

DCA News

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DCAN 08/26

June 30, 2008

HOT TOPICS IN EMPLOYMENT LAW



From left: Margaret DiBianca, Esq.,
Joyce Ackerman, HR Co-Chair,
William Bowser, Esq., and Phil Immediato,
HR Co-Chair.

On Wednesday, June 25th the DCA Human Resources Committee hosted William Bowser, Esq. and Margaret DiBianca, Esq. of Young Conaway Stargatt and Taylor who made a presentation to attendees on “Hot Topics in Employment Law.”

Mr. Bowser and Ms. DiBianca discussed a variety of topics, which are of interest to the entire construction industry. They discussed the following changes mandated by recent changes and/or potential changes to various labor laws:

- Employee Free Choice Act - The change would require that unions be recognized if a majority of employees sign cards indicating they want to unionize. This Act would eliminate the need for a secret ballot.
- The RESPECT Act (Re-empowerment of Skilled and Professional Employees and Construction Tradeworkers Act) would amend the National Labor Relations Act by redefining the definition of “supervisor.” If passed, the RESPECT Act would require an employee to exercise direct supervision over employees for a majority of his or her work time in order to be classified as a supervisor.

(Continued on next page)

I DON'T KNOW THE KEY TO SUCCESS, BUT THE KEY TO FAILURE IS TRYING TO PLEASE EVERYBODY. - Bill Cosby

COMMITTEE MEETINGS

July 7

Noon

Executive Committee

DCA Boardroom

“BUILDING QUALITY OF LIFE SINCE 1934”

- Independent Contractors Act - This bill has been passed by the Delaware House of Representatives, and was mentioned in a Legislative Link that was sent to all DCA members on Tuesday, June 24th.
- E-Verify - E-Verify is a system whereby companies can go online to verify the status of information presented on the I-9 Employment Eligibility Form. Use of this system is voluntary at this time for other than federal government employers, however some states are working to make it mandatory for all employers. As of June 10, 2008 it is now mandatory for all contractors doing federally financed projects.
- A new regulation under FMLA entitled "National Defense Authorization Act" was also discussed, including the two types of leaves available under this new regulation.

A handout was provided for all attendees, and copies are available through DCA if anyone is interested. Please call Nancy to request (302-994-7442).

CRAB FEAST INFO

**There is a new venue for the
Crab Feast on Thursday,
August 7, 2008.
It will be held at the
pavilions in
Blue Diamond Park.
(Flyer forthcoming)**

BATTAGLIA ELECTRIC WINS SAFETY AWARD

The Penn-Del-Jersey Chapter of the NECA has announced that Battaglia Electric, Inc. has won its third Annual Safety Award. Battaglia Electric was a winner in the Chapter's 'Over 500,000 Labor Hours' Category.

Battaglia Electric has received numerous safety excellence awards over the years, including the Delaware Department of Labor Award for an injury-free environment on the Christiana Hospital Expansion Project.

Congratulations to Gene Battaglia and Phil Immediato, Director of Safety and Risk Management, for all their hard work in achieving this level of safety in the workplace.

OSHA'S TARGETED INSPECTION PLAN FOR 2008

Approximately 3,800 high-hazard worksites are on tap for inspection under OSHA's 2008 Site-Specific Targeting Program, as of May 19th. This year's program will initially target sites that reported 11 or more injuries or illnesses resulting in days away from work, restricted work activity, or job transfer for every 100 full-time employees (known as the DART rate). The list will also include sites that have a days away from work injury and illness (DAFWII) rate of 9 or higher. The program stems from the agency's Data Initiative for 2007, which surveyed approximately 80,000 employers to obtain their injury and illness numbers for 2006.

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SAFETY CORNER

A weekly feature of the Safety, Health and Environmental Committee, Len Brooks, Rick DiSabatino and Brian Phillips - Co-Chairs

CRANE SAFETY SEMINAR



Bob Cos with Brian Phillips, Co-Chair, Safety Committee

DCA's Safety Committee held a seminar on Wednesday, June 25 featuring a presentation by Mr. Bob Cos, Vice President and Chief Surveyor of Crane Operational Services, Inc.

Mr. Cos who is a recognized expert in his field, made a two-hour presentation on the assembling, operations and disassembling of various types of cranes. The 33 attendees were treated to an interesting and informative presentation by Mr. Cos and it was evident why he is considered one of the foremost authorities on crane safety in the construction industry.

From the discussion amongst the participants that attended the session, it was obvious that we need to ask Mr. Cos to present a more detailed and lengthy presentation for our members. We hope to schedule something in the very near future. The Safety Committee extends a special thank you to Brian Phillips of Willis for arranging Mr. Cos' appearance.



News From Our Members

Belfint, Lyons & Shuman, P.A., a full-service certified public accounting and consulting firm, is pleased to announce that *Michael D. Wollaston, CPA*, Chair of the Accounting & Auditing Department, has been appointed to the Delaware State Board of Accountancy by Gov. Ruth Ann Minner. He will hold this term for three years.

The Delaware State Board of Accountancy licenses public accountants, certified public accountants and accounting firms. The Board also issues certificates to certified public accountant certificate holders. They ensure that applicants are qualified to become licensed and have the authority to discipline licensees.

Michael D. Wollaston, CPA states, "I am honored to have been appointed by Gov. Minner to the State Board of Accountancy. I look forward to volunteering my services to the Board and fulfilling an important role in protecting the general public through effective oversight of our profession."

Wohlsen Construction Company has announced that *William H. Forrey* has been appointed to the position of Vice President of Business Development and Marketing. Forrey will assume expanded responsibilities for business growth and customer satisfaction.

Forrey has 40-years experience in the construction industry, including serving as project executive and director of business development. He has been with Wohlsen Construction Company for 9 years.

Michael B. Funck has been appointed to the position of Vice President of Preconstruction and Estimating. Funck will have overall responsibility for Wohlsen's preconstruction and estimating for the negotiated and private sector work acquisition.

Funck has 16-years experience in the construction industry, including serving as a project engineer, project manager, estimator and director of preconstruction. He has been with Wohlsen Construction Company for 14 years.

Upcoming Seminars/Training

FLAGGER CLASS— Friday, July 11, 2008
8:00 am - DCA Classroom

BEGINNER BLUEPRINT READING COURSE—
Wednesdays, July 16 through August 13, 2008
5:30-8:30 p.m.—DCA Classroom
Class size limited.

IMPORTANT CHANGES TO AIA CONTRACT DOCUMENTS—
Presenters: Howard D. Venzie, Jr., Esq. & Stephen A. Venzie, Esq.
Venzie, Phillips & Warshawer
Thursday, July 24, 2008 **(DATE CHANGE)**
9:00-11:30 a.m.—DCA Classroom
NEW FLYER TO FOLLOW



POKER NIGHTS

July 3, Aug. 7, Sept. 4

The Poker Room, Rt. 896

Doors Open 6 pm/Games Start 7pm

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ASSOCIATE MEMBERS:

ACCESS LABOR SERVICE

1406 N. DuPont Highway
New Castle, DE 19720
Palmer Hossler, General Manager/DCA
Contact (phossals@aol.com)
302-326-2575/FAX 302-326-2574

ARTISANS' BANK

Red Clay Center at Little Falls
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Wilmington, DE 19808
Jim Wright, Vice President/DCA
Contact (jwright@artisansbank.com)
302-366-0366/FAX 302-454-9405

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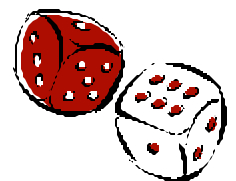
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**DIAMOND STATE
DRIVE-IN THEATRE**
Thursday, July 17, 2008
Felton, DE



CRAB FEAST
Thursday, Aug. 7, 2008
4:00 pm
NEW VENUE
**AT THE PAVILIONS
IN BLUE DIAMOND
PARK**

CASINO NIGHT
Wednesday,
September 17, 2008
5:30 pm
Cavaliers Country Club



BUILDING CONSTRUCTION NEWS

July 2 – 3:00 p.m. – OMB/DFM Contract No. **FY28-0143** – State of Delaware – State Police Crime Lab – Lab Hood Replacement. Mandatory Pre-Bid Mtg., June 17 – 10:00 a.m.

July 8—2:00 p.m.— Project No. 0703—Delaware State University—Pool Addition—Dover, DE. Pre-Bid Mtg., June 13—1:00 p.m.

July 11 – 2:00 p.m. – OMB/DFM Contract No. **FY19-0161** – Exterior Renovations/Water Infiltration Remediation –DelDOT Public Safety Building – Dover, DE. Mandatory Pre-Bid Mtg., June 24 – 1:00 p.m.

July 17—2:00 p.m.—ABHA Project No. 0628—Brandywine School District—Springer Middle School—Modernization, Bid Phase IV. Mandatory Pre-Bid Mtg, June 20—1:00 p.m.

HEAVY, HIGHWAY & SITEWORK CONSTRUCTION NEWS

July 1 – 2:00 p.m. – Contract **28-500-19.01** – Bear Yard Parts Room Addition – New Castle County. Mandatory Pre-Bid Mtg., April 16 – 10:30 a.m.

July 1 – 2:00 p.m. – Contract **28-068-03.01** – K004, Old Camden Road Rubberized Asphalt Paving, 2008 – Kent County.

July 1 – 2:00 p.m. – Contract **28-800-01G** – Concrete Deck Motor Truck Scales w/Hydraulic – Statewide.

July 8 – 2:00 p.m. – Contract No. **2006-16R/Project No. 290517** – Streambank Stabilization for West Riding and Old Hobson Farm Subdivisions. Pre-Bid Mtg., June 11 – 9:00 a.m.

July 8 – 2:00 p.m. – Contract No. 2006-20R/Project No. 290517 – Calf Run Stream Stabilization at Sherman Avenue and Woodland Avenue. Pre-Bid Mtg., June 11 – 9:00 a.m.

July 15 – 2:00 p.m. – Contract No. 2008-02/Project No. 240312 – Substation Replacement – Edgemoor Pump Station. Pre-bid Mtg., June 24 – 10:00 a.m.

July 15 – 2:00 p.m. – Contract No. 2008-07/Project No. 2906251 – Oaks Stormwater Pond Upgrades & Stormwater Management Pond Embankment Removal for Quail Ridge. Pre-bid Mtg., July 1 – 9:00 a.m.

July 22 – 2:00 p.m. – Contract 28-034-03.01 – Drainage Repairs – North District, Open End – New Castle County.

August 19 – 2:00 p.m. – Contract No. 2008-03/Project No. 220218 – SP-24 Manhole Rehabilitation. Pre-bid Meeting, June 12 – 9:30 a.m.

BID RESULTS

Contract 28-033-01.01 – Community Transportation Fund, Open End, South, 2008 – Sussex County. The apparent low bidder was Pennsy Supply with \$911,164.89. There were four bidders.

Contract 27-031-01.01 – Kiamensi Avenue Improvements – New Castle County. The apparent low bidder was Sams Construction with \$180,460.98. There were five bidders.

Contract 28-062-04.02 – Pavement & Rehabilitation – South I-IV, 2008 – Kent County. The apparent low bidder was Pennsy Supply with \$2,437,789.11. There were seven bidders.