



## Greetings!

Welcome to the MBA News.

Last Friday, May 21, the MBA hosted its Annual Safety Appreciation Night at PNC Park. The evening recognized our region's safest contractors. Safety awards were presented in the National AGC Safety Awards (NASA) program. NASA compares a members' safety record with construction firms of similar size and market sector from around the country and awards are given to firms with an incident rate of 25% below the national average rate. NASA provides a great opportunity for contractors to receive recognition for an excellent safety record.

Below is a picture from Friday evening; caption: safety professionals from Landau Building Company receiving their NASA certificate from the MBA Risk Management Committee Chairman Joe Franceschini. Additional photos from this event, as well as other MBA events, can be found on the MBA's [flicker account](#).



Safety First!

Sincerely,

**Master Builders' Association of Western Pennsylvania**

## Important Dates

May 26, 2010 - SOLD OUT - MBA Risk Management Committee CPR/First Aid Training.

May 31, 2010 - \* Memorial Day.

June 10 - [Green Building Alliance's GreenScene at the Senator John Heinz History Center](#).

June 23, 2010 - Alpern Rosenthal presents: [How You Can Profit from the Marcellus Shale Industry](#).

July 2, 2010 - [James Kling Award Submission Deadline](#).

July 4, 2010 - \* Independence Day.

September 6, 2010 - \* Labor Day.

September 13, 2010 - MBA Annual Golf Outing.

\* MBA Labor Agreements grant denoted day as a holiday.

# New Contract Clause & Posting Requirement for Federal Contractors

On May 20, the U.S. Dept of Labor (DOL) Office of Labor-Management Standards issued a [final rule](#) implementing [Executive Order 13496](#), which requires federal contracting agencies to include in most contracts a new clause requiring contractors and subcontractors to post notices informing employees about their rights under the National Labor Relations Act (NLRA). The rule, which takes effect on June 21, establishes the content of the notice, clarifies flow-down requirements, and sets forth penalties and procedures for noncompliance. It applies only to contracts directly with federal government and related subcontracts, not to federally assisted contracts made with other nonfederal government entities.

Contractors should promptly advise appropriate staff to begin looking for the new contract clause in federal contracts and subcontracts resulting from solicitations issued after June 21, and to prepare for compliance. The DOL's Office of Federal Contract Compliance Program (OFCCP), which with conducting compliance evaluations under this rule, has stated that its enforcement efforts will target the construction industry. Click on the following two links for previous information from the AGC on this issue:

[OFCCP to Focus on Affirmative Action Compliance](#)

[OFCCP to Place Special Emphasis on the Construction Industry](#)

## OSHA to Increase Penalties for Employers

OSHA's 10 regional administrators have been directed in a memo by OSHA Administrator Dr. David Michaels to revise how the current penalty calculation system contained in the Field Operations Manual is being used in enforcement proceedings. The administrative penalty changes are scheduled to take effect over the next several months.

The overall goal of OSHA is to provide an adequate deterrent to employers using increased penalties. The average penalty for serious violations will be increased from \$1,000 to an average of \$3,000 - \$4,000, according to the changes. The following are the most significant changes to the calculation:

- An employers' history of violations will expand from three years to five years.
- 10 percent increase in their penalties for employers (up to the maximum) for employers who have been cited for any high-gravity, serious, willful or repeat violations, or have been cited for failure to abate notice in the previous five years.
- The time period for repeated violations will be increased from three to five years.
- Area directors are authorized to offer up to a 30 percent penalty reduction to employers at an informal conference.
- Where circumstances warrant, at the discretion of the area director, high-gravity serious violations related to standards identified in the Severe Violator Enforcement Program (SVEP) will no longer need to be grouped or combined, but can be cited as separate violations, each with its own proposed penalty.
- No size reduction will be applied to employers with 251 or more

For details on these postings, call or visit the [MBA website](#).

### Industry News

**ASCE Issues Report Card** - The four Pennsylvania Chapters of the American Society of Civil Engineers issued its 2010 Report Card for PA Infrastructure, which assigned the state's infrastructure a cumulative grade of D+. To view the entire report [click here](#).

**AGC Call For Presentations for 92nd Annual Convention** - The Associated General Contractors of America will hold its 92nd Annual Convention March 21-25, 2011, at the Bellagio Hotel in Las Vegas. For more information on the convention and to download the Call For Presentations [click here](#).

**Wage Rate Updates** - The following wage rates have been updated and posted on the MBA website:

- Bricklayers Local 9 Stone Masons
- Plumbers Local 27
- Steamfitters Local 449

NOTE: The MBA's website cannot currently update its construction wage rates. Members of the MBA and CAP Contributors are encouraged to call the MBA if you need any of the three listed wage rates in this email. These three wage rates should be added to our website by June 1 at the latest. Sorry for any inconvenience this may cause.

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employees.

- 10 percent reduction for employees with a strategic partnership agreement will be eliminated.

To view a copy of the OSHA memorandum [click here](#).

For more information please contact Bob McCall at 412-922-3912 or [rmccall@mbawpa.org](mailto:rmccall@mbawpa.org).

## Last Tuesday's Primary Results

Last week our state experienced a typical non-presidential year turnout for its primary election - Republican turnout was approximately 27 percent and the Democrats were around 24 percent. The big news from the primary was the ending of era in PA politics: five-term U.S. Senator Arlen Specter was defeated by Congressman Joe Sestak. Sestak will now face Republican Pat Toomey in the General Election.

In statewide news, the big story from the primary is that two Pittsburghers will vie for the Governor's Mansion. Attorney General Tom Corbett won the Republican primary and will face Allegheny County Chief Executive Dan Onorato, who won the Democrat nominee for Governor. In other noteworthy results, two former Speakers of the House - John Perzel and Bill DeWeese - won their primary elections, despite being indicted in Bonusgate.

The MBA Legislative Committee will look to host an event this summer on the General Election. This event will preview fall's election day and how the results of it will effect the legislative priorities of the construction industry. Stay tuned for more information as details are finalized.

Follow us on 

### Construction Career Center

The following positions are open in our region. For a job description of either position contact the MBA at 412-922-3912 or [email](#).

**Experienced Estimator**

**Junior Estimator**

For construction professionals seeking employment, feel free to send your resume to the MBA's Construction Career Center. For more details contact the MBA.

### MBA News Feedback

The following question was submitted since the last issue of the MBA News:

**Who is my elected official in Harrisburg?**

To find your state legislator, [click here](#) and enter your zip code in the box titled "Find Members" located in the upper right corner of the webpage. For assistance contact the MBA.