



Texas MERIT+SHOP Journal

April 2012

Defending the Rights of Merit Shop Contractors

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Election Update

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Hunter Discusses His
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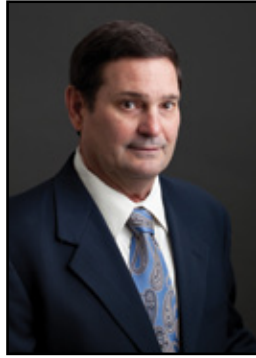
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Letter From the Chairman



GREMILLION

Dear ABC of Texas Member,

As you know 2012 is not a legislative session year but there is still plenty to accomplish. At our next board meeting we will set our legislative priorities and begin working on them. We will start discussing bills that we might introduce and which senator or representative is best to carry them for us. We are also currently looking at all of the senate and house primaries and making recommendations on PAC contributions and endorsements. Additionally, our state president Jon Fisher is monitoring interim committee meetings and regulatory activities.

ABC of Texas is currently working with three other construction associations including Associated General Contractors-Texas Building Branch, Texas Construction Association and Texas Association of Builders, on issues dealing with the Franchise Tax (Margins Tax) or more specifically how the tax is being administered during audits. The state comptroller's office has agreed to work with our group to understand our franchise tax issues and attempt to resolve them. If we resolve our issues, we are likely going to be preparing legislation to make sure that the result does not change over time. The group mentioned above has retained Ryan Co., the best tax consulting firm in Texas, to manage this project. I would like to thank ABC National who has agreed to help fund this project through its Free Enterprise Alliance.

I am looking forward to favorable results from this year's elections. Remember, it's important to get involved with your local senators and representatives who have been supportive of our issues and help them win their races.

Michael A. Gremillion
2012 ABC of Texas Chairman
Vice President – Houston Office
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Letter From the President



FISHER

Dear ABC of Texas Member,

As you are probably aware and can also read about later in this issue, we finally have a date set for primary elections. As of the deadline for this issue, there was still some uncertainty if the DC panel acts soon and decides in a significantly different way than the San Antonio panel. That could cause the San Antonio panel to re-think its order and delay the primaries even more. We should know that by the time you get this issue. Let's keep our fingers crossed!

I'm sure some of you are wondering why the primary run-offs are set for July 31, so far from the May 29 primaries. This is to comply with a new federal law requiring states to make better efforts to accommodate overseas balloting.

I also want to take this opportunity to thank ABC National's Free Enterprise Alliance for agreeing to fund one-half of our efforts in our Tax Advocacy Project which will run through the next legislative session. The ABC of Texas Board approved this project at its January meeting in response to challenges dealing with the Franchise Tax (Margins Tax) in both regulatory and legislative venues. Of course, there may be other tax issues addressed if they arise. Since these issues developed so late, the Board elected to assess chapters on a proportionate basis to fund this activity.

This Tax Advocacy Project is being pursued in cooperation with three other construction associations, allowing us to leverage our funds for maximum impact. FEA's grant cut the chapter allocations in half, hopefully minimizing the impact on local chapters' budgets in the process.

We owe special thanks to FEA trustees from Texas for supporting this project—State Board and TEXO Member GPaul Holliman, TEXO Member Phil Hoppman, and Greater Houston Chapter Member Rodney Page. I also want to thank our former ABC National Senior Manager, April Brown, for helping identifying this

source of funding. And, I would be remiss if I did not also thank Chris Singerling, Director of Political Affairs at ABC National, for his help with our request.

I also think it is important to acknowledge that this project is consistent with the Strategic Plan adopted by the Board in January following a planning meeting last year.

As you can tell, there is still a lot going on (elections, interim studies, preparation for the next Texas Legislature) even though the Texas Legislature is not currently in session.

As always, let me know if I can attend any local chapter functions to provide more information about what ABC of Texas is doing!

Jon Fisher
ABC of Texas
President

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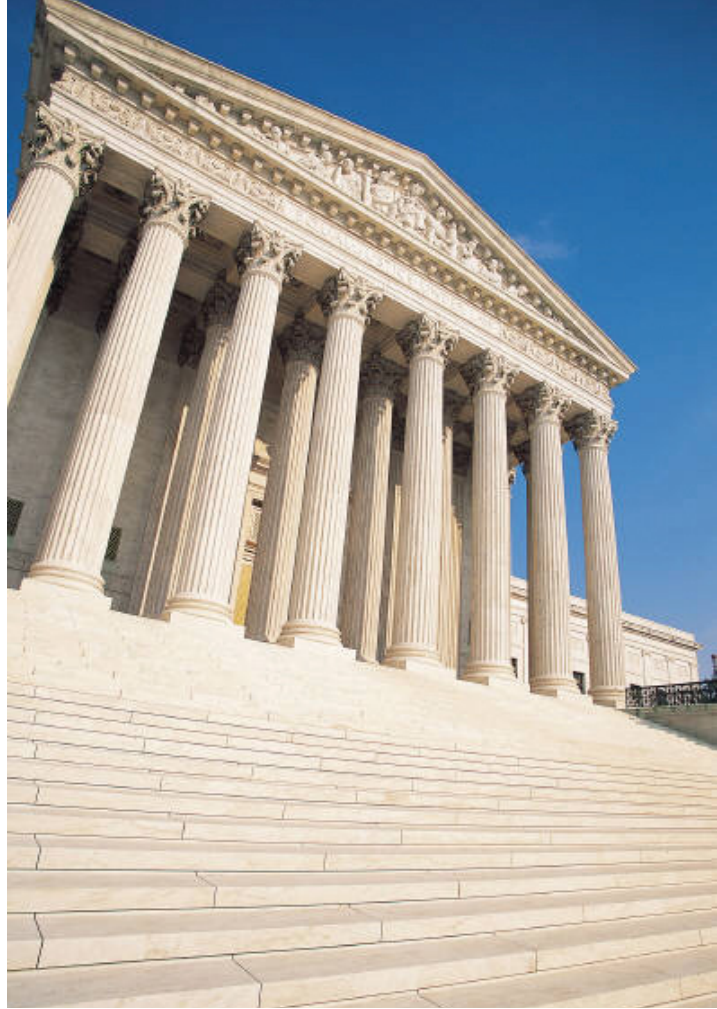
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NLRB Votes To Change Representation Election Proceedings



On November 30, 2011, the National Relations Labor Board (“NLRB”) voted to revise the process for union representation elections, shortening the time from the filing of the election petition until the actual vote is held and thereby making it easier for unions to win elections and more difficult for employers to communicate with employees prior to the vote. These changes follow submissions to the NLRB of over 65,000 written comments on the proposed rule and public input gathered at a two-day hearing in July. The vote was on a “scaled back” final rule, not the proposed rule published in the Federal Register, which “will remain under consideration by the Board for possible future action.”

In its vote, the NLRB Board resolved to prepare a final rule in the Federal Register that makes the following key changes to the current representation election procedures:

- Elimination of current procedures providing for pre-election appeals to the Board from the actions of the Regional Director on the election petition and providing instead only for a single, discretionary appeal of pre-election and post-election issues after the votes are cast. An appeal to the Board prior to the election is expressly limited to issues that would otherwise escape Board review entirely if not raised at that time.
- Elimination of current requirements that a vote cannot be held sooner than 25 days after the Board’s Regional Director issues a Direction of Election. As a practical matter, this means that elections will be held sooner after the Direction

of Election than was previously the case, although the precise length of time may vary in each case.

- Clarification that a pre-election hearing is to determine only whether a question concerning representation exists and that the hearing officer has authority to limit evidence taken at the hearing that does not have relevance to a genuine issue of fact material to that issue. This means that many issues of individual voter eligibility as opposed to voting unit composition may be deferred to the post-election procedures rather than litigated prior to the vote. The right of parties to file a post-hearing brief to the Regional Director, previously guaranteed under the Board’s rules, is now made discretionary with the hearing officer.

Some of the most onerous and unfair provisions of the original proposed rule, which produced a hail of criticism from the business community in the comments filed with the Board this past summer are tabled for now. These include:

- The requirement that a hearing be held within seven days of the filing of a union’s representation petition.
- Allowing the union’s petition to be filed electronically rather than the current practice requiring filing by hand or regular mail.

Although the court rejected the most controversial of the posting rule’s requirements—that failure to post is an automatic unfair practice and stays the statute of limitations for any unfair practice charges—it leaves open the NLRB’s ability to find both in individual cases.

- The requirement that the employer prepare and file a comprehensive “statement of position” on the union’s election petition no later than the date of the hearing, together with the requirement that any issues omitted by the employer from its statement are waived by the employer and may not be raised later.
- The requirement that unions be given employees’ email addresses and telephone numbers prior to the election. Currently, the union receives a list of eligible voters from the employer prior to the election containing the employees’ full name and residence address but not their email address and telephone number.
- The requirement that the voter eligibility list be given to the union within two work days of the Direction of Election instead of the current rule allowing seven work days.

The final rule amending the election case procedures is scheduled to take effect on April 30, 2012. Even though the final rule that is less onerous to employers than the original proposed rule, which would have reduced the time from filing of the election petition to the holding of the vote to as little as 10-21 days; the new rule, by eliminating pre-election appeals of Regional Director rulings, still substantially shortens the period from filing of the petition to the date of election from the current Board target of 42 days. Elections will be held quicker than before, the precise period being determined by the circumstances in each case.

An Update On the Board’s Posting Requirement

On December 23, 2011, the NLRB Board announced that the effective date of its new notice posting rule has been postponed “at the request of the federal court in Washington, D.C. hearing a legal challenge regarding the rule.” As a result, the new implementation date for the rule is April 30, 2012. The NLRB determined that “postponing the effective date of the rule would facilitate the resolution of the legal challenges that have been filed with respect to the rule.”

On March 2, 2012, the court generally upheld the NLRB’s posting requirement. The court found that the NLRB had the authority to promulgate the rule and that the rule was not arbitrary or capricious. The court did rule that the NLRB went too far when it declared that employers automatically commit an unfair labor practice by failing to post the notice. In rejecting a per se rule that an employer’s failure to post is an unfair labor practice, the court found that the language of the National Labor Relations Act “prohibits employers from getting in the way—from doing something that impedes or hampers an employee’s exercise of the rights guaranteed by [the Act],” not a “mere failure to facilitate the exercise of those rights.” However, the court noted

that “nothing in [its] decision prevents the [NLRB] from finding that a failure to post constitutes an unfair labor practice in any individual case brought before it,” but that any such finding must be based on the facts and circumstances of each specific case.

Although the court rejected the most controversial of the posting rule’s requirements—that failure to post is an automatic unfair practice and stays the statute of limitations for any unfair practice charges—it leaves open the NLRB’s ability to find both in individual cases. Accordingly, the rule could still have significant consequences for employers who fail to post the notice.

The D.C. Court’s decision is likely to be appealed. Moreover, a separate lawsuit filed by the U.S. and South Carolina Chambers of Commerce, remains pending in the United States District Court for the District of South Carolina. As a result, it is imperative for employers to continue to monitor this issue.




SOUTHERLAND

ABOUT THE AUTHOR:

J. Alfred Southerland’s practice focuses on labor and employment-related litigation before state and federal courts and agencies, including claims involving equal employment opportunity laws, unfair labor practices, wage and hour issues, unemployment compensation, wrongful discharge, state law tort and contract claims, occupational safety and health matters, and immigration. Alf is Board Certified in Labor and Employment Law, is a member of several ABC committees, serves as a PAC trustee, and co-counsel for the Greater Houston Chapter.

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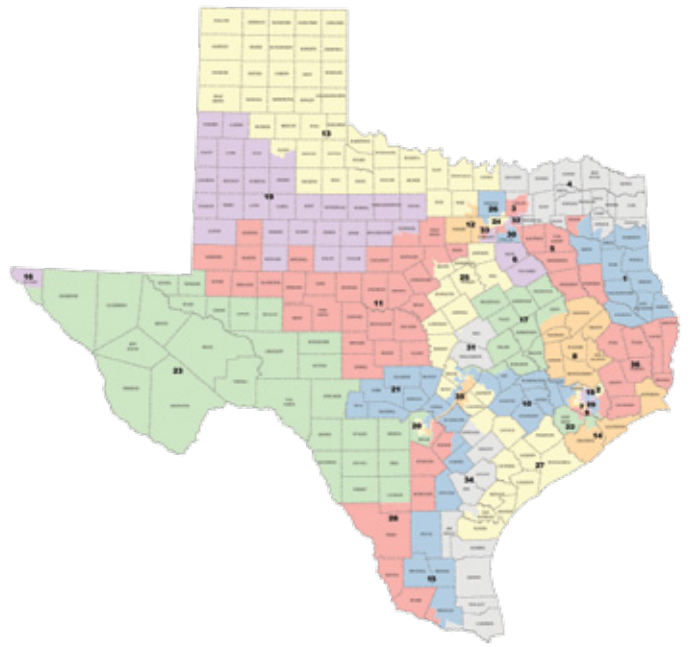
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Redistricting and Election Update



In the last issue of Texas Merit Shop Journal, our lobbyist, Mike Toomey, penned an article on redistricting. He ended the article by summing up the status in one word—"uncertainty".

There was some concern on my part that this article would begin with that word. But, in a surprise announcement on Tuesday, February 28, the three-judge panel in San Antonio issued interim maps that more closely resemble those the Texas Legislature enacted.

The primaries are now scheduled for May 29. Candidate filing was reopened for Friday, March 2 to Friday, March 9. Candidates for state races must establish residency by April 9 and maintain it through the general election. The runoffs are July 31.

The maps still have to be pre-cleared by the US Department of Justice under the Voting Rights Act, but the department has said they will expedite the process so primaries can be held on May 29.

If the Justice Department (or the three-judge panel in DC if Attorney General Greg Abbott decides to go this route) denies preclearance, all bets are off.

Bottom line—it is more likely than not that the primaries will be held on May 29 using the interim maps. That should be more certain by the time you read this article. But, as it is written, there is still some uncertainty (that word had to come up again).

For example, if the DC court rules in a materially different manner than the San Antonio court on Section 5 issues (Voting Rights Act) regarding Congressional District 25 (ruling it a "protected" district), it could further delay the primaries. It is not just a question of what the DC court says, but when they will say it. This could potentially delay primaries into June or even make a June primary impossible. The San Antonio court could choose to hold the 2012 elections under the interim maps and order new maps for 2014—more uncertainty! Some of this uncertainty could be clear (or clearer) by the time you read this article.

So, what do the court-ordered interim maps do? The Congressional map arguably divides the four new seats, two and two. Some of the plaintiffs disagree, saying this map results in them ending up with 11 minority districts (those protected by the Voting Rights Act) that they would normally get. The Republican Party believes

they should get 25 out of the 36 seats in a normal election. Perhaps the biggest change from the first version of court-ordered maps is that this map re-establishes the legislatively-enacted new Congressional District 35 which stretches from Travis County down IH35 to Bexar County creating a new Latino opportunity district. Of course, there are significant changes in several other Congressional districts, specifically Congressional District 25 which changes to a majority Republican district.

The Texas House map, according to the Republican Party, gives Republicans 94 seats where the average Republican performance is 55% or better. That is four seats less than the legislatively-enacted plan. One of the more controversial areas is Nueces County where the court ordered districts identical to those enacted by the legislature causing the Mexican-American Legal Defense and Education Fund (MALDEF), one of the plaintiffs, to complain that the San Antonio court should have at least used the previously-unacceptable State "compromise" plan that reflected what the State was willing at one time to offer to increase political opportunity for Latinos.

The Texas Senate map restores Senate District 10 to its pre-redistricting make-up, giving the incumbent, Senator Wendy Davis, basically the same electorate that elected her in the Obama wave in 2008. It restores Senate District 30 (Senator Craig Estes) to the same district the legislature enacted.



FISHER

ABOUT THE AUTHOR:

Jon Fisher has been President of ABC of Texas since mid-2008. Prior to that he was senior vice president at Texas Chemical Council. He has led ABC of Texas in preparing plans for legislative sessions and participation in the Texas elections. Most recently, he helped ABC of Texas prepare a Strategic Plan for the next 4 years with emphasis on the next 2 years. To contact Jon, email jon@abctexas.org.

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Boyer, Inc. - Staying Civil with the Government

Andrews Myers is a full-service business law firm and a recognized market leader in construction law who's been proud to call Texas home for more than 22 years. Individually, their lawyers are recognized as leaders in their fields. Collectively, their expertise becomes even more powerful. Which is why longtime client Mark Boyer, of Boyer, Inc., is proud to be represented by the firm.

Andrews Myers has counseled Boyer on everything from day-to-day business matters, to more complex construction disputes. "AM really knows how to hit the ground running," says Mark Boyer, President of Boyer, Inc. "They quickly understood some complex, multipart issues we faced, getting to the heart of the problem quickly and efficiently." The bonds between Boyer and Andrews Myers strengthened even further while they worked together to resolve a matter involving Boyer's rehabilitation of a 100-year old brick storm sewer.

In 2003, the District of Columbia Water and Sewer Authority (DC WASA) began a multi-year assessment of the District's combined sewer collection system in order to gauge pipeline deterioration and to strategize the rehabilitation or rebuilding of the existing sewer facilities. Like many older East Coast cities, Washington, DC's aging 600-mile water and sewer infrastructure was in dire need of major renovations and general maintenance. Some components of the existing system are well over 100 years old. DC WASA began

a massive rehabilitation effort via a series of separate projects and in 2009, Boyer worked as an underground utility subcontractor to improve certain sections of the system.

Andrews Myers, with support from local counsel in The District, represented Boyer in evaluating and resolving issues related to technical specifications, payment provisions and cost standards relating to Boyer's work on the project. An optimal recovery was secured on its behalf, including Boyer's out-of-pocket costs, interest on the debt, attorney's fees and lost profit.

"On more than one occasion, Andrews Myers has brought judicious closure to a tough subject matter... but this one was extraordinarily impressive to me," said Boyer. With experience in handling complex cases like this, it comes as no surprise that for the sixth consecutive year Chambers USA, America's Leading Lawyers for Business, ranked Andrews Myers as a "Band One" top construction law firm in Texas, and also recognized four of their lawyers as leading individuals in their fields.

For additional project summaries like Boyer Inc.'s, please visit the Andrews Myers website at www.andrewsmyers.com.

Photo Captions:

1: (pictured left to right) Bill Davidson and Ben Westcott of Andrews Myers with Mark Boyer of Boyer, Inc.

2: DC WASA Installation

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One on One With...

STATE REPRESENTATIVE TODD HUNTER

Todd A. Hunter is serving his sixth term in the Texas House of Representatives. He was first elected to public office in 1988 and retired from public service in 1997 so that he could help raise his three young children with his wife Alexis. In 2008, Todd was elected as a Republican representing District 32 composed of Aransas, Calhoun, San Patricio and part of Nueces County. He is currently the senior partner of Hunter and Handel, P.C. in Corpus Christi.

During Hunter's previous service in the Texas House of Representatives, he chaired the House Committee on Civil Practices where he was active on tort reform. He also served on various other committees including Ways and Means, Appropriations, and State Affairs. Upon returning to the Texas House in 2009, Texas House Speaker Joe Straus named Todd as Chairman of the House Committee on Judiciary and Civil Jurisprudence. In 2011, immediately following a speech to ABC of Texas members at a Legislative Day breakfast, Hunter was named by Speaker Straus to chair the very important House Committee on Calendars which determines which bills go to the full House and when they are debated. In 2011, he also chaired the House Select Committee on Election Contests and served on the important House Redistricting Committee.

Born in Bartlesville, Oklahoma in 1953, Todd earned his Bachelor's degree from the University of Kansas in 1975 and his J.D. from Southern Methodist University in 1978. He has lived in the Corpus Christi area for over 30 years where he met and married his wife, the former Alexis Taylor. They have three children: Todd Jr., a graduate of Texas A&M University—College Station who is attending law school at St. Mary's University in San Antonio; Michael, a graduate of Trinity University in San Antonio who is attending graduate school at Texas A&M University—Corpus Christi; and Christina, who is attending the University of Texas—Austin.

Hunter has been active in numerous community and civic affairs as a sponsor for youth league baseball teams and a director and advisory board member for the Coastal Bend Boy Scouts of America. He has also served as a board member of numerous other civic groups, including the Consumer Credit Counseling Service and Texas Lyceum Association. Todd is a member of the Corpus Christi Rotary Club, of the Church of the Good Shepherd Episcopal Church in Corpus Christi, and of numerous business and civic organizations throughout District 32.

Q: Last session, you chaired what most consider to be the most powerful committee in the Texas House – the House Committee on Calendars. What can you share with us about that experience?

A: It was an honor to be named by the Speaker of the House as the Chairman of the House Committee on Calendars. The Calendars Committee is basically the gatekeeper committee for scheduling agenda items for the Texas House of Representatives. With the Speaker's input and support, we tried to make this a very open process that would work very efficiently and effectively. I am honored to serve as Chairman of the House Committee on Calendars. I believe that I am only the second South Texan in the history of Texas to have served in this capacity.

Q: What do you see as the biggest challenges facing the state going into the next Texas Legislature in 2013?

A: In 2013, budget and revenue issues will be large challenges. It is important that the business community be involved in the development of these policies. The friendlier and stronger the business climate in Texas, the more jobs will be created and the more economic success will be achieved. In addition to the budget, water issues will also be a large challenge. Not only have we had drought issues, we have contractual issues that affect water rights throughout the state. Water will be an important issue to review statewide. Higher education needs to be promoted and supported because it provides a strong educational foundation for the State of Texas and it is an economic generator as well. Higher education will be an issue that needs to be assisted in 2013.

Q: What are your personal priorities next session?

A: I personally want to make sure that we assist the Speaker of the House in making a smooth legislative session occur. I am interested in helping Texas develop more jobs in the construction industry as well as promoting business opportunities for all areas of our great state. I also want to make sure that the State of Texas passes laws that are effective in handling, coping and resolving human trafficking issues in the State of Texas.

Q: You've been an ABC member for quite a while. What do you see as our strengths and weaknesses in the state political scene?

A: ABC is a tremendous organization. ABC has worked with my office for many years. ABC does a great job educating its members as well as legislators. I see no weakness but only strengths to build upon. ABC does a great job in communicating, as well as personally visiting with lawmakers. I encourage ABC and its members to continue doing its fine job. Please call on me at any time.

Q: What do you see as the greatest challenges facing the construction industry in the next Texas Legislature?

A: The greatest challenges will revolve around budget and revenue matters. In addition, there will be challenges that effect the construction industry relating to contract issues which seem to develop in each legislative session. Also, we need to make sure that the construction industry is involved early in the policymaking so we make sure that common sense legislation is passed.

Q: What do you see as the greatest challenges facing merit shop and free enterprise advocates in the next Texas Legislature?

A: The greatest challenges facing merit shop and free enterprise advocates are simply communication and activity. It is important with a new legislative session that merit shop and free enterprise advocates educate and have constant contact with lawmakers. The greatest challenge will be to make sure that new lawmakers understand the issues that have developed over the last several years. Overall, ABC has done a great job and needs to continue its great performance in 2013.



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Texas Contractors Recognized Nationally for Excellence in Construction and Safety

On February 22, Associated Builders and Contractors held the 22nd Annual National Excellence In Construction (EIC) Awards program in Phoenix, Arizona, where twenty-two ABC member projects were recognized with awards for their accomplishments in construction and ten members were recognized for their dedication to safety in the industry. ABC Members have a proven track record of bringing home a large number of national awards, but this year was one of the best for Texas.

Among the seven Texas chapters, ABC Greater Houston had the largest number of Excellence In Construction and Safety Excellence Awards with twenty total awards – eleven Excellence In Construction awards and nine Safety Excellence Awards. The TEXO Chapter brought home five Excellence In Construction awards, followed by the South Texas Chapter who brought home four awards. “We are proud to have members who instill quality and safety into their everyday work processes and to have those members recognized on the national stage is tremendous,” says Jon Fisher, ABC of Texas President.

When asked his reaction to the large number of awards garnered from the Houston Chapter, president Russell Hamley stated, “we were pleased that our members did so well. The Houston Chapter EIC program closely follows that of ABC National, and I believe this helps members easily turnaround their local entry book for national awards. We also offer two ‘How To Submit’ seminars moderated by members, who have an award winning history, offering their advice and previous entry samples.”

National Recognition

From a member’s stand point, the National Excellence In Construction Eagle and Pyramid awards are impactful on many levels. SpawGlass Construction, a winner of multiple awards over numerous years, understands the value of these awards. “Winning an Excellence In Construction award is a great accomplishment for us. It is a source of pride for our employees, it validates our safety practices and innovative use of construction methods, but most of all, it demonstrates to our clients the value and integrity that we brought to their project,” says Roger Berry with SpawGlass Construction. The Excellence In Construction Eagle winners include:

Excellence In Construction Eagle Winners

Aggregate Technologies, Inc.

Albert B. & Margaret M. Alkek Hospital Expansion
Greater Houston Chapter



Excellence In Construction Winners

(Pictured from top to bottom)

Aggregate Technologies, Inc.
Middleman Construction Company LLC
Flintco, LLC
SEDALCO, Inc.

Chamberlin Roofing & Waterproofing

City of Houston Central Permitting Center
Greater Houston Chapter

Middleman Construction Company LLC

Eagle Veterinary Hospital
South Texas Chapter

S & B Engineers and Constructors, Ltd.

Enterprise Products Mont Belvieu FRAC V Project
Greater Houston Chapter

Skanska USA Building, Inc.

Texas A&M University Agriculture Headquarters
Greater Houston Chapter

Structure Tone Southwest

Cathedral of Hope Interfaith Peace Chapel
TEXO Chapter

Excellence In Construction Pyramid Winners:

AUI Contractors, LLC

Arlington Municipal Airport Terminal
TEXO Chapter

Flintco, LLC

Texas Capitol Dome and Texas House of Representatives Chamber
Ceiling Repair and Repainting
Central Texas Chapter

Hoar Construction, LLC

Harris County Transportation Plaza, Jury Assembly Building and
Tunnel Renovation
Greater Houston Chapter

Holes Incorporated

Industrial Terminals Dock 1 Renovation
Greater Houston Chapter

Huser Construction Company, Inc.

The Salvation Army Ray & Joan Kroc Corps Community Center
South Texas Chapter

Johnston Products of Dallas, Inc.

The Willow Tree at The Summit
TEXO Chapter

Johnston Products of Dallas, Inc.

Anthropologie at Canal Place Suspension Stairs
TEXO Chapter

Leonard Contracting, Inc.

Arnold House at Air Force Village
South Texas Chapter

Manhattan Construction Company

George Bush Intercontinental Airport Automated People Mover
Extension - Terminal A
Greater Houston Chapter

SEDALCO, INC.

Lou and Nick Martin Campus Center
TEXO Chapter

SpawGlass Construction Corp.

Bush Intercontinental Airport Terminal C Ticketing, Baggage Claim
and ITT Level Remodel
Greater Houston Chapter

(continued on page 16)



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for fewer worker injuries and
higher morale

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CITATION RATE³**

for fewer project delays and
out-of-pocket costs

18%

**LOWER
EMR⁴**

for savings in workers'
compensation premiums

38%

**LOWER
DART RATE⁵**

for higher employee productiv-
ity and more time on the job

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www.abc.org/step

¹Figures based on 2007 STEP data compared to 2007 Bureau of Labor Statistics industry averages. ²Incidence Rate represents the number of OSHA recordable incidents per 100 employees per year. ³OSHA Citation Rate represents the number of citations per federal OSHA construction project. ⁴Experience Modification Rate (EMR) (MOD Factor) measures a company's safety performance against similar businesses over the past three years and is one of the factors used to determine workers' compensation rates. ⁵DART Rate represents the number of OSHA recordable incidents that involve "Days Away, Restrictions and Transfers" per 100 employees per year.

Associated Builders and Contractors, 4250 North Fairfax Drive, Arlington, VA 22203





*Safety Excellence Award Winner
SpawGlass Construction Corp.*



*Safety Excellence Merit Winner
Miken Specialties Ltd.*

SpawGlass Construction Corp.

Texas State Technical College University Center at Harlingen
South Texas Chapter

SpawGlass Construction Corp.

Sam Houston State University James and Nancy Gaertner
Performing Arts Center
Greater Houston Chapter

SpawGlass Construction Corp.

Armed Forces Reserve Center Phase II at Ellington Field
Greater Houston Chapter

TDIndustries, Inc.

Texas Children’s Hospital West Campus
Greater Houston Chapter

White Construction Company

Freedom Crossing at Fort Bliss
Central Texas Chapter

Safety — It’s a Priority in Texas

While it often goes without saying, safety is job number one on the construction site. ABC Members are among the safest in the industry and strive to achieve a zero accident, injury-free site. At the 22nd Annual ABC National Conference, 39 Safety Excellence and Merit winners were announced and the ABC Texas Chapters brought home over one-quarter of the awards. The members who were honored with the ABC National Safety Excellence Award exhibit a continued commitment to jobsite safety. Their safety performance and programs are judged to be exemplary by the ABC National Environmental, Health and Safety Committee. The awards are based on data submitted via STEP Diamond and Platinum applications, as well as company interviews and site visits. The award categories are based on a member’s total work-hours per calendar year and placement within the North American Industry Classification System (NAICS).

Safety Excellence Award Winners Include:

Aggregate Technologies Inc.

Greater Houston Chapter

D.E. Harvey Builders, Inc.

Greater Houston Chapter

Mobley Industrial Services, Inc.

Greater Houston Chapter

SpawGlass Construction Corporation

Greater Houston Chapter

The Mundy Companies

Greater Houston Chapter

W.T. Byler Co.

Greater Houston Chapter

Safety Excellence Merit Winners Include:

ENGlobal

Greater Houston Chapter

Miken Specialties Ltd.

Texas Gulf Coast Chapter

Ref-Chem L.P.

Greater Houston Chapter

StarCon International, Inc.

Greater Houston Chapter

To learn more about the Excellence In Construction program or the Safety Excellence awards, please visit www.abc.org. - JW

ABC INITIATIVES AROUND THE STATE



The ABC South Texas Future Leaders Task Force led an effort for the Warrior & Family Support Center at Fort Sam Houston where over 50 ABC members, friends and family spent the morning working on a landscaping project for the center.



The Greater Houston Chapter's Texas Hold 'Em Poker Tournament brought members together for a night of fun, food and games as 91 players anted up in hopes of being the last man standing.

ABC SOUTH TEXAS CHAPTER

The South Texas Chapter started off the year with the annual ABC PAC phone blitz. The first Thursday of January saw ABC Texas board member and past national ABC PAC chair Michelle Seward Davis (Joeris General Contractors) lead the effort that resulted in the chapter securing over \$42,000 in PAC contributions in less than 90 minutes. Great way to start the year!

The chapter is working with the Builders' Exchange of Texas' Education Council (BXTX) to create a "pipeline" for future craft professionals. BXTX currently offers a program for junior and senior high school students called "PACE" (Pre-employment Architectural & Construction Exploration). This program provides approximately 25 students with a fairly broad overview of the construction industry and the various subcontractor trades. ABC is working with BXTX to expand the number of classes and to include sophomores. The concept would be for the sophomores and juniors to complete the PACE program, which includes completion of the OSHA 10 Hour course, and then when they become seniors in high school they would be taken through the Contrens Learning Systems's Core Curriculum. This would allow those students who plan to enter the workforce the opportunity to move to the chapter's apprenticeship program in the trade of their choice. As a result of the articulation agreement with St. Philips College, when the students complete the apprenticeship program they can obtain up to 32 college credit hours towards an Associates Degree in Applied Science.

South Texas Chapter member Middleman Construction recently received LEED Platinum, currently the only LEED Platinum project in San Antonio, for the Eagle Veterinary Hospital. The project also received an ABC National EIC Eagle award. Congratulations Middleman Construction!

The first membership mixer for 2012 was held the last week in January at the Oak Hills Country Club. The annual "Contractor In A Box" mixer drew over 275 members and guests. This year's program was expanded to include members of the architectural and engineering community. The mixer is designed to provide a forum to develop additional business relationships. Prior to the start of the mixer, the ABC Student Chapter at the University of Texas at San Antonio (UTSA) held a forum on relationships between general contractors and architects. Past chapter chair Mike Leonard (Leonard Contracting Company) and architect Carlos Moreno (RVK Architects) talked about the importance of developing relationships, how to do so, and how this improves the construction process.

The Future Leaders Task Force led an effort for their first community service project on Saturday, March 3 for the Warrior & Family Support Center at Fort Sam Houston. Over 50 ABC members, friends and family spent the morning taking on the new landscaping project which is part of Phase II. The not-for-profit association overseeing the project didn't plan on it being completed in one Saturday, much less the two and a half hours it took. They commented they weren't used to working with construction volunteers! The WFSC is an incredible facility designed to assist the wounded warriors recover and allow their families be part of the healing process.

ABC GREATER HOUSTON CHAPTER

This year has started at a fast and furious pace for the Greater Houston chapter. Over 220 members and prospective members woke up bright and early on January 27 to attend the ABC Meet and Greet Breakfast. Attendees had the opportunity to find their niche at ABC as they visited with committee chairs at more than 20 committee booths. The ABC/OSHA Partnership Agreement

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ABC INITIATIVES AROUND THE STATE

Signing Ceremony took place at the conclusion of the breakfast and the nine Greater Houston OSHA Partners were recognized for their commitment to safety.

Two very successful fundraisers for the ABC Scholarship Foundation gave members a chance to have fun while working toward a good cause in February and March. The annual Texas Hold 'Em Poker Tournament brought members together on February 16 for a night of fun, food and games as 91 players anted up in hopes of being the last man standing. More fun and games ensued at the Spring Golf Tournament when 240 attendees hit the links on March 12 at Kingwood Country Club.

The ABC Greater Houston Political Action Committee also started the year off strong with a kick-off luncheon at the Houston City Club in January. In anticipation of the crucial elections this fall, the PAC set a goal to raise \$75,000 in 2012, of which \$55,000 will be sent straight to Washington, D.C. to impact the national election. For those interested in the political scene, the PAC will begin screening candidates for state and national offices at the April 19 meeting.

Preparations are underway for the PAC Spring Clay Shoot. This popular event will be on Thursday, April 26 and as always, all funds raised will be sent to ABC National to support candidates who endorse the merit shop philosophy. For a fun twist, an auction to bid to shoot with invited elected officials will be held immediately prior to the event. To register, visit www.abchouston.org - and don't forget to clean your shotgun!

ABC TEXAS GULF COAST CHAPTER

January started with excitement surrounding preparation for the ABC National Craft Championships to be held in late April. The Texas Gulf Coast Chapter has a long history of sending successful competitors to the national competition. On January 27, the chapter held a local competition for 3 crafts: millwright, electrical, and insulation. This year the Texas Gulf Coast Chapter will proudly be sending not one, but three craftsmen, as all met the higher standard qualifying them for national competition. Rodney Matula, millwright, (McGill Maintenance Partnership, LTD) and Juan Lozano and Alma Rosales, both insulators, (BRAND Energy Solutions, LLC) will represent the Gulf Coast chapter.

In February, Hector Rivero, President & CEO Texas Chemical Council and ACIT and Buck Blevins, Chapter Chairman welcomed a large crowd to the annual joint membership event. Guest speaker Earl Shipp, the new Vice President and Site Director of Dow Texas Operations drew the crowd. Shipp joined DOW in



The Texas Gulf Coast Chapter's joint membership event with the Texas Chemical Council and ACIT featured Earl Shipp, VP and Site Director of Texas Dow Operations. Pictured left to right are: Hector Rivero, Terry McAlister, Earl Shipp and Buck Blevins.

1981 in Freeport, Texas. He held leadership positions in Texas, Ohio, and Missouri and in 2000 was named to the dual roles of VP and Site Director of Dow's Louisiana Operations and Global Operations Director of the Propylene Oxide and Glycols business. In 2004, he became Global Business VP for Dow Oxides & Glycols. In 2006, he moved to Dubai, U.A.E. to launch the India, Middle East and Africa Region for Dow. Shipp became Business Group President for Basic Chemicals with responsibility for oversight of six basic chemical businesses. He was named President-India, Middle East & Africa (IMEA) in December 2008. Contractors and industry representatives alike eagerly listened to reports of global projects as well as promising projections for 2012.

President Terry McAlister, Past Chairman Lisa Bundick Woods and John Woods attended the ABC National Board Meeting in Phoenix, having an opportunity to hear Republican candidate Mitt Romney who addressed the group and later won an endorsement from ABC. Finally, February brought the return of the chapter's Texas Hold 'Em Poker Tournament. A packed house enjoyed the competition. At evening's end, 3 winners emerged from over 100 who initially waited for the first hand to be dealt.

Spring in Texas conjures rodeos and cook-offs. In that spirit, the Texas Gulf Coast Chapter will host its 23rd Annual Cook-off in late March. Beyond the traditional prizes for brisket, sausage, chicken, and ribs, the Iron Chef competition entices competitors. Challengers receive a mystery meat and 2 hours to create and finish their presentation. The competition promises to be fierce again.

ABC TEXAS COASTAL BEND CHAPTER

The Texas Coastal Bend Chapter ended the year with growth and off to a strong start for 2012! ABC Texas Coastal Bend welcomed Jon Fisher, President of ABC of Texas. Jon Fisher presented State Representative Todd Hunter with both the Free Enterprise

ABC INITIATIVES AROUND THE STATE

Champion Award and the Public Service Award on January 25 at a Texas Coastal Bend Chapter Luncheon. Rep. Hunter chaired the House Committee on Calendars and was in a position to help ensure ABC had a successful session. Every single bill ABC supported had to be set for House consideration through this committee. He also won the Free Enterprise Champion Award last session. ABC National Chairman Eric Regelin was present to install the 2012 Chapter Officers and Board of Directors, recognition awards were also bestowed to the 2012 Committee Chairs and outstanding chapter volunteers, and new members were recognized. At the February General Membership Luncheon, Assistant City Manager of Corpus Christi, Rudy Garza was the guest speaker as the chapter hosted the "State of the City". Rudy Spoke to ABC members about Corpus Christi business development and capital improvements.

The Craft Training Center of the Coastal Bend hosted the 64th Annual Skills USA, March 22-24. Students from across Texas competed in the Championships in Electrical, Masonry, Plumbing, and Welding at the facility; the chapter also hosted exhibitions, hands-on activities, and seminars for educators, students, and local industry. To add to the activities several company BBQ teams came out to cook and feed the competitors and guests. The CTC will host the Annual Area High School Welding Contest in May.

Finally, the Texas Coastal Bend Chapter is hosting three major events this year. The first event will be the 24th Annual Golf Tournament Chaired by Mike Blundell, with Repcon, Inc. and will be held at River Hills Country Club on May 14. Back by popular demand is the 18th Annual Fishing Tournament, Chaired by, David LeGros with AFLAC which will take place at Mile Marker 37 on June 30. Ending with a "BANG" the 11th Annual Skeet & Trap Shoot, Chaired by Curtis Miller, with TICO Insulation Inc. will take place at the Corpus Christi Rifle and Gun Club on September 7-8. If you are interested in Sponsorships or Teams for any of these events please contact the ABC Texas Coastal Bend Office at 361-289-5311.

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