Exum (D) – Tony Exum defeated Kit Roupe in a re-match of their 2014 race. Exum is a retired battalion chief with the Colorado Springs Fire Department.
- HD 23 (Lakewood) – Kennedy (D)/Hadsell (R) – Rep. Max Tyler is term limited so this is an open seat. Chris Kennedy easily defeated Chris Hadsell. Kennedy most recently worked for Rep. Ed Perlmutter and spent time at the capitol as a legislative aide for Tyler. He previously worked as a structural engineer.
- HD 25 (Evergreen) – Leonard (R)/Story (D) – Rep. Tim Leonard defeated Tammy Story in his first election for this seat. He was appointed to fill the house seat of Rep. Jon Keyser who ran for the U S Senate. Leonard works in commercial real estate.

*Continued on page 6*
What’s Ahead for Federal Contractors

By Sue Schaecher

The new year will bring new responsibilities for federal contractors and subcontractors. A flurry of administrative activity in recent years resulted in the enactment of many executive orders, some of which will take effect in the coming year. Here is a summary.

Minimum Wage for Federal Contractor Employees. Effective January 1, 2017, the minimum wage will increase from $10.15 to $10.20 per hour for employees working under procurement contracts for construction covered by the Davis-Bacon Act, service contracts covered by the Service Contract Act, concessions contracts, and contracts in connection with federal property or lands and related to offering services.

Paid Sick Leave. Executive Order 13706 requires contractors and subcontractors to provide at least 56 hours of paid sick leave for employees working under contracts governed by the Davis-Bacon Act and the Service Contract Act entered into after January 1, 2017. Paid sick leave must be permitted to allow employees to tend to a personal illness or to obtain diagnostic or preventative care from a physician. Leave must also be permitted to care for family members or when an absence is related to domestic violence, sexual assault or stalking where the employee or a family member or loved one is a victim.

Extensive regulations for the implementation of the law address the coordination of paid sick leave with other leave policies, how employees may request leave, certifications the employer may require from the employee, interplay with laws such as the Family and Medical Leave Act, accrual options and other issues.

Contractors should be reviewing their existing leave policies to confirm whether they satisfy the new requirements, adopting new policies as needed, training supervisors and managers and deciding whether to provide the same paid sick leave to employees who are not working on or in connection with covered contracts.

Fair Pay Safe Workplaces “Blacklisting” Law. Although much of the final rule and guidance implementing the law has been put on hold by a court pending a legal challenge, some important provisions will take effect on January 1, 2017.

The court blocked implementation of the Executive Order provisions requiring prospective and existing contractors to disclose violations of labor laws and prohibiting certain contractors from using predispute arbitration agreements to address sexual assault and civil rights claims. Not blocked, and scheduled to go into effect January 1, is the requirement that certain contractors must provide information each pay period to enable workers to verify the accuracy of their pay.

This disclosure requirement applies to procurement contracts for goods and services, including construction, where the estimated value of the supplies acquired and services required exceeds $500,000 (other than commercially available off-the-shelf items). The requirement will be inserted in solicitations beginning January 1, 2017, and in the resultant contracts.

Continued on page 11
**EXEC TALK**

**NEW M18™ REDLITHIUM™ HIGH DEMAND™ 9.0 Battery**

The M18™ REDLITHIUM™ HIGH DEMAND™ 9.0 Battery Pack delivers up to 5X more run-time, 35% more power, and runs 60% cooler than standard 18V lithium-ion batteries. The battery is best optimized for high draw products and sustained run-time applications, and it provides the next, large step towards full corded replacement when paired with the M18™ system of solutions. It maintains full power and runs substantially cooler through heavy applications, allowing users to push their cordless tools harder and longer than ever before. The M18™ REDLITHIUM™ HIGH DEMAND™ 9.0 battery is fully compatible with 100+ M18™ tools.

Andrew Lentz  
Product Manager

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(720) 584-2584  
annie.choi@milwaukeetool.com
Legislative Update ... Continued from page 3.

The seat flipped back to democratic control with Dafna Jenet winning the race. Jenet and her husband own a business helping organizations with problem solving and team building.

- HD 31 (Adams) – Salazar (D)/Sandgren (R) – incumbent Rep. Joe Salazar won his third term with the support of Sen. Bernie Sanders who Salazar endorsed during the primary. This was a targeted seat because of Salazar’s efforts to shut down oil and gas development in Colorado. Salazar is a civil rights attorney.

- HD 47 (Pueblo) – Navarro (R)/Munoz (D) – incumbent Rep. Clarice Navarro-Ratzlaff won her third term as a republican from Pueblo. She is a small businesswoman who also served on the La Animas City Council and worked in Rural Development for the USDA.

- HD 59 (Durango) – J. Paul Brown (R)/McLachlan (D) – Barbara McLachlan defeated Brown and will now represent the same seat her husband did in 2012. McLachlan is a retired local school teacher and now serves as a college consultant.

- HD 62 (Alamosa) – Valdez (D)/Mattive (R) – this is an open seat with Rep. Ed Vigil leaving due to term limits. Don Valdez defeated Bob Mattive. Valdez worked in the County Treasurer’s and Assessor’s office and more recently was with the USDA.

Democrats maintain control of the House with a 37-28 majority. Rep. Crisanta Duran (D- Denver) is expected to be elected Speaker of the House. Minority leadership will likely be Rep. Polly Lawrence (R-Douglas) or Rep. Patrick Neville (R-Douglas). There are 20 new members of the House.

Statewide Ballot (business related issues only):

- Amendment 69 – Defeated - would have created a statewide healthcare system. It had strong opposition from business and community leaders as well as bi-partisan opposition from many elected officials. Support came from Sen. Irene Aguilar (D) Denver and many local and national progressive healthcare organizations. Sen. Bernie Sanders supported and campaigned for the effort.

- Amendment 70 – Passed - will increase the state minimum wage to $12 by 2020. This measure had strong state and national support from national labor unions AFL-CIO/SEIU as well as many democratic elected officials including the Governor. Opposition was primarily from the hotel/restaurant associations, chambers, small businesses and rural communities.

- Amendment 71 – Passed - also known as “Raise the Bar” changes the process for amending the constitution by requiring at least 2% of the signatures come from every state senate district and increases voter approval to 55%. It had strong support from business and community leaders, rural advocacy organizations and almost all of the major newspapers. Opposition came from the political left and right in Common Cause and the Independence Institute. The Denver Post also opposed the measure.

- Amendment 72 – Defeated – would have increased the tax on cigarettes and other tobacco products. It was supported by many health organizations who believe increasing the tax and the related smoking education programs will reduce smoking related illnesses. Opposition came from the tobacco industry and other business organizations.

- Proposition 107 (statutory) – Passed - restores the presidential primary and allows unaffiliated voters to vote in the primary. An attempt to pass this measure failed in the legislature. Passage was likely the result of voter frustration with the two major parties who decided not to allow a primary or straw vote for the presidential primary election.

- Proposition 108 (statutory) – Passed - allows unaffiliated voters to vote in state primary elections unless the parties decide to opt out and stay with the current system. Candidates will still be nominated through the caucus system. Support came from business and community leaders who believe that the largest block of registered voters (unaffiliated) should have the right to vote in primaries. They also believe it will force candidates to more moderate positions. Both major parties oppose the change as they are private membership organizations who should have the exclusive right to elect their candidates.

- Ballot Issue 4A – Passed - renews the SCFD cultural sales tax (.01%) for the seven metro county area. This was the result of a multi-year detailed stakeholder process that unanimously recommended renewal. There was overwhelming support from business and community leaders. The Independence Institute opposed the measure as a regressive tax.

Continued on page 8
SAVE THE DATE

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State Board of Education:
Members represent the seven Congressional Districts. CD 3, 5, 6 were up for election in 2016.

- CD 3 Joyce Rankin (R) Pitkin easily won her race after being appointed by a vacancy committee earlier this year. She is married to Rep. Bob Rankin
- CD 5 Steve Durham (R) El Paso also easily won his election after being appointed to fill the seat of now Rep. Paul Lundeen. Durham currently serves as Board Chair.
- CD 6 Incumbent Debora Scheffel (R) Douglas is hanging on to a small lead over challenger Rebecca McClelland a former Centennial City Council woman. Scheffel, who works for Colorado Christian University, is the sister of now former Majority Leader Mark Scheffel. If Scheffel wins, republicans will retain their majority control 4-3.

Rick Allen / Looking Forward ... Continued from page 2.

with, along with my buddy Koonie (Terry Kershaw), who is retiring at the end of the year. We have worked together for the last 14 years and I hope he enjoys a long healthy retirement. I appreciated the opportunity to work with all of you; it has truly been an incredible experience. Howard Arnold is going to take over the DC, and John Ashley will take over the lead organizer position from Koonie. These are top shelf leaders and I know they will do a fantastic job. Howard and John are both very smart guys, and I really believe they are going to push this thing right up to the top and continue on with the progress that has been made.

Rick
1. Greet all your people in the morning by name.
2. Tell your employees you believe in them.
3. Provide people with constructive and timely feedback.
4. Set goals and reinforce them daily.
5. Praise people in public.
6. Criticize people in private.
7. Don’t play favorites.
8. Don’t get drunk in front of people you work with.
10. When things turn to shit, first consider if you are part of the cause.
11. Ask for opinions, ideas and options.
12. Money is what people work for if you can’t give them a better reason.
13. Mentor at least two young people per year.
14. Delegate until it hurts.
15. Listen closely and don’t interrupt.
16. Don’t think all your employees can’t see your flaws.
17. Pre-plan well but have a backup plan anyway.
18. Your ego is not your friend.
19. Use new technology to improve performance.
20. Ignore technology when it distracts you — which is a lot of the time.
21. Admit when you’re wrong. Say you’re sorry. Suck it up.
22. Don’t second guess your decisions.
23. Be compassionate when people are hurting.
24. Don’t get sucked into people’s personal bullshit.
25. Eliminate negative people no matter how talented they are.
27. Teach people to think for themselves.
28. Teach by sharing both your successes and failures.
29. Do unexpected things to surprise people.
30. Be consistent no matter what is going on with you.
31. Don’t B.S. yourself.
32. Remember that a little fear goes a long way.
33. Respect is always better.
34. Don’t give “atta-boys.” Give strong specific reasons for praise.
35. The weak link is the person who can improve the most.
36. Remember everyone is motivated in different ways from you.
37. Don’t do anything because “that is how we always did it.”
38. Upgrade your abilities so those that work for you will too.
39. There is a time for patience and a time to push. Know the difference.
40. Time is not your friend when dealing with most problems.
41. Ask about people’s families.
42. Fire people when it is time to fire them, not four months later.
43. Do your share of shit work to show no one is above it.
44. Use humor often.
45. Never compromise your integrity. When it’s gone, it’s gone.
46. Don’t gossip or talk bad about people. It just shows insecurity.
47. Say thank you at least three times each day.
48. You have power over people’s happiness and security. Use it well.
49. Cultivate your replacement so you can move up.
50. Read Alpha Dog twice and then hand it on.
The 2016 Election is finally over. Here the outcomes of the State Ballot Issues:

**Amendment 69 (Constitutional) – ColoradoCare – FAILED (79.05%-20.95%)**
- Would have created a single payer healthcare system in Colorado through a $25 billion tax increase

**Amendment 70 (Constitutional) – Minimum Wage – PASSED (55.07%-44.93%)**
- Increases state minimum wage from $8.31 to $9.30 per hour beginning January 1, 2017. Increases the minimum wage annually by .90 per hour beginning January 1, 2018 until it reaches $12.00 per hour on January 1, 2020. Starting January 1, 2021, and thereafter, adjusts the minimum wage each year based on the cost of living increases.

**Amendment 71 (Constitutional) – Raise the Bar – PASSED (55.97%-44.03%)**
- Changes the processes for citizen initiated ballot amendments to the Colorado Constitution by requiring a certain number of signatures be gathered from each state senate district to place a constitutional initiative on the ballot and increases the percentage of votes required to adopt a constitutional amendment, except for proposals that only repeal part of the state constitution.

**Amendment 72 (Constitutional) – Increase Cigarette & Tobacco Taxes – FAILED (46.77%-53.23%)**
- Would have increased the state tax on a pack of cigarettes by $1.75 and 22% increase on the price of other state tobacco products.

**Proposition 106 – Medical Aid in Dying – PASSED (64.79%-35.21%)**
- Allows terminally ill individual, with a prognosis of six months or less to live, to request and self-administer medical aid-in-dying medication in order to voluntarily end his or her life.

**Proposition 107 – PASSED (64.01%-35.99%)**
- Establishes a presidential primary election in Colorado that allows participation by unaffiliated voters.

**Proposition 108 – PASSED (53.05%-46.95%)**
- Changes the primary election process in Colorado to allow unaffiliated voters to vote in a nonpresidential primary election of a single political party; and
- Allows political parties to opt out of holding a primary election and instead choose to nominate candidates by assembly or convention.

The State House of Representatives is controlled by the Democrats 37-28 and the State Senate is controlled by the Republicans 18-17. The Speaker of the House will be Crisanta Duran, D-Denver and Minority Leader will be Patrick Neville, R-Franktown. President of the State Senate will be Kevin Grantham, R-Canon City and Minority Leader will be Lucia Guzman, D-Denver. Stay tuned for another busy legislative session.

Building Jobs4Colorado, with the construction industry, will focus on issues impacting jobs, the economy, construction defects reform and liability, housing affordability, transportation and infrastructure funding, as well as other issues impacting the construction industry.

Building Jobs4Colorado coalition is broad coalition of construction, design professionals, general contractors, sub-contractors, sub-sub-contractors and owner organizations across Colorado. BJ4C represents more than 95% of the Colorado construction industry. CAMPC is a steering committee member of BJ4C and continues to play a leading role within the coalition. Building Jobs4Colorado has a new website. Be sure to check it out at www.buildingjobs4colorado.org.

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**Welcome New Members!**

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<th>CONTACT</th>
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<td>Miller Bonded</td>
<td>Laurie Highfill</td>
<td>505-881-0220</td>
<td><a href="http://www.millerbonded.com">www.millerbonded.com</a></td>
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Job Done Right • Fall 2016
**EVENTS & EDUCATION**

For more information about programs listed below, visit our website at [www.campc.org](http://www.campc.org) or contact Jordyn Grote at 303-757-3956 or jordyn@campc.org.

CAMPC Members are Colorado Safety Association (CSA) Alliance members and receive alliance member pricing at [www.coloradosafety.org](http://www.coloradosafety.org).

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<td>Leadership Access Session 5</td>
<td>January 13th</td>
<td>7:30 am</td>
<td>CAMPC Board Room*</td>
<td>Contact Jordyn</td>
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<td>Hogan Assessment Day 1</td>
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<td>Leadership Access Session 6</td>
<td>February 17th</td>
<td>7:30 am</td>
<td>AGC Education Center**</td>
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<td>Supervisory Training Program Unit 3 – Planning &amp; Scheduling</td>
<td>Jan 20th &amp; 27th</td>
<td>12:00 pm</td>
<td>AGC Education Center**</td>
<td>Contact AGC</td>
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* CAMPC Board Room is located at 1114 W. 7th Ave., Suite 250, Denver.
** AGC Education Center is located at 686 Mariposa, Denver.

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**Labor Management Partnership Hard At Work ... Continued from cover.**

- Due process added for disputes for contractors, including a new arbitration process (previously if there was a disagreement with the City’s Auditor you had to take them to court and there was no process to work through perceived issues). Contractors who have been issued a violation can work with the City to correct those items identified without penalty or retribution, which is also new.

This collaboration between labor and management allowed for the Denver Auditor’s office to proactively tackle improvements to Prevailing Wage. All of these changes were unanimously approved by the Prevailing Wage Steering Committee and the Denver City Council. The new changes will take effect January 1, 2017.

Moving forward, the Working Group will tackle worker classification discrepancies that cause the most trouble on Prevailing Wage projects and advise the Auditor’s Office on making these changes. This Working Group will also help ensure the ordinance stay current and advise the Auditor Office for any issues pertaining to construction on Denver projects.

In 2017, Denver’s Auditor has outlined his Audit Plan. That includes auditing Denver’s Contracting Practices, Building and Permitting process, Zoning and Licensing process, DIA’s Capital Construction Improvements and other items that pertain to the construction industry. CAMPC will remain vigilant and partner with the Auditor’s Office on these items that impact your business.

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**Legal Update ... Continued from page 4.**

The required disclosure consists of a wage statement every pay period to all individuals performing work under the contract or subcontract that includes: (1) the total number of hours worked in the pay period; (2) the number of hours that were overtime; (3) the rate of pay; (4) gross pay; and (5) any additions to or deductions from gross pay. Workers who are treated as independent contractors must be informed in writing of that status. The notice must be provided when the relationship is established or before the worker begins to perform work on the government contract or subcontract. Notices may be provided by paper format or electronically.

The government is likely to appeal the injunction blocking the other provisions of the order, so contractors should watch for future developments.

Expanded EEO-1 Report. Starting with the March 2018 report (covering 2017 data), all employers of 100 or more employees (not just federal contractors) must report total W-2 earnings for full- and part-time employees in each of 12 pay bands for each of the 10 EEO-1 job categories, further broken down by race, ethnicity and sex. The Equal Employment Opportunity Commission has a website with instructions, links to a webinar and a sample form at [https://www.eeoc.gov/employers/eeo1survey/2017survey.cfm](https://www.eeoc.gov/employers/eeo1survey/2017survey.cfm). Contractors may want to review and possibly adjust their payroll systems now to facilitate the collection and reporting of this data in 2018.

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