



Credit: FCF-Vince Muzik

Construct Tomorrow Events

Construct Tomorrow took its show to Northern Minnesota this past February hosting events at Grand Casino in Hinckley and at Duluth Entertainment Convention Center. Construct Tomorrow hosted nine events this school year, starting in Eveleth in October and ending at Cooper High School in Minneapolis in early March. The Duluth events hosted 1,000 students from 30 schools, and the Hinckley event had 700 from 18 schools across Northern Minnesota.

Both venues were filled with demonstration stations where students could experiment with the tools of the different trades. Laying brick,

mixing concrete, pounding nails, walking a steel beam, pulling wire with electricians - all hands-on experiences allowing them to try their hand at a skilled trade. Students could practice hand-eye skills used in welding and running a backhoe via computer simulations, too. Moreover, they were able to speak directly with a union's apprenticeship coordinator and educate themselves about the opportunities in the trades.

"Our mission with Construct Tomorrow is to get involved with the students and let them know there are other options than just going to college. They can make really good money in the different trades with benefits and the opportunity to retire someday. Schools are pushing the two- or four-year programs to students and they don't realize school isn't for everybody," explains Andrew Richmond, co-chair for Construct Tomorrow and apprenticeship coordinator for Roofers Local 96.

"What's really awesome is I take students to all kinds of college tours all over the state and this one has generated more excitement and more enthusiasm for my students and their parents than any other event that I had planned for them this year," said Sarah Larson, academic advisor for the Cass Lake-Bena Schools who brought two van loads full of students to the Construct Tomorrow event in Hinckley. "Most of them are not familiar with the apprenticeship programs, with the training and the different job opportunities that are out there for them and this is hands-on. A lot of my students who I brought down are hands-on learners. They want to dig in; they want to get dirty; they want to look at the work at the end of the day and say, 'Man, I made that' and have that sort of pride."

Tricia Neubarth, a guidance counselor at Harbor City International School, a charter school in Duluth, said she noticed the reactions of some of her students: "... and they're like, 'Oh, yeah, now I know this is for sure what I want to do!'"

School Construction: It's All About the Kids

Schools all across the state are being modified, expanded or built anew. These projects place the multi-million dollar decision at the top of school board agendas as our government bodies decide how to provide infrastructure for students and prudence for taxpayers.

Minnesota law requires local school boards to award the construction contracts to the lowest responsible bidder. Beyond cost factors, school boards will consider the quality of work, the responsiveness under strict timelines and the coordinated teamwork required of the entire project. Most of these community leaders also consider where the contractors are from, their supply of skilled labor and their commitment to safety.

FCF participated in a Minnesota School Board Association workshop this past January to share ideas that respond to many of these considerations. Attendees had many questions about the enthusiasm for the Joint Apprenticeship and Training Programs. FCF has also met with leaders from several schools about the advantages of using prevailing wages to support the local construction workers who in turn support their school's success. The quality, safety and skill that prevailing wages encourage are the very same contributions that build great schools and support local economies. Support your local schools by encouraging the use of prevailing wages.



Credit: FCF-Vince Muzik

After another brutal winter, the construction industry welcomes one of Minnesota's true signs of spring: open water in Duluth Harbor.



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CCLD Update

FCF and its affiliates view 2019 as a turning point in construction compliance. Around the country, prevailing wage advocates are pushing to enhance their laws instead of fighting just to keep them. In Minnesota, growth estimates for the coming years look promising, and our state prevailing wage law is secure. Thus, FCF has been increasing our investigations into more technical compliance issues, particularly with respect to independent contractor misclassification and licensing. Unlike prevailing wage, these problems are not limited to state or federal construction. They can infiltrate any public or private projects. FCF has several pending complaints before MnDLI's Construction Codes & Licensing Division for both misclassification and electrical and plumbing licensing violations. We continue to rely on our partners throughout the industry to catch active violations in the field. If you believe these issues are happening on a job, please contact FCF at 651-797-2726. We will investigate.



Mark the Date, Set the Rate Our Annual Survey Reminder

The deadline for submitting commercial, highway/heavy, and residential surveys is May 31, 2019. Projects reported must be active between **Apr. 1, 2018**, and **May 31, 2019**, for this survey. **The prevailing wage rates for the following year are determined by these surveys, so participation is needed.** The new highway/heavy rates are usually published in October and new commercial rates in December.

For information on State Prevailing Wage, wage rates, and the survey process go to: <http://www.doli.state.mn.us/business/employment-practices/prevailing-wage-information>. If you have questions, call FCF at 651-797-2726.



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Save the Date



The Minnesota State Building and Trades Council will be hosting their 73rd annual Convention **July 24 - 27, 2019**, at Madden's On Gull Lake in Brainerd, MN. This year FCF will give a short present during the convention.

Enforcement Can be a Long Road



The wheels of regulatory justice move slowly. Prevailing wage enforcement is no exception. Recently FCF learned of the results of a complaint it filed regarding work performed between 2012 and 2014. Thul Specialty Contracting performed work on two prevailing wage projects for the Met Council. According to stipulated facts found in two consent orders, Thul misclassified the work performed by its employees, failed to pay its employees the full prevailing wage rate, and failed to keep necessary records.

Thul ultimately entered into two consent orders with Minnesota Department of Labor and Industry. Thul paid \$15,118.65 in back wages to affected employees and paid \$7,559.33 in liquidated damages as a result of its violations. Liquidated damages are rare in DLI's resolution of prevailing wage complaints. FCF submitted information on these projects to DLI in 2014, and the consent orders were executed in late 2018, showing that although sometimes these issues are difficult to resolve, our state's regulatory bodies are persistent.

FCF also recently learned of a prevailing wage recovery on a DEED funded project for work performed in 2014 and 2015. The North Star Mutual Insurance Company addition in Cottonwood, MN, had received Minnesota Job Creation Fund money and was therefore subject to prevailing wage requirements. FCF communicated concerns that prevailing wage requirements were not being followed on this project to DEED, DLI, and the city of Cottonwood. These concerns were heeded and DLI found more than \$40,000 in underpayment in an investigation that concluded some time ago.



Credit: FCF-Vince Muzik

Mother/Daughter 49er Duo

When work on the I-35W downtown-to-crosstown project resumes in earnest this spring, Brittney (left) and Kim Bray will be hard at work once again. Amidst the mountains of concrete piled high in the southbound lanes and the heavy equipment, the mother/daughter duo will be working as operating engineers and members of IUOE Local 49.

Their family legacy in the trades began with Kim's brother who worked as a pile driver. "My brother told me they needed women and I was interested in joining the union. I went in and applied and got the job," Kim says, now an 11-year veteran who started as a roller operator. The long hours and hard work don't faze her. Her days as a working mother prepared her for life in the 49ers. "When I had kids and they were little I picked them up from day

care and then I had to go back to work again. I'm used to working a lot."

Her daughter Brittney graduated from Hamline with degrees in environmental studies and business. Soon thereafter she found herself at a dead end. "At the time (right out of college) I was working a call center job that I had worked at in college and I was pretty much miserable, sitting inside the office during the summer. Working at an office job stuck in a chair all day pretty much wasn't my thing," she explains. Like her mom, she heard the 49ers were looking for women so she applied. She made it into the apprentice program and eventually became a journeyworker.

They both enjoy the benefits of the work they do, but when they work they REALLY work. Working on the I-35W project involves long hours. During the summer, it's meant 12-hour days, from 7 a.m. to 7 p.m. and maybe longer, working six days a week, sometimes seven. The project involves lots of people from several different crews because the work is so varied. New bridges, walls for the sides of the highway, underground roads, utilities like water, sewer and electrical work -- lots of construction you don't see when you're driving by. "We often work on top of each other with the different crews," Brittney says. "You get used to the long hours. It can catch up to you as far as getting things done around the house and having a life. But the paychecks are good and the benefits are nice."

One of the benefits for them has been having winters off from work. Brittney went to Thailand in December and Kim planned a trip to Houston for the two of them to see a Rolling Stones concert.

Additional 30,000 H-2B Visas Authorized Through September May Require More Enforcement



The departments of Homeland Security and Labor plan to issue an additional 30,000 H-2B visas through the remainder of the federal fiscal year, increasing the cap from 66,000 to 96,000. However, the additional visas will only be available to workers who have been previously approved under the program.

The H-2B program was created in 1986 as an offshoot to the original H-2 guest worker program. The H-2B visa program provides temporary employment-based visas to foreign workers for work in non-agricultural and "low-skilled" jobs. In

order for an employer to participate in the program, they must demonstrate the following:

- 1) The work is a one-time occurrence, seasonal, peak load, or on an intermittent basis;
- 2) There are not enough U.S. workers who are able, willing, qualified, and available to do the temporary work; and
- 3) Employing H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.

The maximum period of stay for a guest worker with an H-2B visa is three years, but oftentimes the period is much shorter. Industries such as landscaping, hospitality and tourism, seafood processing, and increasingly construction, all rely on the labor provided by the H-2B program.

Unfortunately while visas increased this year, there has not been a corresponding increase in the enforcement of workplace rights and protections for guest workers. This enables exploitation of the guest workers and, according to a recent report by the Economic Policy Institute, lowers wages for the domestic workforce.

Just as the support for increasing this year's cap on H-2B visas has received wide bipartisan support, so too should increasing the enforcement of workplace rights and protections under the program.

Overview of March 2019 Prevailing Wage Briefings

In March we held sessions to review areas where improvements could be made to streamline the survey process. Some of the highlights included:

1) CONTRACTOR COMMUNICATION IS IMPORTANT

- a) If contractors enter surveys they should be reminded that not all fringes can be included in rates reported on surveys.
- b) Consider spring meetings with contractors to collect survey data.

2) GET ON THE MnDLI EMAIL NOTIFICATION LIST

- a) You will be notified about surveys, deadlines, and changes.
- b) We also reviewed other important websites to use.

3) AVOID SUBMITTING COMMERCIAL PROJECTS AS RESIDENTIAL

- a) MnDLI defines residential projects as 1- or 2-unit housing, which is different than the federal DOL.

4) CONSIDER RESIDENTIAL REPORTING

- a) There will be increased funding from Minnesota Dept. of Administration for residential abatement/mitigation work.
- b) Due to a forecasted increase in residential work more residential surveys should be submitted.
- c) Residential survey results are not published. Contact MnDLI at 651-284-5091 for these rates.

5) A REVIEW OF HOW TO IMPROVE ON CERTAIN FIELDS ON THE SURVEY

6) A REVIEW OF THE ANNUAL REQUEST FOR COLLECTIVELY BARGAINED RATE INFORMATION

- a) CBA submissions
- b) Jurisdictional maps
- c) Submitting uniform rate sheets
- d) Submitting accurate lists of signatory contractors and why it is important

Not every topic discussed applies to all trades. If you have any questions contact Gary at 651-797-2726.



Credit: FCF-Vince Muzik

Women Building Success Awards

The Women Building Success awards, created just last year to recognize outstanding women workers in the local building trades, drew a standing-room-only crowd at Surly Brewing in Minneapolis on March 6.

Emceed by Jennifer Gaspersich, financial secretary for IBEW Local 292, winners and an honorable mention were awarded in the following categories:

- Apprentice of the Year: Laura Tracy, IBEW Local 110. Honorable mention: Stefany Slaney, Sprinkler Fitters Local 417.
- Journey Worker of the Year: Katie LaPlant, Carpenters Local 322. Honorable mention: Veing Paborriboon, Sheet Metal Workers Local 10.
- Advocate of the Year: Tasha Lawrence, Plumbers Local 34. Honorable mention: Wendy Stuhr, Operating Engineers Local 49.

Also on hand to honor the event and promote this year's upcoming Women Building Nations conference were Bobby Crider, director of operations for the North American Building Trades, and Viki O'Leary, chairwoman of the North American Building Trades Unions Tradeswomen's Committee.

The 9th Annual Trades Women Build Nations conference will be held **Oct. 4-6, 2019**, at the Hilton Minneapolis. For the most up-to-date conference information, please visit www.nabtu.org/twbn.

Our Mission

The Fair Contracting Foundation promotes prevailing wage law education, compliance and enforcement. It advocates for practices, policies and laws that ensure fair government contracts, a strong local industry and protection of the public interest. We're here to help. Give us a call at 651-797-2726 or toll-free at 1-844-777-0606.