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Members of Associated Builders and Contractors of Greater Houston are renowned for their dedication to safety and excellence in the field of construction, and this year’s award winning projects demonstrate that commitment. The 2015 award-winning projects featured below excel in safety, quality, ingenuity and workmanship. This year’s competition also recognized the opportunities that the construction industry creates for our military veterans—through training, career placement and mentoring. Congratulations to all the 2015 Excellence in Construction award winners!

AWARDS OF EXCELLENCE

Francis Hall Renovation
Satterfield & Pontikes Construction
Interior Category

CB&I Office Building
Trico Electric
Electrical Category

The Treehouse
Haley Green, Inc.
Finch Exterior Category

Port Arthur Savings Renovation
SpawGlass Construction Corp.
Historical Restoration Category

One Lake’s Edge
HOAR Construction, LLC
Residential Category

Energy Tower IV Office Building
Camarata Masonry Systems, Ltd.
Finish Interior Category

LHC 9 Concrete Filing Installation
Standard Constructors, Inc.
Other Specialty Industrial Category

ExxonMobil Campus Project
TDIndustries, Inc.
Mechanical Category

Sierra Fines Phase II
E.E. Reed Construction, L.P.
Commercial Category

Centennial Gardens
Camarata Masonry Systems, Ltd.
Siteman/ Landscaping Category

Lakewood Church 5th Floor Modifications
Aggregate Technologies Inc.
Other Specialty Category

Lone Star NGL, Master South Export FAC
S&H Engineers and Constructors Ltd.
Industria Category

Teeple Architectures (Robert A. Escritt
Division | Manufacturing Facility | Building 2)
Be&K Building Group, LLC
Light Industrial Category

E. E. Reed Construction, L.P.
The Church Without Walls

Camarata Masonry Systems, Ltd.
University Health System - Hospital Tower Project

Camarata Masonry Systems, Ltd.
Prairie View A&M Student Recreation Center

Camarata Masonry Systems, Ltd.
SBVA Shell Office Building & Parking Garage

Camarata Masonry Systems, Ltd.
Mickey Leland Federal Building

Craig & Field, Inc.
LyonellBasell ChannelView Complex Maintenance/Small Cops Projects

E. E. Reed Construction, L.P.
Silver Eagle Distributors East

GMI (Greater Metroplex Interiors, Inc.)
GeoSouthern Energy Campus

Performance Contractors, Inc.
Baytown Lubes Expansion Project (SBUX)

Rogers-O’Brien Construction
Oceano Behavioral Hospital - Kahy

STARCON International, Inc.
CPChem NAO Turnaround

Teel Construction Company
Cotton Gin Renovation

Tuner Construction
Confidential Client Interior Fit Out

Tuner Construction
Mitsubishi Heavy Industries Compressor - Phase 1

Military Veteran Supporter Award Recipients

AGGREGATE TECHNOLOGIES INC.
PERFORMANCE CONTRACTORS, INC.
TDINDUSTRIES, INC.
TRIO ELECTRIC

AWARDS OF MERIT

E. E. Reed Construction, L.P.
The Church Without Walls

Camarata Masonry Systems, Ltd.
University Health System - Hospital Tower Project

Camarata Masonry Systems, Ltd.
Prairie View A&M Student Recreation Center

Camarata Masonry Systems, Ltd.
SBVA Shell Office Building & Parking Garage

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Letter from the Chair

October marks an exciting time for ABC of Greater Houston. At this time each year, we recognize ABC Members for the work they perform on the jobsite through the Excellence In Construction Program. As the name suggests ABC Members are evaluated for building excellence and innovation, however they are also recognized for their commitment to safety – so much so that one-third of their entire score depends on jobsite safety and company-wide safety programs.

ABC’s slogan of “America’s Best Contractors” isn’t just a catch phrase; we are America’s best contractors because of our commitment to safety and the well-being of the men and women on our sites. In addition to having high safety marks to qualify for an Excellence In Construction award, they are also evaluated on degree of difficulty, overcoming challenges, and project owner recommendations. This year, we are recognizing 27 commercial and industrial projects built by local ABC Member contractors who met or exceeded the judging criteria to be named one of the best of the best.

New to the program this year was a special bonus award for members who offer incentive programs for returning veterans that assist them with building a career in construction. Four members applied for and received the special Military Supporter bonus award including Trio Electric, TDIndustries, Aggregate Technologies, and Performance Contractors. We salute these companies who go above and beyond to support military veterans. To learn more about the Excellence In Construction program, visit www.abchouston.org.

Lastly, October is an important month for ABC Greater Houston for a second reason. This month, we are promoting a membership drive with a special incentive to join ABC – 15 months of membership for the price of 12. That’s three more months of networking, events, seminars and industry information for free. Become a member today and gain access to decision makers from over 425 local commercial and industrial construction related businesses! Contact Michelle Aseltine for incentive details at 713-523-6222.
COVER STORY

Burrow Global is proving that single-source, turnkey design-build partners can deliver added value to industrial construction projects.

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President Obama Signs Executive Order Mandating Paid Sick Leave for Federal Contractors

P resident Obama made headlines on Labor Day by signing a new Executive Order that will require federal contractors to provide their employers with paid sick leave. The Executive Order, which will not take effect until 2017, will permit employees working on federal contracts to earn at least one hour of paid sick leave for every thirty (30) hours worked, up to seven days of paid sick leave per year. Another layer of federal regulations is expected to be issued in September 2016 to accompany the Executive Order. According to a White House fact sheet, the paid leave mandate will affect approximately 300,000 workers. It is estimated that approximately forty percent of the private sector employees do not have access to paid sick time. It is expected that contractors will build into their bids the cost of the paid sick leave.

The provision of paid time off has been a rallying cry for proponents of the White House’s “middle-class economics” agenda. States and localities have been steadily enacting paid sick measures over the last couple of years. There are four states (plus Washington, D.C.), nineteen cities and one county with paid sick leave laws on their books. President Obama announced the details of the new Executive Order in Massachusetts, a state whose paid sick leave law took effect on July 1, 2015. The DOL has even created a paid leave resource page, noting that “[c]hange has yet to come to Washington, but momentum is growing in the states.” The White House stated the DOL will soon release a report, “The Cost of Doing Nothing,” that will discuss the “costs to workers, families, businesses, and the nation of not taking action to expand paid family and medical leave . . .”

As the DOL paid leave resource page emphasizes, efforts to enact a country-wide paid sick leave bill at the federal level have predictably faltered. In a letter dated August 10, 2015, encouraging the President to issue the latest Executive Order, Senator Patty Murray (D-WA) and Reps. Bobby Scott (D-VA) and Rosa DeLauro (D-CT) called for passage of their sponsored bill, the Healthy Families Act, which appears to be the model for the new Executive Order signed by the President. The Healthy Families Act would require private-sector employers with more than 15 employees to permit each employee to accrue an hour of paid sick time for every 30 hours worked, up to 56 hours per year. The new Executive Order, like the Healthy Families Act, would also permit workers to use their earned paid leave to “care for themselves, a family member, such as a child, parent, spouse, or domestic partner, or another loved one, as well as for absences resulting from domestic violence, sexual assault, or stalking.” The lawmakers acknowledged, however, that “enactment is unlikely to occur” before the end of the President’s term. The issuance of the Executive Order, therefore, is a way to achieve the same end without congressional approval.

Overall, the President’s use of Executive Orders and Memorandums has caused much consternation in the federal contracting community. In a letter dated August 3, 2015, to White House Chief of Staff Denis McDonough and Senior Adviser Valerie Jarrett, four industry groups took issue with the dozen executive orders President Obama has signed affecting government contractors. According to the industry groups, since taking office, President Obama has issued 12 Executive Orders pertaining to government contracting, resulting in 16 new regulations. The industry groups contend the net effect has been to significantly increase the costs of doing business with the government, estimating that nearly thirty cents of every contract dollar goes toward compliance with unique government regulations.

ABOUT THE AUTHOR

G. Mark Jodon, managing shareholder of Littler Mendelson’s Houston office, is board-certified in labor and employment law by the Texas Board of Legal Specialization. Mark represents employers exclusively in all areas of labor and employment law. He can be reached at (713) 652 - 4739 and mjodon@littler.com.
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Under the Fair Labor Standards Act (FLSA) a non-exempt employee must be paid for all hours the employee is “suffered or permitted to work.” This article addresses under what circumstances time spent traveling is considered compensable (i.e., the time is counted as hours worked).

HOME TO WORK TRAVEL
In general, the FLSA does not consider ordinary commuting as hours worked. Ordinary commute time is not compensable.

Compensable
However, if employee is talking on a work-related phone, running errands (e.g., picking up supplies) while traveling from home to work, or vice versa, this time is considered compensable.

Non-Compensable
Time spent transporting employees from an employer parking lot to a remote work area is not compensable unless the employees perform work before or during such transport.

TRAVEL DURING THE WORK DAY/IN-TOWN
In general time spent traveling as part of the Company's principal activity counts as hours worked (e.g., travel from job site to job site is compensable.)

Compensable
Travel during the work day as part of the Company's principal activity counts as hours worked. (e.g., travel from job site to job site).

OVERNIGHT TRAVEL
In general, whether travel time counts as hours worked when an employee travels overnight, depends on whether the travel occurs within the employee's normal work schedule. Travel time that occurs within the employee's normal work schedule is compensable.

Compensable
• Any portion of authorized travel that occurs within an employee's normal work schedule counts as hours worked. Travel on non-work days (like weekends) also counts as hours worked if it occurs within the employee's normal work schedule.
• Driving a vehicle, regardless of whether the travel takes place within or outside normal work hours, counts as hours worked. In other words, the act of driving is considered manual labor activity which must be counted as hours worked if it is for the benefit of the Company.
• If an employee is required to attend meals, social events, etc., that time is counted as hours worked.
• Time spent waiting at the airport counts as hours worked if it occurs within normal work hours.
• Any work while traveling, which an employee is required to perform, is counted as hours worked (e.g., answering e-mails, taking business related phone calls.)
• If an employee is required to ride as an assistant or helper in an automobile, the travel time counts as hours worked.

Non-Compensable
• Regular meal periods do not count as hours worked.
• Riding as a passenger outside of normal work hours, via airplane, train, boat, bus or automobile does not count as hours worked. In other words, the act of riding as a passenger is not considered work.
• Time spent sleeping does not count as hours worked.
• Time spent waiting at the airport outside of normal work hours does not count as hours worked.
• Travel between home and work or between hotel and worksite
is considered normal commuting time and does not count as hours worked.

**Miscellaneous Issues**

- When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel falls within normal work hours.
- If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available and the travel by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be counted as hours worked.
- If the Company provides hotel accommodations for overnight travel but the employee wishes to drive back home each evening, this time is not counted as hours worked.
- On days when an employee is out of town (but not traveling), the employee is compensated for hours worked such as attending a conference or a meeting. The employee is not compensated for time not working even if it occurs within the employee's regular work schedule (e.g., employee goes sightseeing instead of attending a session of the conference or the conference sessions are only from 9 - 4).

**SAME DAY TRAVEL/OUT-OF-TOWN**

In general time spent traveling out-of-town and returning in the same day, counts as hours worked without regard to whether the employee is driving or riding as a passenger and without regard to whether the travel occurs within the employee's normal work schedule. Travel counts as hours worked.

**Compensable**
Time spent traveling to and from a one day seminar, conference, meeting, etc. is counted as hours worked.

**Non-Compensable**
Regular meal periods do not count as hours worked. ◆

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**ABOUT THE AUTHOR**

Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization, Anthony G. “Tony” Stergio has extensive experience in the defense of State and Federal employment discrimination claims, wage and hour compliance, non-competition agreements and employment policy design and review. He speaks frequently at employment-related seminars and also counsels clients regarding developments in various areas of State and Federal employment law. www.andrewsmyers.com.

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BuildHoustonOnline.com    October / November 2015

BY BENNETT GHORMLEY

Last year, despite the Texas drought, an isolated shower made driving precarious. Suddenly and without warning, a car in the middle lane in front of me moved to the left lane striking a pickup on its right rear bumper causing both to spin out of control. The driver of the car was in the wrong. Fortunately, the driver was not ‘dead’ wrong.

What happened? Clearly it was a case of one driver entering an occupied left lane. Had the driver used his turn indicators, a clear message would have been sent and the pickup driver could have had some notice that another vehicle was trying to move in.

Clear signals
In November, 2010, new OSHA regulations regarding “Qualified Signal Persons” and “Qualified Riggers” went into effect. The regulation required signal persons and riggers to be trained, have knowledge and use of new signals to communicate with equipment operators. By now, hoisting, signals, warnings and notices should be a matter of common sense. Unfortunately, common sense is not always common. For those in construction project work, it is vital. In visiting job sites, I find that employers still are not fully in compliance with the regulation.

A security guard called to say that an architect representing the constructor was on the third floor of his high rise commercial building wearing gym shoes and with no personal protective equipment. What? Upon arrival at the building construction site, the safety professional found the guard to be correct. The architect was clearly out of compliance and in the wrong place. Apparently while the gate guard was on break or away from the security station, the architect ignored the warning signs and safety postings and just walked in and found the location for which he needed information. Somehow signals got crossed. How could this happen in modern construction with all the security checks and safety training required? Who could think of such a thing happening these days? Fortunately, no harm was done except for embarrassing the architect and his boss.

Signal so all know the plan
Don’t you just hate getting cut off in traffic by some driver who is talking on the phone, texting or otherwise not paying attention? Well it happens in construction work also. Sometimes teammates do things that are contrary to plans and conventional wisdom. In construction, individuals sometimes do their own thing and not in a concerted effort where everyone knows what the others are doing. Even down to the safety action planning and job safety analysis, all team players are supposed to know the plan. It’s when someone deviates from the plan that things go awry.

In pre-task planning, the leader of the group should be the ‘chief’ planner with tradesmen joining in and following. Completion of the plan is the signal that all parties are on the same page and the full scope of the task is known. That being done, it’s time to construct safely.

On jobs where injury is prevalent, it only takes a moment to determine why. In many cases, it is when planning was not done well and crafts did not follow the plan or the workers were not empowered to stop work when conditions changed or imminent danger arose. It is often clear that worker safety culture is not mature. A mature workforce is one where any person, regardless their level of experience, can take on the role of leader. When that happens, no person is immune from listening to the ideas or warnings of others.

In an incident investigation on a pipeline job, a mechanic failed to install the proper replacement parts on a side boom. Without warning, the operator, unknowingly cranked up and began work. Later, the unit failed to operate properly causing harm to the equipment and the environment. Had effective communications been in place between the mechanic and the operator, all would have received communications and avoided the conditions that came about. In such cases, signals can be verbal too. You don’t always have a neon sign shining brightly letting people know of danger.

What’s happening?
A dozer operator who was clearing some ground for piling and civil work ignored the malfunction of his back-up alarm. Since only the operator and the field superintendent were at the location, and instead of calling for a mechanic to fix the backup alarm, he kept working. Later, without the back-up alarm, the operator backed over the superintendent who was distracted and apparently not paying attention. There are lessons to be learned when dealing with signals of all kind: looking and listening is vital. In the case of the dozer, it was a fatal meeting of metal and flesh…and metal always wins. ◆

ABOUT THE AUTHOR
Bennett Ghormley has more than 35 years of experience in safety, training and construction administration. He is experienced in implementing safety programs involving chemical and petrochemical plants, refineries, manufacturing plants and fabrication facilities. Mr. Ghormley has served as an expert witness in litigation cases and appeared before the Workers’ Compensation Commission, EEOC, Employment Commission and civil courts. Contact Mr. Ghormley via email at bennettghormley@yahoo.com.

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CONNECTIONS...
The scope, schedule and budget requirements of industrial construction projects vary greatly. One of the biggest challenges with executing these projects is frequent disconnects between the design and construction teams, which cause late project re-design and drive up project costs. Burrow Global eliminates this challenge with a comprehensive design-build approach providing turnkey Engineering, Procurement and Construction Services that:

- Compress schedules
- Provide seamless engineering-to-construction transitions
- Supply single-source project management, and
- Deliver a variety of project execution efficiencies

Burrow Global has a strong multi-discipline engineering staff to support their building division’s architectural and construction teams in delivering a complete industrial design-build project. Working as a unified team, promoting design and construction collaboration throughout a project optimizes execution efficiency and improves quality, right-first-time performance.

The management teams and staff at Burrow Global also have significant process industry experience, which is critical to understanding how to integrate buildings and infrastructure with existing industrial manufacturing operations in a safe manner. Safety is a Burrow Global cornerstone and is proven in their record of over 3.3 million man-hours without a Lost Time Recordable. In addition, ABC once again recognized Burrow Global’s safety program excellence with a 2015 Platinum STEP award.

There are many examples of Burrow Global delivering exceptional results with their design-build approach. For instance, in 2014, Burrow Global was selected as a single-source partner for the turnkey design and construction of a new industrial manufacturing facility. Burrow Global recently completed the facility, which included site development, a warehouse/manufacturing building, control room and supporting offices, as well as a manufacturing line. Burrow Global provided turnkey EPC scope services and employed a subcontractor to set steel and equipment.

The primary building structure is a fifty foot tall, 50,000 square foot pre-engineered metal building. There were numerous special building design considerations, including, provisions for process line utility trays, interior clear heights of the building structure and bridge cranes, building loads and wind loads meeting FM Global requirements, ventilation and heating requirements for safe storage of warehoused materials, and energy efficiencies in building mechanical, electrical and plumbing systems.

The interior building construction scope consisted of a structural mezzanine, offices, restrooms, a break room, a control room, a data room, and a mechanical room. Interior finishes included industrial grade CMU block walls, epoxy flooring, acoustic ceilings, control room consoles and office furniture.

Burrow Global completed the entire project from concept to operation, with final commissioning of the manufacturing taking place in September. The end-result is another Burrow Global client satisfied with on time and in budget building completion, delivered safely.

Burrow Global is proving that single-source, turnkey design-build partners can deliver added value to industrial construction projects. ◆
All group medical benefit plans fall into one of two categories: self-funded or insured. The choice of one over the other should not be made arbitrarily. Each type carries its own set of administrative rules and legal constraints.

What is Self-funding?
Under an insured health benefit plan, an insurance company assumes the financial and legal risk of loss in exchange for a fixed premium paid to the carrier by the employer. Employers with self-funded (or self-insured) plans retain the risk of paying for their employees’ health care themselves, either from a trust or directly from corporate funds.

Most employers with more than 200 employees self-insure some or all of their employee health benefits. Many employers with fewer than 200 employees also self-fund, but these employers require greater stop-loss insurance protection than larger employers (stop-loss insurance is discussed in greater detail later). As a general rule, employers with fewer than 100 employees fully insure their group medical benefits.

The risk assumed in either situation is the chance that employees will become ill and require costly treatment. When employees have few claims and few expensive illnesses, the self-funded employer realizes an immediate positive impact on overall health care costs. Conversely, if the employee group has unfavorable claims experience, a self-funded employer would incur an immediate expense beyond what may have been expected. Insured plans have a more predictable cost for the year; however, large employee claims costs from one year can affect future premium amounts.

ERISA vs. State Regulation
Self-funded health plans are governed by the Employee Retirement Income Security Act of 1974 (ERISA). ERISA preempts state insurance regulations, meaning that employers with self-funded medical benefits are not required to comply with state insurance laws that apply to medical benefit plan administrators. On the other hand, insured plans must comply with some of ERISA’s requirements, but are primarily governed by the state where covered employees reside.

The distinction between state and ERISA regulations is important when determining if self-funding is right for your organization. Multi-state companies with insured health plans must comply with the regulations of each state in which they have plans and covered employees. Multi-state self-funded plans need only comply with ERISA.

Premium versus Unbundled Fees
The risk an insurance company takes with an insured plan can be translated into a dollar amount for the employer. That dollar amount is the premium an employer pays each month for the insured group medical benefits. The premium amount includes the following:

- Current and predicted claims cost
- Administrative fee
- Premium tax paid to the state
- Insurance company profit

Employers who self-fund their medical benefits do not pay the premium tax or insurance company profit. They do, however, assume the costs of paying for claims and administrative functions. Typically, employers with self-funded health plans will outsource plan administration to a third party administrator (TPA) or insurance company who charges the employer a fee for performing administrative services.

Stop-loss Insurance
Employers with self-funded health plans typically carry stop-loss insurance to reduce the risk associated with large individual claims or high claims from the entire plan. The employer self-insures up to the stop-loss attachment point, which is the dollar amount above which the stop-loss carrier will reimburse claims. Stop-loss insurance comes in two forms: individual/specific stop-loss and aggregate stop-loss.

Individual/Specific Stop-loss Insurance
This protects a self-funded employer against large individual health care claims. Essentially, it limits the amount that the employer must pay for each individual. For example, an employer with a specific stop-loss attachment point of $25,000 would be responsible for the first $25,000 in claims for each individual plan participant each year. The stop-loss carrier would pay any claims exceeding $25,000 in a calendar year for a particular participant.
Aggregate Stop-loss Insurance
This protects the employer against high total claims for the health care plan. For example, aggregate stop-loss insurance with an attachment point of $500,000 would begin paying for claims after the plan’s overall claims exceeded $500,000. Any amounts paid by a specific stop-loss policy for the same plan would not count toward the aggregate attachment point.

Non-discrimination Rules
Non-discrimination rules require employers to offer employee benefits that do not favor certain employees. Employers with insured plans do not have non-discrimination rules for group medical benefits, provided they follow the policy requirements of the sponsoring insurance carrier. However, employers with self-funded plans are required to comply with non-discrimination rules. Generally, these requirements are not difficult to meet, but failure to comply can result in some employees having their benefits treated as taxable income.

Employers with either type of group medical plan are required to comply with certain reporting and disclosure requirements, usually by providing tax and other pertinent documents to the United States Department of Labor or to their particular state.

Typically self-funded plans are required to provide copies of plan communications such as summary plan descriptions (SPDs) and summary of material modifications if the plan language changes.

Employers with insured plans that require employee contributions must file certain financial documents with the U.S. Internal Revenue Service (IRS). IRS filings are also required of self-funded plans, including Form 5500 and any accompanying documents.

ABOUT THE AUTHOR
Christ Taylor Insurance is an Employee Benefits and Insurance Brokerage firm doing business for over 50 years in southeast Texas, and long-time ABC member. We provide solutions to small and medium size companies in the areas of Healthcare and other Benefit programs, as well as Life Insurance and Retirement Plans. Contact the Christ Taylor team at 713-850-7747 or www.christtaylor.com.
MORE OF WHAT ISN’T WORKING

BY TARA MARIA AMAVI

“If at first you don’t succeed, try, try again. Then quit. No use being a damn fool about it.” W. C. Fields

My last column closed with this invitation: “...tune in to our next issue for a list of practices that, while popular, really aren’t effective at sustaining safety.” In truth, the word count limit of this column prevents a full list. But I’d like to hit the top three wildly popular practices, one at a time in this and the next two issues that help us sustain the current worker death rate.

Safety cultures that use slogans which include the word “Zero” or its equivalent. “Zero Tolerance” and “Zero Incident” policies are intimidating to workers. Regardless of anything you wrap it in, what an employee “hears” is “Zero reporting of incidents and unsafe acts or conditions.” You can SAY you want all incidents reported. You can SAY you empower everyone to stop unsafe acts and conditions. But, if all these words are under the headliner “Zero Tolerance and Zero Incident” then the worker has to either fail, or report the failure of co-workers, in order to report or stop unsafe acts or conditions. Further, the worker has to do this KNOWING you purport to have no tolerance, which is translated by the worker’s amygdala (the brain’s safety director in charge of fight, flight, or freeze) as “someone’s going to get fired”. This is a double bind which, according to the Free Dictionary online, is defined as:

double bind. 1. A psychological impasse created when a person perceives that someone in a position of power is making contradictory demands, so that no response is appropriate.

“Zero” can also be hidden in practices that sound good but are actually the equivalent of saying “Zero” such as “All Accidents Are Preventable”. This phrase is the equivalent of a “Zero Incident” policy and has the same net effect.

These policies all sound great but they ignore two immutable realities:

1) You cannot punish, train, pay, or incentivize any human being enough to cause him* to act contrary to how his brain is designed to function. The amygdala is the brain’s safety director and the amygdala doesn’t care about knowledge or money. It cares about experience. If workers know there’s no tolerance and their jobs depend upon pretending things never go wrong, then workers will be driven by this powerful unconscious player to cover up the scores of unsafe acts and conditions which you MUST know in order to pre-empt events; and

2) Based upon the empirical reality of how self-organizing systems function, all incidents are NOT preventable. The proponents of this thought process point to the fact that in a micro-analysis of the actual chain of events you will find a triggering moment when, IF that triggering moment hadn’t occurred, the incident would not have happened. This assumes an ability to isolate that single chain of events and then blindly assumes that unwinding it would have changed everything. Exactly, it would have. It would have created a DIFFERENT chain of events, likely with the same or similar probability of convergence into an event as the first. That’s how self-organizing systems work.¹

ABOUT THE AUTHOR

Tara Maria Amavi, (formerly Tara Templeton Hart, name changed due to identity theft) is the Founder and President of TCA/The Compliance Alliance L.P. TCA has provided services to almost 1000 companies nationwide and TCA’s proprietary tools, methods and means have been ranked #1 in the world for managing contractor safety. The TCA Safety System® is peer acknowledged as a method based upon TCA’s own trade secrets which get better results than traditional safety methods and, therefore, saves lives. Ms. Amavi has been named one of Houston’s 50 Most Influential Women by Houston Woman magazine, and has also been named one of the Who’s Who in Safety by Compliance Magazine. Ms. Amavi is a sought after public speaker, has appeared on local & national radio and television programs including five appearances on The BusinessMakers, a radio show hosted by John Beddow & Russ Copper. Ms. Amavi may be contacted at tara.amavi@tcamembers.com or 713.263.7661.
What do you really get with Zero Tolerance and Zero Incident programs? Zero impact. There’s always exceptions to the rule but exceptions save very few lives. Hence, the persistently stable work-related fatality rate, year after year, decade after decade in these here United States. More of what isn’t working.

Here’s what Albert Einstein says about that: “Insanity is doing the same thing over and over again and expecting different results.”

Tune in to our next issue and we’ll talk about why Behavior Based Safety is great in theory but nominal in intended effect. ♦

Deep Survival; Who Lives, Who Dies, and Why by Laurence Gonzales is a great exploration of how self-organizing systems function and why all incidents are not preventable.

* The use of the masculine pronoun is for convenience only.
Houston's Office of Business Opportunity held its first disparity study stakeholder’s meeting on September 1, 2015. As required by Chapter 15 of the City Code of Ordinances, the City shall make its best efforts to initiate a review of its minority and women business enterprise program at least every five years. Timeliness of a disparity study is critical in order to analyze recent and updated performance of MWSBE's and to determine the need of remedial programs, if any. The City of Houston will be conducting a new disparity study to include all contract types to analyze the market and determine whether there is discrimination that warrants the continuation of a race and gender conscious minority and women business enterprise program.

The last disparity study was conducted in 2012 by NERA Economic Consulting. The study concluded there is strong evidence of large, adverse, and frequently statistically significant disparities between minority and female participation in business enterprise activity in the City of Houston’s relevant market area and the actual current availability of those businesses. The study made this conclusion by comparing construction availability of minority companies with actual work awarded to minority companies. There is no flaw with this logic. If minority contractors represent thirty percent of the industry then minority contractors should be receiving about 30 percent of the work. However, the potential error in this study stems from the method of calculating the total availability and capacity of minority companies.

Calculating the total market share of a particular company is a difficult task. The construction industry is known for being very elastic when it comes to capacity from project to project. The study concludes using measurements such as annual revenue, employment size, bonding limits, and number of contracts awarded cannot weigh into the market share formula. NERA Economic consulting argues that even if these numbers were readily available, these parameters should not be used to define capacity citing “even if capacity is well-defined and adequate data are gathered, when measuring the existence of discrimination, the statistical method used should not improperly limit the availability measure by incorporating factors that are themselves impacted by discrimination, such as firm age, annual individual firm revenues, bonding limits, or numbers of employees.”

If a city suffers from discrimination, the capacities of minority companies are hindered by the unequal share of market. This is true, but does removing capacity from the market share value make the minority market share percentage any less arbitrary? Even if all entities involved make a good faith effort to eliminate discrimination from contracting, the market share value is incorrect there is no way to actualize the results of the M/WBE program. Capacity is hard to define and past discrimination is evident in the parameters, but leaving capacity out of the study only makes the results inaccurate.
Make plans to join us for our November Membership Breakfast as we hold a Debate between the top 2 candidates involved in the run-off for mayor. Also, learn about the many ways you and your company can get involved, because an involved member is a successful member.

You will have the opportunity to meet fellow members and speak with committee volunteer leaders. This event will feature ABC & CMEF committee expo tables, ABC Membership information and great prizes and giveaways!

You won’t want to miss this special opportunity to connect and learn with fellow construction professionals, so sign up today and make the most out of your ABC membership.

CROWNE PLAZA
8686 Kirby Drive
Houston, TX 77054

FRIDAY, NOVEMBER 13, 2015
6:30 AM - Networking & Expo
7:30 AM - Program & Breakfast

All guests should park in the lot along Kirby Drive closest to the Heritage Center. The doors on this end lead into the Sam Houston Ballroom.

*Expo table includes a 6 foot skirted table where your company can display products and services to attendees before the program. Expo tables are available for ABC Members only.

All reservations are considered firm and will be billed accordingly unless cancelled 48 hours prior to the event.

REGISTER TODAY AT WWW.ABCHOUSTON.ORG
In an effort to promote Workforce Development within the commercial industry, ABC of Greater Houston’s Commercial Committee has started a trial run of working with local Career Technical Schools in the construction pathway.

The Associated Builders and Contractors of Greater Houston’s Commercial Committee (ABCCC) first began this effort by attending career fairs in Houston area high schools to promote careers in construction. During one of these events the Commercial Committee chairman, Phil Nevlud of Marek Brothers Systems, was approached by Austin Hayward, the Technology Academy Leader at Carl Wunsche Senior High School, a Career Technical Education (CTE) school in Spring Independent School District. Mr. Hayward asked Phil if the group had ever thought about working with high school programs, and if they might want to work with him to promote construction as a viable career opportunity at Wunsche.

This began a dialogue of how the ABCCC could integrate themselves into schools. The first undertaking was hosting a teacher development day for the entire staff of Wunsche High School. Six ABC member companies participated, including Chamberlin Roofing & Waterproofing, D.E. Harvey Builders, Holes Inc., Marek Brothers Systems, Oxford Builders, and TDIndustries. Those participating companies hosted small groups of teachers at their offices to learn about the companies and also gain general construction knowledge. After lunch, the groups met up to tour a working jobsite. Each company provided the teachers with PPE.

The response from the teachers was amazing. Not only did the handful of technical teachers attend, but the entire faculty participated, from special education to speech and communication. The feedback from the teachers was all positive. They had never thought about how much goes into a single project or how many different career paths were available in construction. They also were able to see how what they teach in the classroom can directly apply to the job, and thus better prepare the students for a career.

After the success of the teacher development day, the ABCCC once again met with Wunsche staff to see where they could go from there. The Commercial Committee provided instructors to get 70 students OSHA 10 certified, participated in their Scholarship Fundraiser, helped judge their capstone projects, and are now aiding in the development and implementation of a new Oil & Gas and Construction Pathway.

Several ABC companies came together to get materials donated including 100 hard hats, 100 safety vests, 10 tool belts, 40 safety glasses, 36 work gloves, power drills and a saw. The Wunsche Construction pathway is not currently working with a full budget and the ABCCC is trying to bridge the gap by providing PPE and general materials.

Most recently, the ABCCC worked together to come up with a 45 minute presentation that incorporated the knowledge of 8 committee members to address careers in construction, trade skills, safety importance, and how students can be successful in construction. This presentation was given during 5 class periods to over 200 students.

Project Wunsche is the ABCCC’s way of trying to reach the kids who would excel in craft skills or those who know college is not in their plan, and get them interested and prepared for a career in construction. The committee hopes they can take what they did at Wunsche HS and do the same for other schools in the Houston Area.

The full list of companies who have donated their time and support to “Project Wunsche” includes: Chamberlin Roofing & Waterproofing, ClarkDietrich, D.E. Harvey Builders, Dewalt, Holes Inc., Karsten Interior Services, Marek Brothers Systems, Memco, Oxford Builders, and TDIndustries.

(L to R) Steven Eilers, Phil Nevlud, Phylicia Hill, Callie Fields, Tiara Woods, Angela Dunkle
At Marek, we invest in educating our employees to improve specialty skills and foster long-term careers. The result is a dedicated team of craft professionals with the experience and expertise to provide you what matters most — quality construction on time and on budget. Because we’re devoted to developing a highly skilled workforce, our process always leads to a strong final product. With Marek, it’s more than the strength in our workforce — it’s about giving your project strength from within.
In The Know

Houston-Galveston Area Council (HGAC) hosted its 15th annual Clean Air Leadership Awards Program to honor Cherry Companies with the Clean Air Champion Award, along with 26 other local businesses, organizations and governments for their commitment to support voluntary measures reducing air pollution and promoting regional air quality initiatives. Cherry Companies has implemented the clean fleet program with a No-idling Policy for their trucking fleet that moves recyclable material and stabilized sand around the Houston Metropolitan area.

Cherry is pleased to announce the addition of C J Waller Jr. to the Cherry team. Coming from L&W Excavators, where he served as company president and CEO, CJ’s relationship with Cherry has developed from a mutual alignment of interest and consulting, to a full-time position, where he will be working on bolstering Cherry’s existing services.

Ruppert Landscape has established a satellite office in the Houston market. With the opening of this office came the promotions of Joe Maes and Slade Salmon, previously of the Georgia Landscape Construction branch, to Operations Manager and Production Manager (respectively). Chris Southworth, previously of the North Carolina Landscape Construction branch, was also promoted to Estimator/Business Developer.

Marek Sawing & Drilling teamed up with MLN to provide Directional Drilling/Boring services 11” deep under the existing Central Plant at the Menil Drawing Institute. This allowed MLN to route the Chilled Water and Heating Hot Water Piping from the new Central Plant across the existing and operating Central Plant over to the new building expansion. Upon completion of the construction of the new Central Plant, a “switch-over” will occur and allow the existing plant to be demolished.

Ruppert Landscape is nearing completion of a hardscape project at ExxonMobil’s new state-of-the-art 385-acre Houston campus, located immediately west of Interstate 45. Ruppert is also currently installing landscape and hardscape in two Houston retail areas: The River Oaks District, located inside Loop 610 off of Westheimer Road, and Baybrook Mall in Friendswood.

Experts from petrochemical, maritime, and logistics companies and organizations offered their views of opportunities and challenges facing the Houston Ship Channel and Greater Houston region during the 6th Annual Economic Alliance Houston Port Region Petrochemical & Maritime Outlook Conference. Mobil Steel is a founding sponsor of the Economic Alliance Petrochemical and Maritime Outlook Conference. Leonard Bedell and business development manager, Stuart Robles, hosted a table of customers and dignitaries. Joining Bedell at the Mobil Steel table were State Senator Larry Taylor; State Representative Ed Thompson; State Representative Dennis Paul; Chris Bezdek, Executive Vice President, Community Bank of Texas; and Wayne Webb, Executive Vice President, Community Bank of Texas.
The interiors team at E.E. Reed Construction recently completed a project for Kiewit, a 100,000 SF, four-story build-out, at 3831 Technology Forest Blvd in The Woodlands. Kiewit's offices showcase high-end finishes and modern amenities including a new break room facility and a BBQ patio area for employees. E.E. Reed also built the office building where Kiewit offices.

H&E Equipment Services Inc. (H&E) announced the opening of its new store in Freeport, TX, joining 14 other full-service H&E operations in Texas and 71 stores nationwide. The new store is located at 403 South Gulf Blvd., in Freeport and will provide full-service coverage to customers in the coastal area from Port Lavaca to Galveston. The recently remodeled facility is 13,000 square feet and sits on two acres with a full yard area, offices, parts warehouse and a four-bay repair shop. The facility is capable of repairing a variety of general industrial and construction equipment.

Andrews Myers is pleased to announce the addition of Elaine Howard as Senior Counsel in their Houston office. Elaine has extensive experience as a trial attorney with a wide range of business disputes, having successfully represented clients in commercial litigation, real estate disputes and employment law.

Coats Rose Associate Jon Paul Hoelscher has been elected by his peers to serve as the Houston Chairperson for the Young Construction Lawyers Committee for the Construction Law Section of the State Bar of Texas. Hoelscher is an Associate in the Construction/Surety and Litigation sections of Coats Rose. His practice has focused on serving clients in the Construction and Energy/Oil & Gas industries. Hoelscher is often asked to represent general contractors, sub-contractors, oil field service companies, product and equipment manufacturers, as well as property owners and developers in a wide range of transactional and litigation matters.

Skanska USA announced that Tony Destefano has been promoted to senior director and human resources hub leader for the central United States region and also has hired Cliff Haehl as vice president of business development for Texas. Destefano joined Skanska in 2006 and during his tenure, he has played an instrumental role in strengthening the company's HR service delivery capabilities and supporting key initiatives, such as the college recruiting taskforce, national recruitment task team, the high school road show and the new hire orientation team. In Destefano's role as senior director and HR Hub leader, he will serve on the HR/communications leadership team with geographic HR responsibility for Texas, Indiana, Louisiana, North Carolina, Ohio, South Carolina, Tennessee and Virginia.
Working in the construction industry creates a constant need for contractual and legal assistance and guidance. Andrews Myers has become a great asset to our company – while providing a proactive, knowledgeable and professional approach to all of our legal needs.

- Ronnie Wills
President, Aggregate Technologies, Inc.