



Subcontractors Association of the Metroplex

PUNCH LIST

The voice of the Subcontractor's Industry



Subbie Sam Says

Business people need to be informed to make the best decisions.

SAM is your best source of Subcontracting related information.

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HIRING AND APPLICATION

Getting the right people is a challenge for employers, and our current construction market has trades desperate to hire anyone who can (1) show up, and (2)... well, show up!

Lax hiring practices will bite you, with legal actions you don't need. Here are a few tips to avoid some "hot button" problems.

Advertise?

Employers advertise open positions, hoping for a wave of qualified applicants. In this job market, when you advertise, you may get some unpleasant surprises in the application pool. Some militant labor unions, more interested in stirring-up trouble than training and placing skilled labor, see advertisements for employment as an opportunity to flood an employers with applications from union members, with the goal of getting a core group of employees in to demand a representation election, something especially tough to battle under the NLRB's new "ambush election" rules. You should never make a hiring decision based upon whether or not an applicant is a member of a union, but you also don't want to have an applicant pool artificially packed with paid organizers, either. When you advertise, you may get a lot of people applying who are in no way qualified for the work, which will add to your workload.

A Better Practice: Get referrals of qualified applicants from known and trusted employees - these are more likely to be qualified and motivated than the broad spectrum of people applying to "Want Ads".

Use A Written Application!

Every person who seeks employment with your firm or company, should fill out, completely, an Application for Employment. A full Application

for Employment, asking only for lawful and proper information, provides critical information about applicants, including employment history and qualifications. In addition, a signed employment application can be the basis for a proper termination, if it turns out that the hired person lied or misrepresented their qualifications or other material information on the application form.

Applications should be received only, in person, in your office, and the application should never leave the premises. Number the application in sequence, and do not accept applications that have been photocopied. This practice avoids having somebody take applications out and flood you with written applications which may skew the applicant pool against your better interest.

Your employment applications should include a place for the applicant to sign, affirming the truthfulness of everything they've put on there. This can be a Very Big Deal down the road, if you have a trouble employee who turns out to have lied about their experience or qualifications - you have a rock-solid basis for terminating for cause.

Applications should be "live" for a limited period; preferably in the months, not years (in this market, maybe thirty days or less). Be certain that applicants are made aware that their applications are valid for the limited period, after which they will be destroyed and the applicant will have to reapply to be considered for future openings... and after you've received applications, make certain you keep track of when and how they were received, and follow your published policy -destroy applications when you said you would do so.

Check References

Some employers hesitate to

call references - but you should! Call prior employers, verifying first that the dates of prior employment are valid and accurate, and secondly, whether the employee is a good prospective hire. Even an employer who is unwilling to share details about an employee can help "fill in the blanks" in the applicant's work history, information that is important for you to use in deciding whether to hire. Many employers will decline to pass on negative information about a former employee, but are often eager to assist one who was a good worker, out of loyalty or a sense of fairness. While you may not be able to draw any conclusions from a neutral reference, a strongly positive one can be very helpful to you.

Social Media - Be Careful!!

There is a universe of information on the internet, and some of it may be true. Put another way, be careful what you look for, and be careful what you believe. There is a lot of information available on social media which, rightly or wrongly, may influence your hiring decision, but which is not lawful for consideration. It is better that you not have your thinking skewed by improper information, in the first place.

Common sense can go a long way in recruiting and hiring employees - your common sense isn't always so common. Be sure that you use some when you hire!

Spike Cutler of Cutler-Smith is SAM's legal counsel and represents SAM on the Attorneys Council of the NSA.



All SAM members are members of the TCA



TCA AT WORK FOR US

Mike White, head lobbyist for us at the Texas Construction Association reported to us on the just completed legislature.

As it has been in the past, we didn't get everything we wanted, but in one case we got more than we bargained for.

We wanted the legislature to authorize the Department of Insurance Regulation to oversee OCIP insurance programs. When the legislators started to look at these programs, they realized that there was much being done

that was patently unfair to Subcontractors, and they added legislation that really helped us.

You can view the details and see what else the TCA is doing for us at:

<http://www.texcon.org>

OUR FRIEND FROM OSHA

Why Millennial Expect Raises and Promotions More Than Other Generations



Top: Mike White of the Texas Construction Association and Bottom: Elias Vela from OSHA

We were fortunate to have our friend, Elias Vela, Chief Compliance Officer present our August program. Elias' message to us was to create our injury prevention (I2P2) plan. Elias clearly brought the message that OSHA's mission is to eliminate accidents, injury and death from the workplace. Elias stressed that an injury prevention plan would help prevent injuries and also be looked at if an employee did not adhere to the plan. He also told us about the new requirements for accident reporting and gave us some sobering statistics of workplace accidents from the last 3 years.

Elias can be reached at:
Vela.elias@dol.gov
(972) 952-1330 X 234



Clearly the Millennial generation will redefine the workplace and demand very different 21st century practices. Organizations should understand the desires and expectation of the Millennials in order to ensure that this generation is engaged in the goals and objectives of the employer. By addressing the Millennial concerns, organizations can drive more retention, productivity, and profitability.

A recent survey conducted by Addison Group showcased

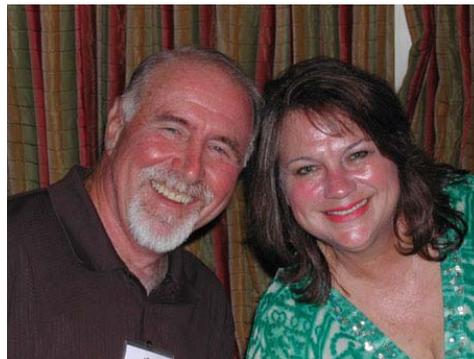
the following results comparing other generations to the Millennials:
16% are most likely to look for a new job
34% are seeing a raise this year
32% actively seeing a promotion
38% believe that having office is right, rather than reward
42% believe that they should have 5 or more different jobs throughout their career
27% did not feel their present job was ideal
45% had an interest in management positions
41% enjoyed managing others
26% stated they would leave the organization if no offered management opportunities
41% believe it should only take 2-3 years to become part of management
30% desire help figuring out career goals



Annette Jefress of Charter SAM member firm, Zubras Electric



Bobby and Diana Tutor of Tutor Electric. Happy in their new shop.



Debbie Denman of DDC fuel services with Jeff Webb of the Texas Construction Association



Billy Neu of Charter SAM member firm NEUCO

OSHA COMPLIANCE POSTER



The Occupational Safety and Health Administration (OSHA) has release a new compliance poster. The last poster was updated in 2007.

Employers must display the poster on their employee bulletin boards. The new poster informs employees of their rights to request an OSHA inspection of their workplace, receive critical information and training on job hazards, how to report work-related injuries or illness and raise safety and health concerns with their employer or OSHA. Remember retaliation for employees communicating complaints are not allowed under the law!

There is new employer reporting requirements which include reporting all fatalities within 8 hours and hospitalization, amputation and loss of eye within 24 hours.

It can be downloaded for free at: https://www.osha.gov/Publications/workplace_poster_page.html



Joe Chenoweth of Armor Wealth Management

NLRB “Ambush Election Rules”



December 12, 2014 the NLRB implemented “ambush election rules” which govern the procedures for union representation elections. The new rules went into effect April 14, 2015! What that means is that union elections will occur in just 10 to 21 days after the union requests a vote (a petition is filed); historically this occurred over a 6-7 week period. Voter eligibility issues are now deferred to after the election occurs, unless the issue involves 20% of the bargaining unit.

The new rules include expedited hearings and such hearings will now be set to start 8 days after date the petition is filed. Employers will have to conduct research and filed a detailed legal position including any exclusions from the bargaining unit, appropriateness of the unit, the proposed date, time and place of the election as well as any other issues raised by the employer. Lastly, the employer must provide the union with 2 separate list of employees to include (1) all employees in the challenged, petitioned-for-bargaining unit; and (2) all employees in the unit the employer contends is appropriate. Two days after the unit is decided, the employer must send the union and electronic listing with the employee name, home address, telephone number, email address, work location, shift and job classification.



Proud new father Kyle Durham of Compass Steel

UPCOMING PROGRAMS

October dinner program will be Elsa G. Ramos of the Texas Employment Commission to speak to our members on the hiring and firing of employees and how it effects unemployment claims.

November will be our ever popular Lien and Bond Claim Seminar for a lunch and early afternoon seminar.

December is SAM's Christmas Vacation and programs resume in January



Proud Grandfather, Marvin Durham of Compass Steel



Future President of Compass Steel Madeline Durham, 4 weeks old last week



Subcontractors Association of the Metroplex



Pete Snider, Executive Director
1420 Hubbard Drive
Forney, TX 75126

Phone: (972) 771-0188
Cell: (214) 908-9248
E-mail: execdir@sam-dfw.org



The Subcontractors Association of the Metroplex was founded with the purpose of creating an affordable forum for Subcontractors to exchange information and learn from each other how to be better business men or women.

Sam is a member of the National Subcontractors Alliance, the largest Subcontractors association in the USA, and also a member of the Association of Specialty Contractors where we have a voice in National Legislation. SAM is also a member of the Texas Construction Association, the unifying voice of the trades in the Texas Legislature and as such all SAM members have access to all the benefits of the TCA.

Sam is also allied with the National Federation of Independent Business who has a voice in the Texas Legislature on small business issues.

**Your Source for Subcontractor's
information.**



Visit us at:
<http://www.sam-dfw.org>



Our Association Officers

Paul Holden, Facility Construction Services
President and TCA representative

paulh@fcsdallas.com

James Mayhew, Apex Services, Inc. Immediate past President, B.P.I. Chair:

jmayhew@apexservicesinc.net

Gary Ardis, Anderson Asphalt and Concrete Paving, Vice President

gardis@andersonpaving.com

Member: Tim McSorley
Storage Equipment

tmcsorley@secdfw.com

Secretary/Treasurer: Carrie Edomm
Astro Sheet Metal

carrie.edomm@astrosheetmetal.com

Member: Selena Zarate
Groves Electric

selena@groveselectric.com

Member: Don Weempe
Master Construction and Engineering

dweempe@masterconstruction.com

Associate Representative:

Clem Lesch

PCL Contract Bonds

clesch@pclbonds.com

MaryEllen Evens, Trade Management

Associate Representative: Program and Membership Chair

mevans@trade-mgmt.com

Legal Counsel: Spike Cutler

Cutler-Smith, PC

scutler@cutler-smith.com

If you're not a member of SAM, you should be.

Call Pete Snider for a membership application.

(972) 771-0188

Cell (214) 908-9248 or email to:

execdir@sam-dfw.org



**SUBCONTRACTORS—
THE ONES WHO RE-
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BUILDING**