



The Monitor

RAISING THE BAR BY MONITORING THE CONSTRUCTION INDUSTRY

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The Monitor

RAISING THE BAR BY MONITORING THE CONSTRUCTION INDUSTRY



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*“The American Waterworks Act
will address shortfalls in U.S. port
and waterway infrastructure systems.”*



The American Waterworks Act

A RE-INVESTMENT IN AMERICA'S INFRASTRUCTURE

From roads to waterways, our nation is in great need of reinvesting in its infrastructure. In an effort to reach this goal, a U.S. Senator from Tennessee is drafting legislation that would modernize American waterways and ports.

The American Waterworks Act will be introduced by Sen. Lamar Alexander (R-Tenn.), Sen. Lindsey Graham (R-S.C.) and a group of bi-partisan senators when the Senate returns after the November election. The Act will address shortfalls in U.S. port and waterway infrastructure systems.

The bill is in response to the completion of the expansion of the Panama Canal in 2014, and would double the amount of money in the Inland Waterways Trust Fund through an increase in commercial user fees. The widening of the Chickamauga Lock in Tennessee is

included in the bill. A wider lock will allow for more cargo to be transported and is a priority for the Army Corps of Engineers.

The bill also proposes speeding up the construction permit approval process and authorizes a five-year construction program to expand harbors to accommodate larger ships that are expected after the Panama Canal expansion.

According to a hearing of the Senate Appropriations Committee's Subcommittee on Energy and Water, completing the Chickamauga Lock will take 100,000 heavy trucks off local highways while allowing 6.7 million tons of cargo to move through the lock.

If the American Waterworks Act becomes a reality, it will be a significant step forward in transportation infrastructure reinvestment. ■



LETTER
FROM THE

Executive Director

Marc R. Poulos

The Obama administration has approved 33 renewable energy projects for construction on or involving public lands, including 18 solar plants, seven wind farms, and eight geothermal plants.



With a newly re-elected Obama administration and a Democratic Senate, we expect a lot of buzz over the next few years about infrastructure and renewable energy reinvestment.

In June 2012, Congress passed Moving Ahead for Progress in the 21st Century Act ("MAP-21") – a \$105 billion, two-year transportation spending reauthorization bill.

The bill, however, was merely a short-term extension of federal transportation aid. With another four years, now is the time for President Obama to propose a major, multi-year infrastructure reinvestment bill.

Although the election maintained the status quo with Democrats controlling the White House and Senate and Republicans controlling the House, changes to transportation committees will ensure infrastructure spending continues.

Representative Bill Shuster (R-Pa.) was selected by the House Republican Conference to be the next Chairman of the House Transportation and Infrastructure Committee. Representative Shuster has closer ties to leadership than former chairman Representative John Mica (R-Fla.).

And if Ray LaHood remains in his position as Secretary of Transportation, he will continue to be a positive spokesperson for federal transportation and infrastructure investment. LaHood

is a rare example of bi-partisan support in Washington D.C. as a Republican from Illinois who crossed the aisle to support Obama in 2008.

We also expect progress on the nation's energy and environmental agenda. Obama will likely push for renewal of tax credits for utility-scale wind producers, especially because of the support it has from Republicans in wind states like Iowa and Colorado. The wind industry further expects gains on Capitol Hill due to the Senate election of Independent Angus King – a former governor turned wind project developer in Maine.

Obama's administration is also expected to approve the Keystone XL oil pipeline across America that will carry oil from Canada to Texas refineries. According to the Interior Department, the Obama administration approved 33 renewable energy projects for construction on or involving public lands, including 18 solar plants, seven wind farms, and eight geothermal plants.

While we still face a divided Congress, there is much hope in the next four years for infrastructure reinvestment and renewable energy initiatives.

Fifth District Appellate Court Finds ECA is Constitutional

In a decision filed on August 21, 2012, the Fifth District Appellate Court of Illinois held that the Illinois Employee Classification Act (ECA) is constitutional. *Bartlow v. Costigan*, 974 N.E.2d 937 (Ill. App. 5th Dist. 2012).

The purpose of the ECA is to address misclassification of employees as independent contractors in the construction industry.

In March 2010, Rhonda and Jack Bartlow, doing business as Jack's Roofing, and two other individuals who performed services for the Bartlows, filed an action alleging that the ECA violates the due process clause of the United States and Illinois Constitutions, the special legislation clause of the Illinois Constitution, and the equal protection clause of the United States and Illinois Constitutions.

The Bartlows filed the action after the Illinois Department of Labor (IDOL) made a preliminary determination that they may be assessed a fine of \$1,683,000 based on the Department's finding that individuals performing work for Jack's Roofing were employees and not subcontractors under the Act.

The Fifth District court began its analysis with a review of the statutory and regulatory framework of the Act, discussing IDOL's investigatory and enforcement authority.

In responding to the plaintiffs' due process claim, IDOL stated that it investigates ECA complaints, but has no adjudicatory authority to enforce a finding that a company violated the Act. Under the ECA, IDOL may seek a voluntary settlement, issue a cease and desist letter, and assess civil penalties, among other things. 820 ILCS 185/25(b). But it does not have authority to issue a final administrative determination that is subject to judicial review. Rather, the Department must initiate a circuit court proceeding to enforce the Act. The

Department advanced the same position in *World Painting Co. v. Costigan*, 967 N.E.2d 485 (Ill. App. 4th Dist. 2012), in response to a similar ECA challenge.

Like the Fourth District court in *World Painting*, the Fifth District concluded that, because a contractor has all the protections of the Illinois Code of Civil Procedure and Code of Criminal Procedure "before he or she can be deprived of life, liberty, or property," the ECA did not violate the due process clause of the United States or Illinois Constitution.

The court next found that the ECA clearly defines who is subject to the Act and the harm it is intended

"The purpose of the ECA is to address misclassification of employees as independent contractors in the construction industry."

to prevent. 820 ILCS 185/3, 5. Because "the Act provides contractors of ordinary intelligence with a reasonable opportunity to understand what conduct it prohibits and provides reasonable standards

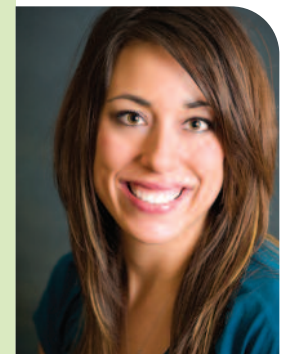
to restrict the discretion of governmental authorities who apply the law," the court concluded the ECA did not improperly delegate legislative authority and was not unconstitutionally vague.

Finally, the court addressed the equal protection and special legislation allegation, which are typically analyzed under the same standard. In their complaint, plaintiffs argued the Act violated these provisions because it treats workers in the construction industry differently than workers in other fields.

The Fifth District disagreed, citing the well-established principle that the legislature may limit application of a statute so long as it is rationally related to a legitimate state interest. The court also recognized that whether misclassification was prevalent in the construction industry was "a policy decision that we must defer to the legislature." Thus, limiting the ECA to construction did not violate equal protection clause of the United State Constitution or special legislation provision of the Illinois Constitution. ■



Melissa Binetti
Counsel for the
III FFC



Kara Principe
Counsel for the
III FFC



Michael Lingl
SUPERVISOR

FOCUS ON Illinois

Illinois AG Nabs Contractor for Theft of Taxpayer Dollars

On October 18, 2012, Attorney General Lisa Madigan announced criminal charges against Alan M. Harris of Niles, Illinois for theft of government property and mail fraud on at least seven public works projects that his company had contracts for in 2010 and 2011.

Mr. Harris is alleged to have defrauded these municipalities of over \$400,000.00 and faces a Class X felony and a Class 3 felony in Cook County Circuit Court.

Harris is alleged to have falsified certified payroll records that were submitted to public bodies in conjunction with public works projects and then forced his employees to kickback part of their paychecks each month.

"The contractor's kickback scheme resulted in the theft of taxpayer dollars that were intended to compensate employees who worked on public projects," stated Lisa Madigan.

My initial reaction was: "Wow!" I was impressed to see the Attorney General bringing criminal charges against a contractor based on allegations pertaining to public works projects.

The charges did not surprise our office staff, but we were not aware of the extent of kickbacks alleged. This contractor had been on our "radar" for some time, having received complaints from other contractors that they couldn't compete on public works bids against them.

Our office raised concerns with the contractor's bidding practices with several municipalities and filed a complaint with the Illinois Department of Labor (IDOL) for an alleged violation of the Illinois Prevailing Wage Act.

On May 29, 2012, IDOL issued a Notice of First Violation for under payment of wages in the amount of \$7,400.60 for a public works project in East Peoria.

One way to prevent unfair contractors from underbidding public construction projects is a Responsible Bidder Ordinance. Whether it's part of the

Procurement Code or Purchasing Ordinance, it makes sense for every public body to have an objective definition of a "responsible bidder," as well as pre-qualification requirements.

The State of Illinois establishes "responsible bidder" requirements in the Illinois Procurement Code, along with pre-qualification requirements. The combination seems to be very effective in determining a Responsible Bidder.

Based on the Illinois Department of Transportation (IDOT) website, it appears that the company Alan Harris owned was not pre-qualified to bid on projects for IDOT. His company is not listed as a prime contractor or even a subcontractor.

Pre-qualification for IDOT requires statements of experience, equipment and financial condition. This standard would

also apply to any municipality that uses Motor Fuel Tax (MFT) funds for a public works project.

All contractors that bid on MFT projects have to be pre-qualified through IDOT. So the concept of pre-qualification is going on throughout Illinois on a regular basis.

My hope is that, in the future, problems with a particular contractor never grow to a level requiring the Attorney General to file felony charges before a contractor is stopped from violating the law. This can be accomplished using tools such as pre-qualification and objective criteria for determining a responsible bidder. ■

"The contractor's kickback scheme resulted in the theft of taxpayer dollars that were intended to compensate employees who worked on public projects."

—Lisa Madigan
Illinois Attorney General

CORRECTION:

In the Summer 2012 edition of *The Monitor*, we misstated Stacey Creps' name in the Focus on Illinois article regarding work on the Illinois Tollway. The ILL FFC regrets the error.

Carmela Gonzalez

Born and raised on the South Side of Chicago, Carmela Gonzalez understands the struggles of everyday workers and how difficult it can be for them to voice the rights they possess by law.

Carmela's parents migrated to the US, along with all of her father's family, in the 1960s. Her father and his brothers worked at the same steel mill for over 50 years.

"I remember growing up in a household in which my father and his brothers would discuss how working for a union company had given them rights they never dreamed of having in the United States," Carmela said. "Having those discussions around their children not only educated them of the rights they had under the law, but also made their children aware of how important it was to stand up and fight for those rights. It also gave us the confidence to set aside our fears and forge ahead in hopes of worker justice – not just for our family, but for others as well."

Carmela started her career advocating for worker rights at the Illinois Department of Labor (IDOL) in 2004. She educated the community on the laws the agency enforced and how workers could benefit from coming forward and trusting a government agency to enforce their rights.

"One of my goals at IDOL was to dispel the notion that government agencies could not be trusted," she said. "Many workers are fearful of asking for assistance from an institution that might not have their best interest in mind. In the seven years I worked at IDOL, I did my best to help hundreds of workers trust that government agencies operate on their behalf and could assist them in resolving any issues they have with their employer – from unpaid wages to basic human rights. Having that trust between agency and worker is instrumental to success."

In 2011, Carmela joined the III FFC as a Compliance Monitor. "I am extremely happy to be working at III FFC," said Carmela. "It has given me the opportunity to continue helping workers in their



"I remember growing up in a household in which my father and his brothers would discuss how working for a union company had given them rights they never dreamed of having in the United States."

struggle for fundamental rights. But most importantly, it has also expanded my advocacy. I can now educate the regulated community, collaborate with worker advocacy groups and educate public bodies on the importance of hiring responsible contractors to perform quality construction work."

One recent project that Carmela worked on was located in East Dundee, Illinois. This was a large project and at least a few million dollars worth of work.

Carmela spoke to several of the workers at the job site. During her interviews, she learned that the workers were from out-of-state and required to work seven consecutive days and over 40 hours per week. With the information gathered, Carmela filed a complaint under the One Day Rest in Seven Act (ODRISA) and the Minimum Wage Law, which encompass overtime violations.

Based on the complaint, IDOL awarded hundreds of dollars to the workers in overtime wages. In addition, IDOL issued 54 violations and assessed a penalty of several thousand dollars against the contractor under ODRISA.

Carmela is also very active in women's rights and how to be an effective leader. She is a recent graduate of the Illinois Women's Institute for Leadership (IWIL), an organization that exists to encourage and train women to become successful leaders in government and politics.

"IWIL provides an excellent avenue to train women on how to be effective leaders in a workforce that includes collaboration with government entities and where politics play a role in your day to day activities," Carmela said. "The training helped me to network more efficiently with public bodies and advocacy groups. It also provided a new network of individuals, organizations, government entities and groups to collaborate with and further the III FFC's mission."

Regarding the opportunity to participate in IWIL, Carmela says, "I am grateful to the III FFC for supporting employees who decide to further their education and skills and provides encouragement throughout the entire process."



Tom Frailey
SUPERVISOR

FOCUS ON Indiana



Dave Fagan, Financial Secretary, IUOE Local 150 gave a presentation on the early days of the III FFC.

Indiana Contractors Dinner provides forum for unity

On October 2, 2012, the III FFC hosted a dinner for contractors at the Blue Chip Casino in Michigan City, Indiana. III FFC Compliance Monitor Marcella Kunstek coordinated the event and personally contacted over 70 contractors to extend an invitation.

The program began with a welcome from Dave Fagan, Chairman of our Board of Trustees and IUOE Local 150 Financial Secretary.

Mr. Fagan discussed the early days of the III FFC. Founded with a director and 2 monitors in July 1999, we now have around 20 people on our staff, including supervisors, monitors, attorneys and office staff.

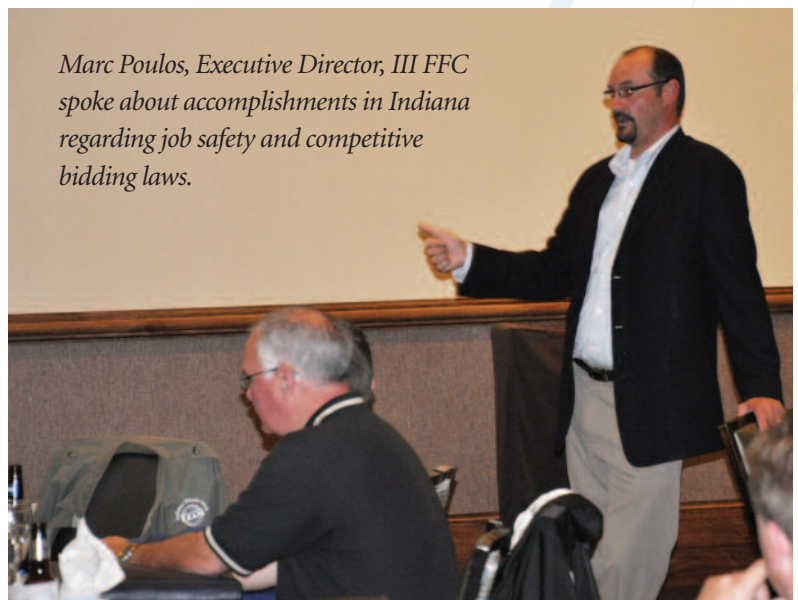
Mr. Fagan emphasized the common goals of labor and management and the benefits of working together to achieve these goals.

Next, Jim Sieracki, President of Central Teaming Co., as well as Secretary and the longest serving member of the Board of Trustees, discussed the III FFC's

growth, the importance of labor-management cooperation and his pride in working with the III FFC.

III FFC Executive Director Marc Poulos then spoke of the III FFC's history of accomplishments in Indiana, ranging from efforts to ensure public bodies comply with competitive bidding laws to monitoring safety on job sites.

Contractors then heard from the Indiana Monitors and their Field Supervisor, all whom came from the



Marc Poulos, Executive Director, III FFC spoke about accomplishments in Indiana regarding job safety and competitive bidding laws.

ranks of Indiana law enforcement. They all described a project they monitored and how their case improved the working environment for responsible contractors in Indiana.

III FFC Executive Director Marc Poulos spoke of the III FFC's history of accomplishments in Indiana, ranging from efforts to ensure public bodies comply with competitive bidding laws to monitoring safety on job sites.

At our first dinner in Indiana a few years ago, we had just a handful of contractors in attendance. This year around 45 contractors attended the dinner, and next year we hope for even more. This gathering encourages contractors to think more about the common goals of labor and management, and our record of success when we work together. ■



Indiana Supervisor Tom Frailey and Compliance Monitors Jeff Taylor and Marcella Kunstek greeted attendees as they arrive at the III FFC's Contractor Dinner at the Blue Chip Casino in Michigan City on October 3, 2012.



Porter County Commissioner Nancy Adams provided cookies with the III FFC logo for guests to enjoy.

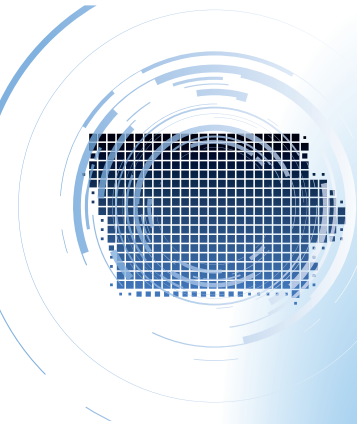


III FFC Chairman and IUOE Local 150 Financial Secretary David Fagan spoke to attendees about the common goals shared by labor and management.



John Freitag
SUPERVISOR

FOCUS ON
Iowa

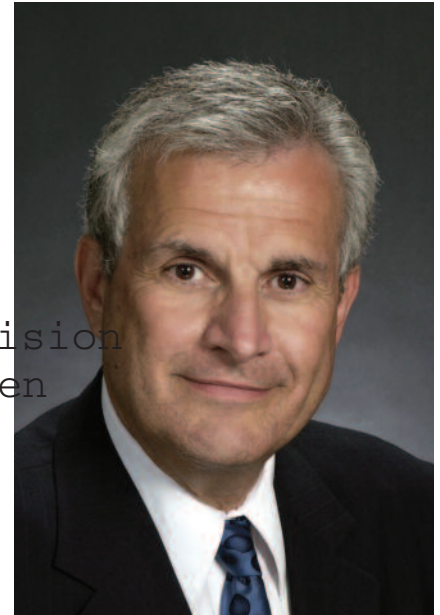


GET TO KNOW

LABOR COMMISSIONER

MICHAEL MAURO

Labor Services Division
Iowa Workforce Development



Michael Mauro has worked in public service positions for over 25 years. He served as Polk County Election Director for 13 years, County Auditor for 10 years and was elected Secretary of State in Iowa in 2006.

“The job of Secretary of State offered me the opportunity to see Iowa as I never had before,” Mauro said. “During my term in office, I was able to work in a very bipartisan manner leading the way with Same Day Voter Registration, Uniform Voting Equipment in Every County and a Real Paper Trail which ensures accountability and Fair Election where every vote counts.”

A quarter century of public service keeps Michael Mauro on the job protecting employees from dangers in the workplace and protecting employee’s rights to be paid wages.

In May 2011, Governor Branstad appointed Michael as the Iowa Labor Commissioner. Iowa Workforce Development’s Labor Services Division is responsible for the enforcement of programs designed to protect the safety, health and economic security of all Iowans.

These programs protect people who ride on elevators, escalators and amusement rides. They protect anyone who enters a building with an asbestos abatement project or a public building with a boiler. They protect employees from dangers in the workplace and protect employees’ rights to be paid wages. They protect Iowa’s children from dangers in workplaces and enhance their educational experiences.

“The Division of Labor strives to reduce hazards and increase compliance with standards to keep workers on the job,” said Mauro. “We provide free consultation services for employers so they can learn about potential hazards at their worksites and improve their occupational safety and health management systems. We train employees and employers on safety and health issues. We visit workplaces to identify hazards and violations of occupational safety and health standards. We enforce construction contractor registration and bonding to benefit workers and the general public. We oversee OSHA 11-C discrimination claims.”

For more information about the Division of Labor Services, visit <http://www.iowaworkforce.org/labor>



FACTS & STATS

IOWA DIVISION OF LABOR SERVICES

In fiscal year 2011, the Iowa Division of Labor Services conducted numerous investigations covering the gamut of laws they enforce. Below are a few programs and findings of interest:

Construction Contractor Registration

Registrations Issued	9,670
Citations Issued	30

Second Injury Fund

Amt. Collected	\$344,237.13
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IOSH Consultation Activities

Education Seminars	257
Ten-Hour Classes	29
Attendance	624
Consultations Conducted	456
Employees Covered	17,697
Serious Hazards Identified	2,455

OSHA Enforcement Inspections

Accident Inspections	26
Complaint Inspections	112
General Inspections	455
Referral Inspections	149
Follow-Up Inspections	3
Other Related Inspections	288
TOTAL INSPECTIONS	1,033

OSHA Violations Issued

Serious Violations	1,492
Willful Violations	6
Repeat Violations	66
Other Violations	712
Failure to Abate Violations	5
TOTAL VIOLATIONS	2,281

OSHA Penalties Proposed

Serious Penalties	\$2,000,986
Willful Penalties	\$107,500
Repeat Penalties	\$134,500
Other Penalties	\$294,096
Failure to Abate Penalties	\$26,000
TOTAL PENALTIES	\$2,563,082

Iowa Task Force addresses misclassification of workers



By far the largest industry affected by the misclassification of workers is the
CONSTRUCTION INDUSTRY



The Iowa Workforce Development once again invited interested parties to a meeting to review their progress on misclassification of workers. Misclassification of workers as “independent contractors” instead of “employees” is a growing problem in Iowa and across the nation.

Below are the latest enforcement statistics through November 14, 2012:

Statistical breakdown of misclassified workers

- 52 employers misclassified 1,312 workers
- Total unreported wages—\$16,818,309.54
- Total contribution due—\$641,959.67
- Total Interest due—\$146,434.85
- Total penalty due—\$71,665.92

By far the largest industry affected by the misclassification of workers is the Construction Industry, with 30 employers underpaying 564 employees resulting in unreported wages totaling \$9,348,061.46.

Misclassification of workers threatens Iowa’s economy, its businesses and its most important resource – its workers. When employers misclassify workers:

- They avoid paying unemployment tax on wages

and fail to withhold state and federal income taxes

- They fail to withhold and pay Social Security and Medicare taxes
- They might avoid workers compensation coverage
- They might fail to follow wage, contractor registration, or other employment and labor laws
- They underbid honest, law-abiding businesses that pay all taxes owed.

Every unit of government should be aware of this practice because it is on the front line to detect such fraud. When this cheating occurs, honest employers lose their opportunity to participate in the public works arena which weakens local economies. To report abuse, visit <http://www.iowaworkforce.org/misclassification/report.htm> or call the Iowa Workforce Development Misclassification Unit at (515) 281-3191 or (800) JOB-IOWA ((800) 562-4692).

The III FFC would like to commend Iowa’s Misclassification Task Force for their continued effort to stop worker misclassification and for their devotion to the honest employers and employees of the State of Iowa.

DAVIS-BACON AND RELATED ACTS

LABOR AND MANAGEMENT KEY TO SUCCESSFUL USDOL WAGE SURVEY



If contractors do not submit their rates to USDOL by filling out the WD-10 form, low rates or no rates are established.



Last fall, we reported on the USDOL Wage & Hour Division's residential wage survey in Indiana. USDOL published updated rates at the end of September and we are pleased to report that the survey was a success for IUOE Local 150 Operating Engineers.

After an initial review of existing wage determinations in 2011, the III FFC determined that of 14 counties within Local 150's jurisdiction, only 3 had residential rates set for the classification of Power Equipment Operator. And within those 3 counties, only 7 pieces of equipment had rates.

As of September 2012, all 14 counties have residential rates for Operators and include multiple pieces of equipment. In fact, most counties include an additional 5 or more pieces of equipment in the wage determination. Further, the old wage determinations included a number of "SU" or "survey" rates that are now "ENGI" rates, based on IUOE collective bargaining agreements (CBA's). And where a survey rate prevailed, the established rate is noticeably higher, reflecting data submitted by IUOE signatory contractors.

The significance of rates based on CBA's is that these rates will increase over the life of the contract, while "SU" rates remain static until another survey occurs. Considering it was more than a decade since the last USDOL survey in Indiana, setting rates with regular increases is crucial to keeping contractors competitive on DBRA projects.

The key to success on USDOL wage surveys is participation. If contractors do not submit their rates to USDOL by filling out the WD-10 form, low rates or no rates are established.

The III FFC is currently working with the building trades, contractors and contractor associations on an upcoming wage survey in Iowa. We learned a lot in Indiana and anticipate an even better outcome in Iowa.

If you have questions about the survey process, please contact us at 815-254-3332. ■

HOME TO AMERICA'S NEWEST RAILROAD BRIDGE

A project constructed under a labor agreement that ensured the hiring of local labor, eliminated work stoppages, paid local union wage rates, afforded training opportunities, and provided health and welfare benefits.

BURLINGTON, IOWA

BY NATHAN REICHERT

Nestled in the corner of southeast Iowa along the Mississippi River lies the City of Burlington, a community of 26,000 that is working hard to build its future by improving upon its past.

Burlington has deep roots in the railroad industry. It is the “B” in one of America’s great railroads – the BNSF – the Burlington Northern and Santa Fe Railroad. It is also home to America’s newest railroad bridge.

Burlington’s Mayor Jim Davidson describes his city as “a strategic economic and transportation hub in the heartland of the U.S. It is a city on the move and a dynamic place to be.”

Burlington’s strategic transportation importance was lifted recently as the BNSF commissioned a state-of-the-art railroad bridge spanning the Mississippi River at Burlington. Mayor Davidson claims Burlington’s newest landmark as an “engineering marvel that provided a huge economic impact for our community.”



The project cost approximately \$140 million and replaces the original Burlington, Iowa rail bridge that had been in service since 1891. The bridge now supports just over 40 BNSF trains a day, as well as Amtrak’s California Zephyr. The rusty brown steel goliath is an essential intermodal link in the transportation grid that moves agricultural, energy and industrial products through the Chicago/Denver/San Francisco railroad corridor.

The bridge’s new lift span serves not only rail traffic but also widens the navigable channel of the Mississippi River. At a cost of \$75 million, the lift span was financed with a public-private partnership that included a \$29 million ARRA grant as well as other federal, state and private investments. The improved lift span opens the Mississippi River’s navigable channel from 150 feet to 310. This channel widening increases river traffic efficiency, limits barge traffic congestions, and eliminates what the U.S. Coast guard deemed a significant navigation

hazard in 1991. Both barge and rail traffic will realize tremendous efficiencies and cost savings now, and into the future.

Hundreds of members of IUOE Local 150 and the organized building trades worked countless hours building this marvelous modern rail bridge. BNSF CEO Matt Rose made the partnership between labor and management clear when he called local union leaders to the podium for official pictures.

“Have the union officials come and join us for the picture,” Rose said. “The locals were our partner in building this wonderful bridge and they deserve credit for their terrific work.”

The project was constructed under a labor agreement that insured the hiring of local labor, eliminated work stoppages, paid local union wage rates, afforded training opportunities, and provided health and welfare benefits. Now the benefits of this modern engineering marvel will be realized for generations to come.

Burlington is more than just a river railroad town. Some describe the city as the “Backhoe Capital of the World” as it is the home of the Case Construction backhoe loader assembly plant. Case’s backhoe loaders are a key piece of construction equipment on many job sites worldwide and there’s a good chance that if you have a new Case rubber-tired backhoe in your fleet, it came from the Burlington Iowa plant. Burlington’s hard working UAW members are proud that their hard work and commitment to quality helps build America’s infrastructure every day.

Burlington also brings together commerce, manufacturing, transportation, and cultural amenities as a regional destination. Sporting the state of the art Pizazz – Catfish Bend Casino and Convention Center, Burlington comforts travelers and locals alike with gaming, spas and water-park fun. The Burlington Bees, the Class A affiliate of the Los Angeles Angels of Anaheim, CA play ball in the Midwest League and entertain fans of all ages with professional baseball.

Burlington’s history is heavily steeped in the muddy waters of the Mississippi, helping connect the Midwest to the world. As a river town, Burlington grew out of the manufacturing, agricultural, and transportation traditions of Middle America. The city’s success has been driven by hard working people united by the Mississippi River, intercontinental railroads, and the world’s most productive farmland.

Burlington boasts that it was the first Territorial Capital of Iowa and was influential in giving Iowa its nickname “The Hawkeye State.” The conservation movement was greatly shaped by author, naturalist, and Burlington native Aldo Leopold in his classic book, *A Sand County Almanac*.

Burlington reaches far beyond its location in southeast Iowa to bring together travelers, ideas, and products from around the world. ■



Promoting Fair Contracting Across the Nation

For the III FFC, success in fair contracting means staying ahead of the curve on issues affecting the construction industry. Participating in the annual National Alliance for Fair Contracting (“NAFC”) conference is one way to help us achieve this goal.

This year, the 14th Annual NAFC Conference was held October 10–12, 2012, in Washington D.C. III FFC Executive Director Marc Poulos and attorneys Melissa Binetti and Kara Principe attended. Executive Director Poulos also participated in a panel discussion about Using the Procurement System to Level the Playing Field. Binetti and Principe spoke about Advanced Techniques for a Fair Contracting Compliance Program.

Nancy Leppink, Deputy Administrator of the USDOL’s Wage and Hour Division (“WHD”), provided an update on wage and hour issues. She reported on desperately needed staff increases and technology upgrades helping staff become more effective in the field. She also discussed WHD’s focus on employee misclassification issues. Leppink also discussed a smartphone application called “EatShopSleep” developed by WHD in which users can search a business for WHD or OSHA violations.

Once again, the Legal Roundtable proved to be a highlight of the conference offering attendees an opportunity to meet and discuss matters pursued through judicial or administrative review. This year, the intense three-hour session focused on Davis-Bacon Wage Surveys and Prevailing Wage Coverage of Public/Private Partnerships.

Participants from across the U.S. agree that the NAFC Conference offers an immense amount of quality information in a short amount of time. Perhaps the most valuable aspect of the conference is learning what is, or isn’t, working to promote fair contracting across the nation, and that helps to keep the III FFC stay ahead of the curve.

To learn more about National Alliance for Fair Contracting, visit <http://www.faircontracting.org/>. ■

Successful projects Are built with teamwork.

It's really quite simple. Successful projects happen when Labor and Management share the same priorities. And when the highest priority is having a team of safe, well-trained workers on the jobsite, those projects are completed on time and on budget.

So who keeps everyone on target? We do.

**We're the Indiana, Illinois, Iowa
Foundation for Fair Contracting.**

We bring Labor and Management together to assist public bodies and contractors with OSHA, contract compliance and other contracting matters, while striving to secure work for responsible contractors.

**Ready for success?
Call or click today to
learn more.**



**Indiana, Illinois, Iowa Foundation for
Fair Contracting**

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Treasurer—IUOE Local 150

David Snelten—Trustee
President—Excavators, Inc.

Larrie Reiling—Trustee
Assoc. Contractors of Quad Cities

Gene Yarkie—Trustee
Regional Vice President—Reith-Riley Construction Co., Inc.

Marc R. Poulos—Executive Director

