Collaboration Is The Key To A Successful Future In Colorado

October 11th, 2018 the UA celebrated 129 years since initial formation. After the UA was founded in 1889 its growth was done through organizing from coast to coast across North America. Members who knew non-union workers in our industry worked tirelessly to get those workers into the union. The job title I hold as International Representative used to be General Organizer. Organizing was the most important thing we could do back then.

Somewhere in our history, and you can see where it started in the late 50’s early 60’s, we started losing market share. The largest drop took place in the 1970’s. Regulation of Unions, abandoning of industries, and protectionism were the biggest contributing factors to market share loss. Though it may have never been spoken publicly or discussed on the public stage, a lot of local unions thought growth would occur not in organizing workers, but through apprenticeship. This mindset contradicted what our founding fathers had in mind. Not organizing was also a major mistake. Apprenticeship programs and training are the back bone of our union today, however, it is not a model for growing union market share. Growth must be done through organizing companies and workers in our industry. The UA has adopted a plan to organize the unorganized and bring in new contractors. This plan has been in place since January 2017 and to date has brought in over 12,000 new members and added over 680 contractors. It works. The plan used by the UA is the plan we are going to use in the 5 states Pipe Trades. As some of you may know we are starting a 5 States Organizing Program which will employ several organizers across Colorado, Wyoming, Utah, Nevada and Arizona.

This new plan is important to the success and growth of our union. As a team of MCA contractors and UA locals we need to get into industries we are not currently in including; Multi-Family Residential, Residential, Oil and Gas, rural work, utilities. These are markets we do little to no work in right now. History shows us that being competitive in multi-family residential and residential is extremely difficult and is way too cut throat for us. If we were still throwing fittings on the floor and handing a journeyman a set of prints than that would be true, however, the UA just had a study completed that showed us residential and multi-family residential makes up 65% of all construction hours nationwide. Those industries fabricate 5% of their work. Since we have several MCA contractors who are excellent at fabrication there is a huge opportunity for market entry. Apartment complexes and condominium complexes are pretty cookie cutter, in a lot of cases each building in a complex is identical. If you can fabricate one of those buildings, you can fabricate ten of those buildings. Because they are so repetitious we don’t need a crew of journeymen on those jobs, we can blend that rate and become very competitive. For this to happen

Continued on page 2
we need to build a competitive business model and either start some new contractors or organize contractors already in that sector. Moving into this sector would have a lot of benefits for all of us. Taking this route allows for sustainability in slower times. When the economy slows, residential contractors move into commercial which effects our work. We have an opportunity to get in front of that swing. To do this we need to work together to build and use that business model to expand our base.

In closing I just want to say how incredible of a time we live in when our labor management team can sit down and figure things like this out. Life is so much better when you have excellent partners to work with. I appreciate every contractor we have, and I look forward to working with all of you.

Rick Allen
Business Manager
Rocky Mountain District Council 5

recruiting & developing our workforce remains the primary focus
by howard arnold
business manager

Greetings to all,
I hope this article finds you all in good health and spirits. Work in our area has slowed a little bit from the blistering pace for manpower and project support that many experienced this summer. However, it won’t be long before we are ramping up again. We have learned many lessons from our recent boom times about how to manage our resources to address such a large scope of work. These lessons include crew mixes with different levels of experience, wages and abilities, prefabrication, supervisor training and collaboration with each other. We have become more effective and proficient to reach our goal of successful project outcomes.

Our workforce is changing. We need to add younger workers to replenish the baby boomers who are leaving the work force in record numbers. We need to be prepared to bid the influx of upcoming projects. To do this, we need to acquire and train workers. Now is the time to start developing our younger workers into leaders. Now is the time to start acquiring and adding the talent that we are desperately going to need.

To accomplish these goals, we are restructuring the District Council and adding a Five States organization that will be focused on organizing, augmenting and recruiting workers into our workforce. We will still have our District Council and it will still function as an interface for our contractors and labor, but we are going to scale back and operate our District Council more as a state pipe trades and eliminate the paid Business Manager and Organizer positions. In turn, our Five States Organization will include all of the local unions in Colorado, Wyoming, Utah, Nevada and Arizona. Each local union will have an organizer that will be funded by the Five States and they will operate cohesively as a unit under the direction of Rick Allen. This will give us a mobile unit of 8 to 10 organizers that will be able to operate in any given area within the Five States to organize workers for our contractors. We will use our organizing team to address industry specific needs for any skill set. The MCA is also ramping up a matching recruitment program for business needs. I am so proud that we are all operating together as one team, pulling in the same direction. We will be kicking these changes off January 1, 2019.

In closing, I would like to thank each and every one of you for your patience, your flexibility, your professionalism and most of all your friendship. It has been great working with all of you and I wish you all the best for the future.

Sincerely,
Howard

January 22 - 24, 2019
B Resort & Spa • Lake Buena Vista, Florida

For more information and to register, visit http://www.mcaaevents.org/safety-directors-conference

Welcome New Members!

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<td>BIM Designs Inc</td>
<td>Drew Miller</td>
<td>415-963-9693</td>
<td><a href="http://www.bimdesigns.net/">www.bimdesigns.net/</a></td>
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<td>Elite Refrigeration LLC</td>
<td>Tom Teska</td>
<td>720-772-0167</td>
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<tr>
<td>Heating, Cooling &amp; Mechanical Works of Denver</td>
<td>Scott Schultz</td>
<td>720-347-8030</td>
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LEGAL UPDATE

OSHA Eases Position on Workplace Safety Incentives and Post-Incident Drug Testing
By Sue Schaecher
Attorney, Fisher & Phillips, LLP

Two years ago, I reported that OSHA had published a final rule prohibiting employers from retaliating against employees for reporting work-related injuries or illnesses. That article cautioned employers that OSHA was interpreting the rule as prohibiting blanket, post-incident testing policies. OSHA also was interpreting the rule as prohibiting safety incentive programs that were rate-based or rewarded employees for injury-free periods. OSHA’s concern was that this testing and these programs discouraged employees from reporting work-related injuries and illnesses because employees want to avoid being drug tested and want to avoid costing themselves and/or their coworkers a prize or a bonus.

In an October 2018 memorandum clarifying its position, OSHA has now eased off of both positions. Acknowledging that many employers conduct drug testing and implement incentive programs to promote workplace safety and health, OSHA states that action taken under either type of program only violates the rule if it is taken to penalize an employee for reporting an injury or illness. How will OSHA determine whether the employer intended to penalize an employee for reporting? Intent to discourage will be analyzed, including how the employer’s policies are written and implemented.

Post-Incident Drug Testing
Under the 2016 guidance, OSHA required employers to limit post-incident drug testing to “situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use.” However, whether drugs “likely contributed” to an incident is not always clear from the nature of the incident, and there are not always visible signs of impairment due to drug use. Further, the drug test used had to identify impairment caused by a drug rather than mere presence of a drug in one’s system – a standard that current scientific methods other than blood alcohol tests cannot satisfy.

OSHA states in the new guidance that permissible drug testing includes drug testing to evaluate the root cause of a workplace incident that harmed or could have harmed employees. It advises that employers should test all employees whose conduct could have contributed to the incident and not just the employees who reported injuries. Drug testing under a state workers’ compensation law or other state or federal law does not violate the rule.

Incentive Programs
Rate-based incentive programs are also permissible if certain precautions are taken. Rate-based incentive programs typically reward employees with a prize or bonus at the end of an injury-free period or reward managers based on their work unit’s lack of injuries. Employers having such policies must take precautions so that employees feel free to report injuries and illnesses.

A statement that encourages employees to report and assures them that they will not be retaliated against for making a report certainly should be included, but is likely not enough. OSHA will look to see if the employer has taken steps to create a culture that emphasizes safety, not just rates. OSHA’s guidance gives the following examples:

- a training program for all employees to reinforce reporting rights and responsibilities and emphasizes the employer’s non-retaliation policy; and
- a mechanism for accurately evaluating employees’ willingness to report injuries and illnesses.

Consistent enforcement of legitimate workplace policies whether or not an injury or illness is reported also demonstrates that an employer is serious about creating a culture of safety and not just the appearance of reducing injury and illness rates.

Conclusion
Employers should remember that the rule still allows OSHA to penalize employers for programs that the agency finds discourage reporting, even if no worker complains. Employers should review their policies to insure that they are not designed in a way that may be perceived as punitive or embarrassing to an employee and do not discourage reporting. Additionally, those policies should include the precautions suggested by OSHA as discussed above.

This article is provided for general information purposes only and does not constitute legal or other professional advice. Readers are advised to seek specific legal advice from qualified labor and employment counsel in relation to any decision or course of action contemplated.

CONSTRUCTION & DESIGN COALITION UPDATE

Colorado Statewide Ballot Issues Election Results 2018
By Jenn Penn, BJ4C, Coalition Lobbyist

Building Jobs/Colorado 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. Learn more about our efforts at www.buildingjobscolorado.org

CITIZEN BALLOT INITIATIVES

Amendment 73 - Funding for Public Schools (Constitutional)
Creates an education fund paid for by a tax increases. Raises the individual income tax rate for tax payers with taxable income over $150,000 and increases the state corporate income tax rate. For property levied by school districts, sets the assessment rate at 7.0 % for residential properties and 24.0 % for non-residential properties. Keeps assessments rates for property not levied by school districts.

Amendment 74 - Just Compensation for Reduction in Fair Market Value by Government Law or Regulation (Constitutional)
Private property shall not be taken, damaged, or reduced in fair market value by government law or regulation without just compensation.

Amendment 75 - Campaign Contributions (Constitutional)
If a candidate contributes or loans more than $1m to his/her campaign, then other candidates in the race may accept aggregate campaign contributions that are five times greater than the current limits.

Proposition 108 - Authorize Bonds for Transportation Projects/Fix Our Damn Roads (Statutory)
Requires the funding of specific road/highway projects through bonds that are paid back via funds in the state budget, without a tax increase.

Proposition 110 - Transportation Funding (Statutory)
Sales tax increase of .062% to finance bonds for $6B of road/highway projects and transit projects.

Proposition 111 - Payday Loans (Statutory)
Limits finance charges to a maximum APR of 36% and eliminates other fees associated with payday lending.

Proposition 112 - Setback Requirement for Oil and Gas Development (Statutory)
Would require 2,500 foot setbacks from an “occupied structure or vulnerable area” for oil and gas development.

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(Constitutional)
(Constitutional)
(Constitutional)
(Statutory)
(Statutory)
(Statutory)
LEGISLATIVELY REFERRED AMENDMENTS

Amendment A - Civil Rights and Constitutional Language
Repeals a constitutional exception on the ban of slavery that allowed for slavery and involuntary servitude as punishment for a crime

PASS
Yes/For 1,207,170 64.99%
No/Against 650,441 35.01%

Amendment V - Legislature
Reduces age qualification for legislative members from 25 to 21

FAIL
Yes/For 659,667 34.91%
No/Against 1,230,120 65.09%

Amendment W - Elections and campaigns
Shortens language on the Colorado ballot regarding judicial retention by consolidating questions

PASS
Yes/For 964,284 53.26%
No/Against 846,075 46.74%

Amendment X - Marijuana
Changes the definition of industrial hemp from a constitutional definition to a statutory definition

PASS
Yes/For 1,097,160 60.70%
No/Against 710,441 39.30%

Amendment Y - Redistricting measures
Establishes an independent commission for congressional redistricting

PASS
Yes/For 1,318,673 71.21%
No/Against 533,217 28.79%

Amendment Z - Redistricting measures
Establishes an independent commission for state legislative redistricting

PASS
Yes/For 1,299,529 70.82%
No/Against 535,575 29.18%

BALLOTS CAST
Colorado has historically been a state that is fairly evenly divided between Republicans, Democrats, and Unaffiliated voters. Recent population increases in urban areas has predictably led to an increase in Democratic voter registration, but the big surprise from the 2018 election is the high level of unaffiliated participation.
The “blue wave” hit Colorado with a vengeance. Democrats won all four state executive offices, maintained (and increased their majority with several races still pending) in the House, won majority control of the Senate and defeated several local incumbents.

**Colorado Congressional Delegation**
Former DORA Executive Director and Denver attorney, Joe Neguse (D-Boulder) easily won his election to replace Jared Polis in CD2. This district covers Boulder and the northern central mountain areas. Rep. Scott Tipton (R-LaPata) easily won re-election to his sixth term in CD3. His district covers Pueblo and the eastern part of western slope. Rep. Mike Coffman lost his re-election in CD6 to challenger Jason Crow (D-Arapahoe), a Denver attorney. This district includes parts of Adams, Arapahoe and Douglas counties. Rep. Diana DeGette (D-Denver), Rep. Ed Perlmutter (D-Douglas) and Sen. Kefalas (D-Larimer) won their respective County Attorney elections to their respective County Attorneys, and Sen. Chris Holbert (R-Littleton) was elected to be the Majority Leader. Sen. Scott Tipton (R-LaPata) and Rep. Doug Lamborn (D-El Paso) easily won re-election. Democrats won majority control of the U S Senate, with the increase in population over the past ten years, Colorado is likely to get an additional congressional seat.

Democrats maintained (and may increase with several elections still pending) their majority control of the House 38-27. House Democratic leadership priorities include economic security, healthcare, environment, education and transportation. Rep. DC Becker (D-Boulder) will likely be the next Speaker of the House and Rep. Alec Garnett (D-Denver) the Majority Leader. Patrick Neville (D-Douglas) will likely be the Minority Leader. Democrats won majority control of the Senate 19-16 which gives them control over all policy decisions for the next two years. Sen. Leroy Garcia (D-Pueblo) is expected to be elected Senator President but there may be a contested election for Majority Leader. Sen. Chris Holbert (D-Douglas) is expected to be elected Minority Leader. Sen. Jones (D-Boulder) and Sen. Kefalas (D-Larimer) won elections to their respective County Commissions. Rumors are that a lobbyist running for the Jones vacancy and current Rep. Jeri Arndt for the Kefalas vacancy. Local district committees will appoint replacements to complete their terms which expire in 2020.

**Business Ballot Issues**
Of the thirteen Amendments and Propositions five passed and eight failed. Constitutional changes required 55% approval (required by Raise the Bar approved in 2016) by the voters while statutory changes only required a simple majority vote. Various business interests supported or opposed several ballot issues. Constitutional Amendments #73 education funding – Failed. #74 fair market compensation – Failed. Propositions #109 bonding for transportation – Failed. #110 sales tax increase for transportation - Failed and #112 mandatory 2,500’ setbacks for oil/gas development – Failed. With the passage of Amendments Y and Z, re-districting and re-apportionment will be done much differently in 2020. This will be especially critical because with the increase in population over the past ten years, Colorado is likely to get an eighth congressional seat.

**Legislative**
Democrats maintained control of the House 38-27. House Democratic leadership priorities include economic security, healthcare, environment, education and transportation. Rep. KC Becker (D-Boulder) will likely be the next Speaker of the House and Rep. Alec Garnett (D-Denver) the Majority Leader. Patrick Neville (D-Douglas) will likely be the Minority Leader. Democrats won majority control of the Senate 19-16 which gives them control over all policy decisions for the next two years. Sen. Leroy Garcia (D-Pueblo) is expected to be elected Senator President but there may be a contested election for Majority Leader. Sen. Chris Holbert (D-Douglas) is expected to be elected Minority Leader. Sen. Jones (D-Boulder) and Sen. Kefalas (D-Larimer) won elections to their respective County Commissions. Rumors are that a lobbyist running for the Jones vacancy and current Rep. Jeri Arndt for the Kefalas vacancy. Local district committees will appoint replacements to complete their terms which expire in 2020.
The key role played by field supervisors has a direct impact on your bottom line. Often, these highly qualified technicians are placed in this management position with virtually no management or leadership training. MSCA’s Growing and Developing Service Supervisors is focused training designed specifically for improving the performance of service field supervisors. Using proven methods, this program will advance skills in leadership, coaching, planning, time management, communication, and motivational techniques, all of which will give the field supervisor an edge and the confidence to deal with the workplace challenges of today.

This program uses real world exercises and video-recorded role plays that participants can relate to. Attendees will easily incorporate the skills they learn from the seminar into their everyday responsibilities. Every participant who completes the program will receive a certificate of completion and a comprehensive workbook that can be used for years to come. This valuable workbook contains more than 100 sample forms, procedures, checklists and reports that field supervisors use daily.

TOPICS INCLUDE

- Transition to management
- Establishing effective time management habits
- Communication
- Establishing job leadership
- How to coach and mentor for improved team performance
- How to properly delegate
- How to deal with difficult customers and employees in a professional manner
- Using creative problem-solving to improve production and performance
- Dealing with conflict and negotiations skills
- Sales management basics
- Complying with human resource issues
- Planning, goal-setting and productivity improvement
- Motivating employees

ABOUT THE PRESENTER

The program was developed by a task force of MSCA contractors in partnership with Kevin Dougherty, who is the lead instructor for the program. Kevin has been a speaker in the construction industry for more than 20 years. He represents a changing industry – aggressive, realistic, and open-minded. Kevin’s work experiences and education enable him to relate to today’s problems and provide tangible solutions in an easy-to-listen-to style. He has taught thousands of people in various seminars. His client base ranges from family-owned businesses to corporate conglomerates. In addition to speaking at various seminars, Kevin has served as a sales manager and corporate trainer for a multimillion-dollar mechanical contractor and specialty services contractor.

Registration Fee for CAMPC/MCA/MSCA member company is $499. This fee includes all program materials, meals, and a comprehensive workbook. Class size is limited.

Visit www.campc.org/education/workshops to register
## Support Our Industry Partners Who Support Us!

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<td>Kyle Bluestein</td>
<td>513-884-5154</td>
<td><a href="http://www.federatedinsurance.com">www.federatedinsurance.com</a></td>
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<td>Milwaukee Tool</td>
<td>Drew Hawkins</td>
<td>916-216-4913</td>
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<td>RKR Manufacturers Representatives</td>
<td>Paul Prutch</td>
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<td>Christopher Garofoli</td>
<td>360-420-5393</td>
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<td>Chris Pyle</td>
<td>901-753-3200</td>
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<td>Rampart Plumbing &amp; Heating Supply</td>
<td>Shaun Anderson</td>
<td>303-629-6122</td>
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<td>Viega LLC</td>
<td>Brad Sturgill</td>
<td>800-976-9819</td>
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<td>Wholesale Specialties</td>
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<td>303-623-1148</td>
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<td>CCD Magazine</td>
<td>Mike Brannigan</td>
<td>303-914-0574</td>
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