Message from the Board

Chris Forster, ASCC Board

A few weeks ago I attended the Associated Schools of Construction event for Regions 6 and 7, commonly referred to as The Reno Competition, in Sparks, Nevada. Student teams compete in various categories: Heavy Civil, Commercial, Mixed-use, Design/Build, IPD, Mechanical, Electrical, Virtual Design, Sustainability, Preconstruction, Project Management, and Concrete Solutions. A pre-problem assignment allows students to prepare information prior to arriving at the competition. Upon arrival the teams are assigned a project that they work on at the event, turning in their solutions after working all night, and then attending a Presentation/Interview the following day. It’s a very high energy competition that’s fun to watch.

Attending various interview sessions, and seeing the student teams interacting with seasoned veterans provides the opportunity to see the next generation of industry leaders in action. The talent these young men and women bring to our industry is incredible. In an industry that is slow to change, we are going to see some really exciting things develop in the years to come. The most noticeable change from previous years, especially in the presentations, is the very specific attention to safety that the student teams exhibited. Almost every presentation I attended began with either a stretch and flex, a safety moment, or the initial statement of the presentation stating the significance that safety has within their culture and then presenting the planning to show that commitment.

The support of ASCC members at the Reno Competition was also very noticeable. Several ASCC members sponsor divisions at the competition, in addition to using the event as a recruitment opportunity. It was very rewarding to see many of the leaders in our industry, ASCC members, committed to our next generation of builders, both in supporting the event, and hiring the students for fulltime positions, internships, and carpenter apprenticeships.

To learn more about the event, check out www.asc67.org

Be safe.

Executive Director’s Message

Bev Garnant

Who Should Mind the Gap?

Where are you getting training for your finishers and carpenters? If you’re a union contractor they’re coming through your local apprenticeship program. Is it good enough? Are there any deficiencies in union training?

If you’re nonunion, how are your finishers and carpenters gaining entry into the industry? Is your training on-the-job? From manufacturers? Certifications? Online training? Other local or national organizations?

A group of us sat down in Phoenix a couple weeks ago, part of the Concrete 2029/Strategic Development Council meeting, to discuss if ASCC should and could fill gaps in field worker and field management education. It’s part of ASCC’s Strategic Plan, and its inherent in the 2029 roadmapping task as well.

One of the first things we will do is to post on our website a comprehensive list of available training that’s been compiled by John Hausfeld of Baker. In June, a slightly

Welcome New Members

Commercial Floor Resources, Calhoun, GA
Giles Incorporated, Artesia, NM
Kelly Concrete Company Inc., Marion, IA
Kore Specialty Concrete Services LLC, Johnson Creek, WI
Northwest Contracting, Bismarck, ND
Owens Corning, Holly Springs, GA
Pevarnik Bros., Latrobe, PA
Pure Floors Inc., Portland, OR
Ritz Safety, Pompano Beach, FL
Skudo, LLC, Dallas, TX
Solid Surface Care, Charlotte, NC
I would like to hear from you re: the gaps you see in field training. This will not be a quick fix but I think it is definitely worth our while to investigate providing this service to our members.

**Engaging More DCC Members**

Todd Scharich, Decorative Concrete Specialist

Being good at something is likely how you got to where you are, and in the case of the Decorative Concrete Council that strength has been a tremendous advisory board and a series of leaders that have helped our organization grow. However that hard earned strength can also be a significant weakness if not carefully monitored. I am speaking specifically about the DCC members that are not engaged in ASCC/DCC on a routine basis.

At last year’s Strategic Planning session, one of the three goals defined was to increase the number of DCC members fully engaged in educational and networking opportunities. The focus on this is timely, and in my mind, critical. The fact that our advisory board is so strong, so willing to help, and so generous with their resources, often reduces the call to action to the remaining members. Too many DCC members have simply “checked the box” to become part of the group, but do not realize the benefits they miss by being an active, participating member.

To those that fall within this description, I invite you to step inside the club, pony up to the bar and see the resources you have been missing! You pay for this access, so why not use it? One of the easiest ways to become active is to attend our Annual Conference. In addition to great speakers and technical demonstrations, you will have the ability to spend time with the best contractors, trainers, and vendors that provide the real benefit of your membership. It is those relationships, the ease of access to tremendous resources of all kinds, that will more than pay for your membership.

To the DCC, let’s make sure our strength does not become a weakness. Reach out to those we don’t typically see at events, encourage participation, and help engage more members to build on the strength of our association.

**Links to three workforce development sites**

Links to three workforce development sites have been posted on the ASCC website for your assistance. They are AGC Go Build America, NCCER’s Build Your Future, and the Concrete Preservation Institute. Please use these sites for advice and resources towards enhancing your workforce.

Links: [http://www.byf.org/](http://www.byf.org/)  
[https://www.gobuildamerica.com/](https://www.gobuildamerica.com/)  

**Safety & Risk Management Council**

Jason Anglin, SRMC Council

**Rebar Safety**

Rebar is a common construction material used at a majority of project sites with concrete and masonry operations. Because it is common, workers have an everyday familiarity with it that can lead to complacency and unsafe work conditions. A quick review of Occupational Safety and Health Administration (OSHA) information shows that rebar has played a part in several worker fatalities and injuries every year since the agency began keeping records.

Most construction workers are trained to recognize the need for guarding vertical rebar lengths in order to prevent puncture wounds. We understand that the caps or material guarding rebar must deflect the force of a fall and prevent impalement.

Sometimes rebar guarding may be incorrectly installed or insufficient to fully ensure the safety of workers. For example, the employer installing the rebar may have done so to protect its workers in a specific situation (e.g., workers traveling adjacent at ground level). However the guards may be insufficient for other employers’ tasks, such as those with potential for an overhead fall. The responsibility to recognize this hazard falls upon every employer whose workers have the potential to be injured. Workers in a situation to be hurt by a length of unguarded or insufficiently guarded rebar need to stop working until the condition has been rendered safe. Unfortunately, workers often continue to work near potential hazards because they believe that correcting the condition is someone else’s responsibility.
In addition to the obvious danger of unguarded rebar, serious injury and death have resulted from unsafe handling. Due to its high weight and low surface-area ratio, rebar can be a very ductile material that may present unique hazards depending on how it’s rigged or oriented, and whether it’s done as a single length or a bundle. Following are examples of hazards that employers and workers need to be aware of when working with or near rebar:

- **Moving Rebar:** Accidents have occurred due to rebar being unsafely secured during movement; rebar sliding off fork lifts, falling from heights, or breaking free from rigging during transport. It is the employer’s responsibility to train workers to properly secure materials being transported or stored on a project site.

- **Securing Rebar Columns and Wall Mats:** Often, a variety of workers perform tasks near newly installed rebar forms for columns and walls. Workers in these areas rely on the expertise of the installers to ensure the forms have been safely secured. Unfortunately, serious accidents have occurred from poorly secured rebar forms falling when installers failed to anticipate factors such as weight variance due to design change, the supporting strength of tie-in areas, or imposed loads from wind, rain and snow.

- **Electrocution:** Rebar is comprised solely of conductive metal. Electrocution can occur when the material is being handled or transported near energized lines or when it comes in contact with damaged electrical cords.

- **Safe Access:** Another potential hazard is walking across construction materials. When using rebar, material placement should be planned to allow for safe access and to reduce the potential for overloading.

- **Housecleaning:** Another risk is from “drop cuts” (small sections) and opened bundles. If housekeeping is not done promptly and consistently, drop cuts can quickly become tripping hazards that can be covered by snow, mud or debris. The wire commonly used to bundle rebar can also create a puncture hazard.

Rebar is an essential material which has facilitated significant advances in the type of structures being built, and their overall safety. In general, construction professionals work with rebar on a day-to-day basis with few incidents. By raising the awareness of the potential hazards however, we can further reduce the risk for everyone.

**Watch Your Back Charges**

Yes, every concrete contractor has felt the dreaded pain of back charges. Concrete contractors can face back charges that are unfair, including:

- No prior notice of defective work
- No time to investigate whether the work is defective
- No time allowed to fix the work
- No documentation that the cost of the back charges are appropriate and due to the defective work
- No payment of other money until back charges are accepted

There are not a lot of court decisions with respect to back charges, but there are some notable rulings i.e., *Great Western Drywall v. Role Construction*-2008. First, the court upheld the general contractor’s right to assess cleanup costs against a subcontractor. However, the court ruled the costs could not be pro-rated back to each subcontractor, but had to be specific to each contractor’s responsibility for cleanup costs. Second, the court ruled that the general contractor could not construe silence by the subcontractor as agreement to the back charges that were announced at a weekly meeting. Third, the court ruled the general contractor had to establish the fact that the subcontractor’s defective work was indeed tied to the back charge. These court rulings help to set up a process to consider a reasonable back charge.

Unfortunately, construction subcontract documents typically scatter terms allowing for back charges throughout the document, so that even if you successfully delete one unfair term, others still lurk in the final agreement. Each holds the potential to wipe out anticipated profits, or even to turn a project into a loss.

The American Institute of Architects (AIA) and American Subcontractors Association (ASA) have subcontract forms with language on back charges. As anticipated, the ASA recommendations, shown below, are the most favorable to subcontractors:

**“Back charge claims.”** No back charge or claim of customer for services shall be valid except by an agreement in writing by subcontractor before the work is executed, except in the case of subcontractor’s failure to meet any requirement of the subcontract. In such event, customer shall notify subcontractor of such default, in writing, and allow subcontractor reasonable time to correct any deficiency before incurring any costs chargeable to subcontractor. No back charge shall be valid unless billing is rendered no later than the 15th day of the month following the charge being incurred. Furthermore, any payments withheld under a claim of subcontractor default shall be reasonably calculated to cover the anticipated liability and all remaining payment amounts not in dispute shall be promptly paid.”

Consider using this as the basis for negotiating subcontract language. And as always, watch your back (charges).
**ASCC Members Receive ACI Honors**

ASCC congratulates Oscar Antommattei, Kiewit; Steve Lloyd, Lloyd Concrete Services, and Eric Peterson, Webcor Concrete, as they join the ranks of ACI Fellows this month, for outstanding contributions to the industry.

Chris Plue, Webcor Concrete, and current president of ASCC, will receive the Roger H. Corbetta Concrete Constructor Award at the same ceremony at the ACI Spring Convention in Salt Lake City.

Bill Palmer, Hanley Wood, will receive an ACI Education Award and William V. Lyons III, Euclid Chemical Co., will receive a Chapter Activities Award.

**ASCC Signs MOU with the Concrete Preservation Institute (CPI)**

ASCC has signed a Memorandum of Understanding between this organization and the CPI. The CPI is a non-profit education foundation; an official U.S. Military Career Skills Program; a partner of industry companies that support CPI and hire active duty and other military personnel; and a partner of the U.S. National Park Service. The purpose of the MOU is to establish a relationship between CPI and industry associations who support CPI in growing their Career Placement Program, help connect candidates to companies for interviews/hires, and build structures to help assess program success.

**Employers must keep a record of serious work-related injuries and illnesses.**

Employers with 20 or more employees working in the construction industry are required to keep a record of serious work-related injuries and illnesses. Employers are also required (as of January 1, 2017) to digitally report their OSHA 300a information to the OSHA website. Submit your information using the following steps:

1. Go to OSHA website: www.osha.gov
2. Access the drop down menu under the “Employer” heading and click on “Recordkeeping Requirements and Forms”
3. Scroll down to the third heading “Electronic Submittal of Records” and click on the ITA Launch page
4. Set-up your account (about 10 minutes)
5. Enter your OSHA 300a data (about 10 minutes)
6. OSHA sends a confirmation email that your data was successfully submitted (make sure to keep it as a record of compliance).

Starting in 2019 (and every year thereafter) your OSHA 300a data for the previous year must be submitted by March 2. If you have questions, visit www.osha.gov. The information pertaining to this new regulation is under the “Employer” heading. Click on “Recordkeeping Requirements and Forms”.

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**HOT LINE QUESTIONS**

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<tr>
<th>CONCRETE CONSTRUCTION</th>
<th>POLISHED CONCRETE</th>
<th>SAFETY &amp; INSURANCE</th>
<th>DECORATIVE CONCRETE</th>
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<tr>
<td>800-331-0668</td>
<td>844-923-4678</td>
<td>833-281-9602</td>
<td>888-483-5288</td>
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<tr>
<td>Bruce Suprenant</td>
<td>Todd Scharich</td>
<td>Joseph Whiteman</td>
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ASCC members have access to these toll-free numbers for assistance.

**Webinars begin at 3:00 p.m. CST**

<table>
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<tr>
<th>Date</th>
<th>Topic</th>
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<tr>
<td>Apr. 11, 2018</td>
<td>Selection &amp; Maintenance of Polished Concrete Floor Finishes</td>
<td>Kevin Sigourney, PROSOCO</td>
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<tr>
<td>May 9, 2018</td>
<td>Pain Management and the Construction Industry</td>
<td>Panel: Mark Pew, Senior VP, PRIUM Nina Hoagland RN, Case Mgr. CNA Pamela Highsmith-Johnson RN, Case Mgr. CNA</td>
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Members no charge. Non-members $35; MC, Visa, Amex only. Call 866-788-2722 to register.