



# Construction Update



## AGC OF OHIO 2012 CONVENTION: ACT NOW! LIMITED ROOMS AVAILABLE

The 2012 AGC of Ohio Convention will be held February 26-March 2, 2012 at the El Conquistador resort in Fajardo, Puerto Rico. The resort offers golf on the Arthur Hills designed course, tennis, a large casino, restaurants, a water park, and a private island fully equipped with beaches, aquatic activities, restaurants, bars and horseback riding.

The convention package includes six nights in a deluxe, ocean view room in The Grand Hotel; daily buffet breakfast; all taxes, fees and gratuities including bellman and daily maid room tips; AGC of Ohio business meetings; a cocktail party and Leadership breakfast; and airport transfers.

Cost is \$3,750 per couple or \$3,400 for a single room. (Non AGC of Ohio members add \$500 to cost.) More information and the reservation form is available at [AGCConvention2012.html](http://AGCConvention2012.html)

## BWC ADMINISTRATOR TO SPEAK AT AGC OF OHIO SAFETY LUNCHEON

AGC of Ohio will hold a Safety Meeting and Luncheon with special guest Ohio BWC Administrator Steve Buehrer on January 27, 2012 from 9:30 a.m. - 1:30 p.m. at The Ohio State University Fawcett Center, 2400 Olentangy River Rd. in Columbus. Administrator Buehrer will provide an update about the Bureau, changes being considered to Ohio's workers' compensation system, and other news related to risk and workers' comp. Ample time will be provided for participants to ask questions. Also, the 2012 Construction Safety Excellence Award winners and NASA recipients will be recognized. Additional information and the Registration Form is located at [SafetyLuncheon.pdf](http://SafetyLuncheon.pdf)

## NASA PARTICIPANT FORMS DUE JANUARY 31

AGC of Ohio is now accepting submissions for AGC of America's 2011 National Safety Awards (NASA) program. NASA offers AGC of America members an opportunity to evaluate their safety record. NASA compares an AGC member's safety record with other AGC members according to member size and construction type. All participants receive a NASA tabulation report card that will compare its rates with other members of comparable size and type. Additionally, NASA provides a great opportunity to recognize members with an excellent safety record.

All participating AGC of America contractor members will receive a tabulation report card. However, only those that have participated in the NASA program for three consecutive years are eligible for an award. A member must have participated in the program for the years **2009, 2010 and 2011** in order to be eligible to receive an award in 2012.

AGC of Ohio will submit entries on behalf of AGC member companies. The NASA participant form and an overview of the NASA program are available on the AGC of Ohio website at [NASAAwards.html](http://NASAAwards.html) **The deadline for submissions is January 31, 2012.**

AGC of Ohio members can submit participant forms to Darren Hobbs at [darren@agcoho.com](mailto:darren@agcoho.com); fax (614) 486-6498 or by mail to 1755 Northwest Blvd., Columbus, OH 43212. Direct questions to Andrea Ashley at (614) 486-6446 or [andrea@agcoho.com](mailto:andrea@agcoho.com).

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## DON'T FORGET TO POST YOUR OSHA 300-A LOG

OSHA requires employers to post their completed OSHA 300-A "Summary of Work Related Injuries and Illnesses" forms from February 1 through April 30 in an easily accessible location where other notices are normally located. More information regarding posting requirements and the recordkeeping forms are available at [www.osha.gov/recordkeeping/index.html](http://www.osha.gov/recordkeeping/index.html) .

## IN CASE YOU MISSED IT: CHANGES TO COMMERCIAL BUILDING, MECHANICAL & PLUMBING CODE ARE IN EFFECT

November 1, 2011 was the effective date set by the Ohio Board of Building Standards for the commercial code updates to the Ohio Building Code, Ohio Mechanical Code and the Ohio Plumbing Code to incorporate the updates included in the 2009 International Building, Mechanical and Plumbing codes. For more information, go to: <http://com.ohio.gov/dico/BBS.aspx>.

## BWC TO HOLD SAFETY CONGRESS & EXPO

The Bureau of Workers Compensation's 2012 Ohio Safety Congress & Expo will be held March 27-29, 2012 at the Greater Columbus Convention Center. Attendees include representatives from businesses, associations and government.

The forum offers the opportunity for Ohio businesses to find solutions to improve worker health and productivity; prevent work force injuries and illnesses; reduce workers' compensation costs; identify solutions for hazardous situations; and provide cost-effective, multidisciplinary training and professional development. More information is available at:

[SafetyCongressInfo.asp](http://SafetyCongressInfo.asp)

## OBAMA MAKES RECESS APPOINTMENTS TO NLRB

On Jan. 4, 2012, President Obama bypassed the Senate confirmation process and announced he would make three recess appointments to the National Labor Relations Board (NLRB). The [three appointments](#) are: Sharon Block (D), currently deputy assistant secretary for congressional affairs at the U.S. Department of Labor; Terence Flynn (R), chief counsel to NLRB Member Hayes; and Richard Griffin (D), general counsel for the International Union of Operating Engineers. The appointments would join the two sitting board members and would result in a full board for 2012 with the three recent appointees' terms expiring at the end of 2013. **Read More** ➔  
*(Article courtesy of AGC of America)*

## NLRB ISSUES FINAL RULE ON "QUICKIE" ELECTIONS

On Dec. 22, the National Labor Relations Board issued a [final rule](#) revising representation-case procedures, also known as the "quickie elections" or "ambush elections." The effective date of the rule is April 30, 2012. **Read More** ➔  
*(Article courtesy of AGC of America)*

## NLRB DELAYS IMPLEMENTATION OF POSTING RULE

The National Labor Relations Board has again delayed the effective date of a new regulation requiring nearly every private-sector employer to post a particular notice informing employees of their rights under the National Labor Relations Act. Amid legal challenges to the Board's authority to issue the regulation,

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the Board first postponed the original effective date of Nov. 14, 2011, to Jan. 31, 2012. On Dec. 23, the Board further pushed back the date to April 30, 2012, stating that “postponing the effective date of the rule would facilitate the resolution of the legal challenges.” [Read More](#) →  
(Article courtesy of AGC of America)

## U.S. EPA REQUESTING ADDITIONAL DATA ON DIRT IN CONSTRUCTION SITE RUNOFF

As [previously reported](#), the U.S. Environmental Protection Agency (EPA) is back to square one in developing a rule that would set a first-time numeric limit on how much dirt is allowed in stormwater that runs across a construction site. EPA published a [Federal Register notice](#) on Jan. 3 requesting additional data on the performance of technologies in controlling turbidity levels (a measure of water clarity) in construction stormwater discharges. EPA said it will use the data and information submitted by the public to set a new “corrected” numeric turbidity limit for construction site runoff. [Read More](#) →  
(Article courtesy of AGC of America)

## INTERESTED IN LEAN? JOIN THE AGC LEAN CONSTRUCTION FORUM

The [AGC Lean Construction Forum](#) is an inclusive and collaborative community that is open to anyone with an interest in lean construction processes. The Forum [website](#) provides information on the latest Forum activities, lean-related articles, a searchable database of lean resources and a discussion tool that allows Forum members to share information and ask questions. The Forum’s Education Subforum is leading the development of the [AGC Lean Construction Education Program \(LCEP\)](#). A precursor to the LCEP, [Lean Construction 101](#), was just released and the first two units of the LCEP, Variation in Production Systems and Pull in Production, will be available early this year. The Events Subforum is focused on developing in-seat sessions at AGC events such as the Annual Convention, as well as webinars. The March 2012 Annual Convention includes a lean construction session and three lean-related webinars are planned this year. The Website Subforum monitors [www.agcleanforum.org](http://www.agcleanforum.org) to make sure it stays current and serves as a useful resource and tool.

It costs nothing to join the Forum and AGC members and non-members are welcome. AGC members can go to [www.agcleanforum.org](http://www.agcleanforum.org) and login with their AGC.org Username and Password. By logging in, you are considered a member of the Forum. If you do not have an AGC.org Username and Password you can click “Register” and create a profile. Joining the Forum keeps you informed about Forum activities, provides access to the Discussion Forum and Citation Database, and allows you to get involved. Contact Mike Stark at [starkm@agc.org](mailto:starkm@agc.org) with any questions



## Article: BWC Finalizes Alternative Rating Program Changes

The Ohio Bureau of Workers’ Compensation (BWC) has approved a number of changes to its alternative rating programs. Specific areas of focus are injury prevention, loss control and return-to-work efforts.

The first of these changes was announced when the BWC Board of Directors eliminated the Break Even Factor which was an assessment used in calculating rates for employers in traditional group rating programs. BWC also adjusted their credibility table to reflect a 53% maximum discount. Taken together,

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the significance of these changes is that the maximum allowable discount through traditional group experience rating has increased to 53% for the 2012 policy year from its prior 51% ceiling.

BWC completed its changes in December. Changes were made to various existing programs, while new initiatives were created to encourage loss control and employer behavior.

**The changes to the existing alternative rating programs are listed below:**

- **100% EM Cap Program (effective 7/1/2012)**
  - Eliminated the requirement for an employer to be penalty-rated in order to qualify. Under the new rules, any employer whose individual experience modifier increases more than two-fold – even those who remain base- or credit-rated – would be able to use this program to limit the increase in premium. This change should increase the number of employers eligible to benefit from the program.
  - Eliminated the requirement to implement the 10-Step Business Plan for Safety and replaced it with a requirement to complete an industry-specific half-day training during the first year of participation and online training classes in subsequent years. These changes will make the program less burdensome and more business friendly.
- **Small Deductible Program - Deductible Levels of \$500 - \$10,000 (effective 7/1/2012)**
  - Payments made under the small deductible program are excluded from employers' experience and therefore do not impact rate calculations. As a result employers will theoretically have lower claims values and reduced rates and premium.
- **One Claim Program - (effective 7/1/2012)**
  - Reduces the discount to 20% in the first year, 15% in the second year, 10% in the third and 5% in the fourth year of participation. The current discount through the One Claim Program is 40% for all four years.
- **Ten-Step Business Plan for Safety (effective 7/1/2012)**
  - Replaces requirements to implement the 10-Step Business Plan with more tailored safety programs to fit employers' industry, accident history and size. Many employers have asked for more industry specific safety programming for a number of years.

**BWC's new programs are listed below:**

- **Industry Safety Discount (effective 7/1/2012)**

Establishes a 3% discount for employers who agree to complete a safety risk assessment and provide employer-specific safety data to the BWC upon request. Depending on size, employers will be required to complete one, two or all of the following activities:

  - Industry-specific safety classes offered by the Division of Safety & Hygiene;
  - On-site safety consulting with BWC staff; and/or
  - Attend BWC Safety Congress.
- **Transitional Work Grant Program & Bonus (effective 7/1/2012)**

Provides a grant for employers to establish a transitional work plan and a bonus for employers who use the plan to return an injured employee to work.

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## ■ **Administrative Discounts (effective 7/1/2012)**

### • *Go Green Discount*

Designed to reward employers for paying premiums online and on time, the “Go Green” discount provides a 1% premium discount (up to a maximum of \$1,000) to employers who elect to receive their payroll report, report payroll and pay their premiums through [ohioabc.com](http://ohioabc.com). Participants must also make first reports of injury online (if they are the party filing the claim). The “Go Green” discount is not available to employers using the FlexPay Program, the 50/50 program or report no payroll.

### • *Lapse Free Discount*

Employers who have not lapsed for the preceding 60 months (5 years) will receive a “Lapse-Free” discount of 1% (up to a maximum of \$1,000). This discount will not be available to employers reporting no payroll.

## ■ **Claim-Free Discount (effective 7/1/2013)**

The “Claim-Free” discount will be applied to employers who have not incurred a compensable injury for one calendar year **AND** maintains a safety committee.

## ■ **Program Compatibility (effective 7/1/2012)**

- Drug-Free Safety Program is now compatible with group rating and the 15K Program.
- The 2% Safety Council participation discount is available to employers in the Group Retrospective Rating Program.
- One Claim Program and 100% EM Cap are **NOT** compatible with Small Deductible.
- Small deductible program is not compatible with Group Rating.
- Salary continuation is compatible with all programs.

Taken together as a package, an employer could effectively reduce their workers’ compensation rates by 59%. For example, an employer with individual premium of \$1,000 in a maximum 53% discount group rating program would see their premium reduced to \$470. The Go Green and Lapse Free administrative discounts would reduce their premium even further to \$461. If this same employer participated in their local Safety Council, the Advanced level of the Drug Free Safety Program and implemented industry-specific safety strategies, they could see their premium reduced to \$407.

For more information on how you can take advantage of these new programs, please call your CareWorks Consultants’ Program Manager toll-free at (800) 837-3200.

## CONSTRUCTALK

### Elford, Inc. (Columbus)



Steve Giere has joined Elford, Inc. as an Estimator.

Joseph Hannahs has been promoted to Senior Assistant Project Manager.

Brandon Rastok has been promoted to Senior Assistant Project Manager.

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Mark Smither has joined Elford, Inc. as a Project Manager.

## JOBS IN PROGRESS

### Gilbane Building Co. (Westerville)

Gilbane Building Co. has been selected by the Ohio School Facilities Commission and Elyria City Schools to provide construction management services for an \$88 million school construction initiative. The program includes the construction of five new elementary schools to house grades pre-kindergarten through fifth grade and the abatement and demolition of 11 existing schools. The new schools will provide modern facilities for more than 3,200 students in the district.

## CALENDAR

### January 27, 2012

Safety Meeting & Luncheon with special guest  
Ohio BWC Administrator Steve Buehrer  
9:30 a.m. - 1:30 p.m.  
OSU Fawcett Center (Columbus)  
[SafetyLuncheonRegistration.pdf](#)

### January 31, 2012

National AGC Safety Awards Deadline  
[NASAAwards.html](#)

### February 26-March 2, 2012

AGC of Ohio 2012 Convention  
El Conquistador Resort, Puerto Rico  
[Register here](#)

### March 27-29, 2012

Ohio Bureau of Workers Compensation  
2012 Safety Congress & Expo  
Greater Columbus Convention Center  
[SafetyCongressInfo.asp](#)

To submit information to *Construction Update*, contact Melissa Ottinger at [editor@agcoho.com](mailto:editor@agcoho.com) or call (614) 486-6446.