

JUNE 2014

JUNE

June 13
BPI in a Box
Syberg's on Dorsett

June 13
Construction Sales Training
Quality Inn Dorsett

June 18
Construction Showcase &
BBQ
Queeney Park

JULY

July 16
Monthly Business Meeting
Soccer Park-Fenton

AUGUST

August 20
Monthly Business Meeting
Syberg's on Dorsett

SEPTEMBER

September 17
Monthly Business Meeting
Soccer Park-Fenton

OCTOBER

October 6
ASA Golf Tournament
Whitmoor Country Club

visit www.asamidwest.com
for a calendar of events.

I would like to start off my final newsletter as president of this great organization by saying thank you for allowing me the opportunity to serve as your president. I want to thank all of the officers, directors, committee chairs, committee members and past presidents who make this organization run so well. I would like to thank Matt Tucker of Afton Fabricating for really pushing me all those years ago to consider a board position and eventually the chairs. I would also like to thank two women who have made this year happen. I am speaking of my wife Katie who has supported me this year allowing me to fulfill my commitments required as president. Susan Winkelmann, our Executive Direct, who has worked so diligently to make this chapter run smoothly and my job a lot easier, thank you.

I look back to some of the goals I had set in July and our approach to the three pillars of ASA and I think overall we did very well. Legislatively our efforts are starting to have a real results as SB529 has been truly agreed and passed and is now waiting for the Governor to sign. This bill lowers the retention that generals can hold on public projects to 5% and changes the requirements for owners arguing substantial completion of a project. As for education we had a great year with our very informative seminars and our Partners in Construction panels were must attend events with great information coming out of them. Once again this year we had excellent opportunities for networking form our Meet the GC's, the Roaring Twenty's Gala, and still this month we have the St. Louis Construction Showcase and BBQ. Overall I feel like we are moving in a good direction and I trust our future leaders to keep us on this path.

Often times over the past year you may have heard me jokingly refer to the position as "Sucker of the Year." This statement couldn't be farther from the truth, the opportunity to serve has allowed me so much personal and professional growth that I could never repay the organization. Once again thank you, it has been my pleasure serving as your president this year.

Sincerely,
Vincent Irwin
Irwin Products, Inc.
President, ASA MWC
Building. Community.



**Construction Showcase &
BBQ @ Queeny Park
June 18th Noon to 7pm!**

Directions: WY 270 to west on Manchester. Turn right on Weidman Road. 1 mile to Queeny Park entrance on right . You must enter from the Weidman Road entrance!!



The ASA Midwest Council proudly supports the USO with our "Tickets For the Troops" program. Our membership is generous enough to donate Cardinals tickets for the month of July 2014 so that soldiers on leave can attend a game with their family. **Donations in the past have totaled 1,275 tickets with a value over \$85,000.00.**

TO DONATE TICKETS, PLEASE CALL:

**Thomas McDonnell,
George McDonnell & Sons
(314) 581-1681**

**Susan Winkelmann, ASA Midwest Council
(314) 845-0855**



**ASA MIDWEST COUNCIL
CONSTRUCTION SHOWCASE & BBQ
QUEENY PARK**

Wednesday, June 18, 2014
Noon to 7:00 p.m. -*note earlier start time!*

Join the ASA Midwest Council and the entire St. Louis construction community for our St. Louis Construction Showcase & BBQ @ Queeny Park.

This event will be a great opportunity to network, spend time with industry partners and view and experience the latest construction technology, equipment, supplies, and tools. New this year, we will offer two safety classes-see details in this newsletter!!

The Showcase is free to attend, and replaces our usual ASA monthly business meeting. Register in advance, to stay up to date on all the details of the event.

Visit www.asamidwest.com to register and get all the details of the must attend event!

PLEASE INVITE YOUR INDUSTRY CONTACTS TO ATTEND THE EVENT! REMEMBER IT IS FREE FOR ALL ATTENDEES-includes refreshments and all the networking you can fit into one St Louis summer afternoon!!

See you on June 18th @ Queeny Park Remember we are starting earlier this year and the Construction Showcase runs from NOON to 7:00 p.m.

***Seal the Deal
Construction Sales Training***

Quality Inn Maryland Heights
Friday June ,13 2014
1:00 p.m. to 4:00 p.m.

Join Tom Woodcock, Seal the Deal, for this informative and interactive sales training

*"Sales Etiquette"
"Crossing the T's and
Dotting the I's in Selling"*

\$40 ASA Members
\$60 Non ASA Members

www.asamidwest.com
To register Today!

BPI in a BOX

Lunch & BPI Session
ASA Subcontractor & Supplier
Members Only

Friday June 13, 2014
11:30 a.m. to 1:00 p.m.
Syberg's on Dorsett
\$25 per person

www.asamidwest.com
To register today!!

RESPONSIBILITY FOR SHOP DRAWINGS

*Dan Schoenekase
Greensfelder, Hemker & Gale, P.C.*

Much of the design work that takes place on a typical construction project is often performed by the general contractor, subcontractors and suppliers, during the shop drawing process.

Article 3.12 of AIA Document A201-2007 defines shop drawings as “drawings, diagrams, schedules and other data specially prepared for the Work by the Contractor or a Subcontractor, Sub-subcontractor, manufacturer, supplier or distributor to illustrate some portion of the Work”.

The typical shop drawing process begins with the Subcontractor or Supplier preparing a shop drawing based upon the design information contained in the contract documents furnished by the project Owner, and submitting that shop drawing to the Contractor. In turn, the Contractor checks the shop drawing against the contract documents to make sure that they are accurate and complete, and coordinated with other, related shop drawings. The Contractor then notes approval of the work, and sends a copy of the shop drawing, plus a marked-up print with any corrections, to the Architect. The Architect checks it for conformance with the design requirements expressed in the contract documents, marks the drawing with his or her stamp of “approval”, and returns it (along with a print marked with any corrections) to the Contractor. The Contractor then notes the Architect’s approval status, and returns the shop drawing (and a corrected print, if any) to the Subcontractor. If the Architect does not approve the shop drawing or indicates that it is approved subject to modification or correction, then the entire process is repeated.

Thus, there are 3 main players involved in the shop drawing submittal process – the Owner, the Contractor (and its subcontractors), and the Architect or Engineer. What are the respective responsibilities of each?

The Owner’s Responsibilities

Without question, the Owner’s primary responsibility is to provide the contractor and its subcontractors with accurate and adequate design information upon which the shop drawings will be based. Indeed, courts have held that the Owner warrants the sufficiency and adequacy of its design specifications contained in the contract documents. And this responsibility cannot simply be passed on to the Contractor during the shop drawing process.

Additionally, the Owner (acting through its architect or contracting officer) is obligated to reasonably approve or reject shop drawings in a timely fashion or it may be subjected to liability for delays.

The Contractor’s Responsibilities

The Contractor’s responsibilities for shop drawings are typically defined by its contract with the Owner. Under the AIA contract documents, the Contractor is required to review and approve the shop drawings before submitting them to the Architect, and by approving the shop drawings, the Contractor represents that he or she has verified materials, field measurements, and field construction criteria, and has checked and coordinated the information in the shop drawings with the contract requirements.

What is the effect of the Architect’s or Owner’s approval of the shop drawings on the Contractor’s responsibilities? Under the AIA, approval by the Owner or the Architect does *not* relieve the Contractor from responsibility for any errors or omissions in the shop drawings, or from its responsibility for means and methods of construction, or from compliance with the contract requirements.

The Contractor must also separately note any variations or discrepancies between the shop drawings and the contract requirements. Absent such notice, the Architect’s or Owner’s approval of the shop drawings will not bind the Owner to any changes to the contract requirements.

The Architect’s Responsibilities

As a general proposition, the responsibility of the Architect is principally defined by its contract with the Owner. According to the AIA standard form architect’s contract, the Architect is required to review and approve or take other appropriate action upon the Contractor’s submittals – but only for the limited purpose of checking them for conformance with information given and the design concept expressed in the contract documents.

While language such as that found in the AIA standard form architect’s contract may limit the scope of the Architect’s review, courts have held that the Architect is still responsible for verifying the compliance of the shop drawings with the information contained in the contract documents.

Many designers attempt to avoid liability by stamping the shop drawings with words such as “check” instead of “approve”. However, courts have held that a designer’s use of such qualifying language in its “approval” stamp cannot vary its contract responsibilities.

Courts have held that the Architect’s responsibilities are defined not only by its contract with the Owner, but also by the standards imposed by the law upon the design profession in the locale of the work. The case against the engineers involved in the construction of the lobby skywalks of the Hyatt Regency Hotel in Kansas City is an excellent example of this concept.

**ASA MIDWEST COUNCIL
MEMBER AFFINITY PROGRAMS**

ASA Membership has many benefits!!

Your membership includes exceptional affinity programs exclusively for ASA Midwest Council Members.

Discounts include but not limited to programs from the following ASA Members:

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ELCO Chevrolet Cadillac
Firestone
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Pac-Van, Inc.
Secura Insurance
Stylemaster Promotional Products*

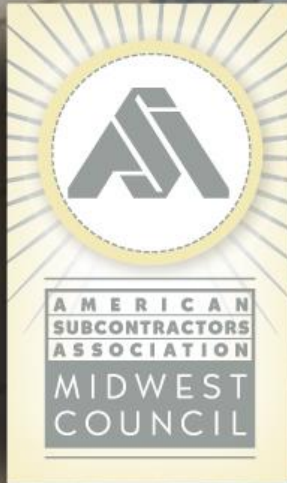
www.asamidwest.com for details

THANK YOU

to the companies that attended the May Monthly Meeting:

<i>Air Masters/Gateway Mech.</i>	<i>Duct Systems</i>	<i>IronPlanet, Inc.</i>	<i>Sandberg, Phoenix &</i>
<i>AME Constructors</i>	<i>Ductz of West St Louis</i>	<i>Irwin Products</i>	<i>Von Gontard</i>
<i>American Steel Fabrication</i>	<i>Dynamic Controls</i>	<i>K & K Supply</i>	<i>Schaeffer Electric</i>
<i>Aschinger Electric</i>	<i>ELCO Chevrolet Cadillac</i>	<i>Lizmark</i>	<i>Seal the Deal</i>
<i>Bazan Painting Co</i>	<i>Event Productions Inc.</i>	<i>McCarthy, Leonard &</i>	<i>Sikich LLP</i>
<i>Bi-State Utilities</i>	<i>Excel Fire Protection</i>	<i>Kaemmerer</i>	<i>St Louis CNR</i>
<i>Blue Line Rental</i>	<i>Fabick Rents</i>	<i>Montgomery Bank</i>	<i>Stone Carlie</i>
<i>Bommarito Ford</i>	<i>Firestone</i>	<i>Pac-Van, Inc.</i>	<i>Style Master</i>
<i>Branham Electric</i>	<i>Foundation Supportworks</i>	<i>Parkway Construction Svcs</i>	<i>T. J. Wies Contracting</i>
<i>Briner Electric</i>	<i>by Woods</i>	<i>Pipe Systems</i>	<i>UHY LLP</i>
<i>C & R Mechanical Co.</i>	<i>Freeman Contracting</i>	<i>PS Rapp Sewer & Plumbing</i>	<i>United Infrastructure</i>
<i>CeeKay Supply</i>	<i>Frost Supply</i>	<i>RM Supply</i>	<i>Wise Safety &</i>
<i>CMIT Solutions</i>	<i>GBI, Inc.</i>	<i>RubinBrown LLP</i>	<i>Environmental</i>
<i>Corrigan Company</i>	<i>George McDonnell & Sons</i>	<i>SD Smith Financial</i>	
<i>D & J Glass & Sign</i>	<i>Hayden Wrecking</i>	<i>Sachs Electric Co.</i>	
<i>Dawson Dodd Heating &</i>	<i>Hoette Concrete</i>	<i>Safety International</i>	
<i>Cooling</i>	<i>Ideas4Promos</i>		

St. Louis Construction Showcase 2014



Building. Community.

Free Admission

- Free BBQ and Beer
- Great networking opportunity
- New construction equipment, supplies and tools
- Latest trends in estimating software

Wednesday, June 18, 2014
QUEENY PARK
12PM TO 7:30PM



314.845.0855

Join the ASA Midwest Council and the entire St. Louis construction community for our 2nd annual *St Louis Construction Showcase & BBQ*.

This is a great opportunity to network, spend time with industry partners, and view the latest construction technology, equipment, supplies, tools and safety information.

WWW.ASAMIDWEST.COM for more information
susan@asamidwest.com or 314 845-0855

**JOIN THE ASA STAR SAFETY COMMITTEE AT THE
CONSTRUCTION SHOWCASE & BBQ**

JUNE 18, 2014

QUEENY PARK

TWO CLASS TIMES TO CHOOSE FROM:

11:30 a.m. to 12:30 p.m.

&

1:30 p.m. to 2:30 p.m.

\$25 per person per session-register in advance

www.asamidwest.com

Confined Space Entrant Certification:

Definition of Confined Space

Permit Required & Non Permit Required

Confined Space Hazards

Entry Requirements

Atmospheric Testing Procedures

Entrant & Supervisory Responsibilities

Competent Person Excavation Certification:

Excavation Hazards

Acceptable Means of Excavation Protection

Sloping, Shoring, Trench Shielding

Egress Requirements

Soil Types and Excavation Requirements

Competent Person Responsibilities

***ALL ATTENDEES WILL RECEIVE A CERTIFICATE OF COMPLETION
FROM SAFETY INTERNATIONAL.***



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MAKE PLANS TO ATTEND
***THE 27th ANNUAL
ASA MWC
GOLF TOURNAMENT***

Monday, October 6, 2014

Whitmoor Country Club

www.asamidwest.com for details

The 2014 legislative session has finally come to a close. The legislature adjourned pursuant to the Missouri Constitution on Friday, May 16, at 6:00 p.m. The last week of session brought none of the typical drama associated with a normal final week of session. Neither chamber kept the late night/early morning hours which is typical the last week of session. Much of this slow pace can likely be attributed to the fact that this is an election year.

Legislation this year that grabbed the majority of the headlines was the passage of the State's \$26.4 billion fiscal year 2015 budget; education/student transfers; abortion, advance voting and the passage, veto and subsequent veto override of SB509-the first state income tax reduction passed in decades. While all the Republican priorities did not pass this year, there were several that did.

Despite the fact that the legislative process moved slowly this session, out of the 1,842 pieces of legislation filed during the 2014 legislative session, 188 bills made it through the legislative process to final passage. This includes 15 appropriation bills. Of the bills that were Truly Agreed to and Finally Passed, there were fewer omnibus bills (large bills amended as they move through the legislature which contain multiple subjects) passed. These bills are always dangerous as they are very large, shuffled through at the last minute and carry a high chance of containing controversial legislation.

Governor Nixon has until July 14, 2014 to either sign or veto bills passed during the legislative session. All legislation passed by the General Assembly, if signed into law by Governor Nixon, will become effective on August 28, 2014 unless the legislation provided for a specific effective date or contained an emergency clause. If the Governor takes no action by July 14, the bill becomes law.

To see a summary of all bills passed by the Missouri General Assembly this year, please log onto: http://www.senate.mo.gov/14info/BTS_Web/TrulyAgreed.aspx?SessionType=R

HOW DID ASA'S LEGISLATIVE PRIORITIES FAIR?

ASA's legislative priorities throughout year were to pass legislation changing to the state's additional insured laws; pass legislation changing the state's laws on retention; pass mechanics' lien legislation; prevent the passage of legislation that would repeal or negatively affect the state's prevailing wage laws and right-to-work laws. The following is a brief update on the fate of these pieces of legislation important to ASA:

(1) **Retainage**-Bills were filed in both the House and Senate this year which proposed changes to the state's laws regarding retention on public projects. Through our negotiations last year and early this session, we were able to work through differences with our opponents and get language that most including the City of Kansas City and the St. Louis AGC would not oppose. We filed our bills this year based on the end of session negotiations last year. With a few minor tweaks to the language the beginning of this session, had a bill that made it through the legislative session virtually unopposed. The bill now sits on the Governor's desk. Due to the overwhelming support of the bill as it made its way through the legislature with only one no vote (Passing the Senate 32-0 and House 143-1), we don't see that the Governor would veto this bill. However, we will take nothing for granted and continue to work this issue until signed by the Governor. In summary the bill as passed would limit retention on public projects over \$50,000 to 5% when a bond is required. Public projects below \$50,000 would allow retention to be held up to 10% without a bond. Upon substantial completion an owner must release all but 2% of retention, unless substantial completion is disputed in writing to the subcontractor within 15 days of request for payment. Other provisions were included in the bill as well to view the bill as passed, please log onto: http://www.senate.mo.gov/14info/BTS_Web/Bill.aspx?SessionType=R&BillID=27723582.

2) **Additional Insured**: As I reported all year, controversy over the intent of the language in the additional insured bill has plagued

the bill. Until we can work out appropriate and acceptable language, we will have a hard time being successful passing a bill on this topic. The current statute is very confusing which has made writing appropriate language even tougher. The intent of our language is to make changes to statute relating to the state's additional insured laws so subcontractors and contractors are not liable for work they did not perform or were not contracted to perform. We will continue working with Rep. Gosen, legislative research, ASA National, and others to develop less complex language to file next year, yet still attempting to fix the problem in current law.

(3) **Mechanics' Lien Legislation** -Our opponents were successful this year killing the legislation we proposed changing mechanic's lien laws and it relates to lien waivers. As you know from past years, it is very difficult to open the statutes and pass legislation changing the mechanic's lien laws in the state. Our proposal merely specified that a lien waiver or lien release is only enforceable to the extent of the payment amount received by the lien claimant in exchange for the waiver or lien release. Too many times subcontractors will sign their lien rights away without knowing it due to numerous different and complex lien waiver forms that have hidden language. We will attempt to make some headway and work with our opponents during the off session. This was the first year we filed a bill on this issue.

(4) **Prevailing Wage**-Several bills were filed this year that would eliminate or change the prevailing wage laws in the State. However, none of those harmful bills received much momentum and died.

A bill was filed and passed the last week of session that dealt with prevailing wage relating to volunteer labor on public works projects. HB1594 excludes volunteer labor on public projects from being subject to prevailing wage requirements. Many labor groups worked with the sponsor of this bill and the Senate bill to make sure that this exclusion would not be abused and that there were no loopholes around the prevailing wage laws. The filing of the bill was prompted from a usual situation which arose in a small Southwest Missouri town, when a local charitable organization wanted to volunteer its labor to build a gazebo in the town center.

(6) **Right-to-Work/Paycheck Protection**-Both Right-to-Work and Paycheck protection (considered the water down or compromise to right-to-work) legislation died in the General Assembly. Right-to-work was a priority of Speaker Tim Jones; however, many of his House colleagues and the Senate were not as inspired to pass this legislation. When brought up for a perfection vote in the House, the bill passed reaching the majority votes necessary to perfect the bill; however, the bill stalled out after that the Speaker was unable to gather the constitutional majority of 82 votes needed to give its final approval to move out of the House. The bill died on the House Calendar.

Last year the General Assembly was successful passing Paycheck Protection legislation, but the Governor vetoed the legislation. The Senate failed its attempt to override the Governor's veto in September. This session the bill again died in the Senate. It was very clear in the limited amount of floor time given this issue in the Senate that the Senate was not going to be successful passing this legislation again. At the end of session the Republicans and Democrats came together and made a deal on several bills. Paycheck protection and Right-to-Work were taken off the table by Republicans in exchange for the Democrats allowing other non-related legislation (i.e. 72 hour abortion waiting period) to pass.

You should have received my full end of session report via e-mail. If you have any questions regarding anything that happened during the 2014 legislative session or the fate of any bill in particular that was not mentioned, please do not hesitate to contact me. I will be happy to answer any questions regarding legislation that either did pass or didn't pass this session.

Upcoming ASA Midwest Council Events & Meetings

- June 13 BPI in a Box-*Subcontractor & Supplier Members Only*
Includes lunch and BPI Session-only \$25
Syberg's on Dorsett
- June 13 Construction Sales Training Seminar-Seal the Deal
Quality Inn Dorsett
- June 18 Construction Showcase & BBQ
Queeny Park-Noon to 7:00 p.m.
- July 16 Monthly Business Meeting
Soccer Park-Fenton
- August 20 Monthly Business Meeting
Syberg's on Dorsett
- September 17 Monthly Business Meeting
Soccer Park-Fenton

DUES RENEWAL

Our annual dues renewal process
began in May

You should have received your invoice
via us mail
which was mailed from the
**ASA National organization in
Alexandria, VA**

Dues renewal \$845 due by July 1, 2014
Questions? Contact Susan Winkelmann



Each month you will receive an update on the committees within ASA, to keep you informed. on current happenings at the committee level. Below are this month's committee reports.

MEMBERSHIP

As we approach the end of the 2013-2014 fiscal year, we are wrapping up yet another successful year for growing the membership. Congratulations! By improving the base that we all stand on together, we become a stronger organization together. As we build upon our base membership, it is my belief that we will naturally generate more and more business to business opportunities within the organization. Resulting in creating an environment that no one in the construction industry will want to miss out on!

What can you do to help get the most out of your membership this month? If you are a subcontractor member, invite your top 2 vendors to the ASA's St. Louis Showcase and BBQ as your guest. If you are an associate member, invite your favorite 2 subcontractors to be your guest. What a fantastic resource that you will become with just one invitation.

ASA-Midwest is always offering the following FREE opportunities to all of our members to take advantage of every month:

New Member Spotlight* – ALL Members - This is an article published in our ASA "The Voice" Newsletter that the new member can write about what type of work that their company performs.

Vendor Spotlight* – Associate Members only - This is an article published in our ASA "The Voice" Newsletter that any associate member can write about what services their company can provide to our members.

Sound bite* – ALL Members – "What ASA has done for me" is an article located in ASA "The Voice" Newsletter that describes how ASA has benefited from membership. A GREAT place for a Business to Business success story!

*Please contact Susan for further details

Thank you for your time and all the best,

Jennifer Tichacek, Membership Chairman
C&R Mechanical Company

SAFETY

Get educated by getting involved with the new **STAR Safety** program. Let us help you achieve your 2014 safety goals. The Safety Committee meets the last Wednesday of the month at 4:00pm at Helen Fitzgerald's Pub on South Lindbergh. New members are always welcome. If you think you might be interested, see you there! For additional info contact Mike Sicking, Safety International, 314-486-3141

PROGRAMS

Upcoming programming includes our first ever BPI in a Box and Seal the Deal Construction Sales Training on June 13th.

If you have suggestions or comments regarding ASA Programming, feel free to contact Tom Woodcock, Seal the Deal.

CONTRACT REVIEW

The contract review committee has over 80 contracts of general contractors that have been reviewed. Copies are available for your use, contact Susan Winkelmann to see what contracts we have on file.

A 5 part seminar series on Killer Clauses and Lien Waivers is planned for late 2014/early 2015. Details to follow.

Dick Stockenberg, Sandberg, Phoenix & von Gontard P.C.

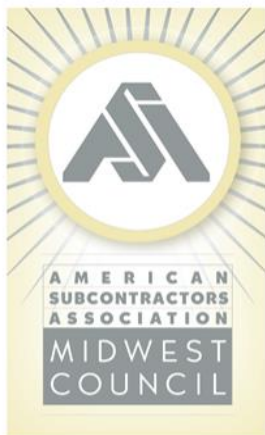


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ASA's Excellence in Ethics Award Application Process Can Help Your Firm Start an Ethics Program

If your firm has implemented, or is developing, a corporate ethics code or training program, you may already have most of the materials you would need to apply for ASA's 2014 Excellence in Ethics Award. If your firm does not yet have an ethics program, following the awards application process can help you start one! ASA's 2014 Excellence in Ethics Award provides national recognition to subcontractors that demonstrate the highest standards of integrity in the construction industry. Award winners are selected based on corporate ethics policies and procedures, construction industry practices, and general business practices.

The award is a great way to let your clients, employees, and others in your community know that your company is committed to professionalism and sound business practices — and including such a distinction in your bids can be a good way to help distinguish your firm from your competitors! ASA has developed a "Model Timeline for Preparing an Application for an ASA 2014 Excellence in Ethics Award," which assigns a completion date to each step in gathering or producing the needed documentation to complete the application, including: finalizing policies, scheduling ethics training, soliciting recommendation letters, arranging for payment of the application fee, and reviewing and submitting the application. Some examples of materials that must be included with your application are: an internal financial controls policy, a non-discrimination and/or anti-harassment policy, a process for timely and fair resolution of customer complaints, and a recommendation letter from a competitor, a customer, and a supplier.



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Awards applications will be evaluated by Nitish Singh, Ph.D., an associate professor in International Business and the program leader of the Certificate in Corporate Ethics & Compliance Management at Saint Louis University, St. Louis, Mo. Dr. Singh also runs a consulting firm, IntegTree, LLC, with his business partner, Thomas Bussen, JD, MBA, providing ethics and compliance training and advisory services. For more information on ethics and compliance services, email Dr. Singh. Dr. Singh also serves as co-chair for the Brand2Global: Global Branding & Digital Medial Annual Conference.

Read ASA's 2014 Excellence in Ethics Awards brochure to learn about the awards judging criteria and submission requirements. ASA also provides a resource guide to help firms prepare and submit applications. This guide contains model documents, such as sample recommendation letter requests and model policies on topics ranging from competition and conflicts of interest to internal procedures and whistle blowing. The application deadline is Dec. 12, 2014. ASA will present the 2014 Excellence in Ethics Awards at its annual convention, SUBExcel 2015, which will take place March 26-29, 2015, in Seattle, Wash. Learn more about the ASA Excellence in Ethics Awards on the ASA Web site under "Education & Events."

WE NEED YOUR FEEDBACK!!

*Have you filled out a
member needs survey for 2014?*

*Please visit www.asamidwest.com
to access the member survey*



*Please complete and email to
susan@asamidwest.com*

How do you record injuries that happen to employees on the road?

Mike Sicking, Safety International LLC

I recently had an ASA member request clarification as to how they should classify employee injuries when the employee is out of town travelling on behalf of the company. In the past they said that if the employee was out of town they considered all injuries as company related since they would not have been there if it were not for the duties of their employment. This is not necessarily true and I hope to clarify that in this month's newsletter.

For the sake of OSHA reporting OSHA considers Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer."

Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer).

This is where it gets interesting and there are a number of instances where the employer would not have to classify an injury as company related.

Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the exceptions listed below.

So you can see that the key elements to remember are that:

The motel is the same as his or her home residence in the eyes of OSHA

Travel to and from the motel from the jobsite each day is considered personal time just as it is if they were working locally.

Personal side trips deviating from work related travel are considered personal time.

If your Superintendent gets hurt in a bar fight, guess what? He's his wife's problem.

The most important thing to take away from this newsletter is that you have to really communicate with your employees on the road much more so than if they were working locally. You knowing where they are going and their daily routine could possibly save you thousands down the road in medical claims, insurance premium cost, and lost business through a low EMR rating.

As always, if you have any questions please feel free to contact me at any time. Stay Safe!
Mike Sicking, Safety International, LLC

If the employee has...	You may use the following to determine if an injury or illness is work-related
checked into a hotel or motel for one or more days	When a traveling employee checks into a hotel, motel, or into another temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a non-traveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she re-enters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
taken a detour for personal reasons	Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).



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IronPlanet, Inc.
Process Marketing Group
ProSource Wholesale Floorcoverings

*Recruit a new member and earn a star
for your ASA name badge.*

Join a committee today.

Membership

(Jennifer Tichacek/Jodi Waeltermann)

Programs *(Tom Woodcock)*

Golf *(Jennifer Church/Jeff Jordan)*

Advocacy *(Tim Thomas)*

Awards Gala

(Molly Spowal /Rick Swanson)

Construction Showcase & BBQ

(Kevin Douglas/Rick Williams)

GC Expo

(Walter Bazan, Jr./Tim Thomas)

Safety *(Mike Sicking)*

Brand Development

(Stephanie Woodcock)

Contract Review *(Dick Stockenberg)*

*Most committees meet every 4 weeks, contact a
committee chair today, to join a committee!!*



The Tom Owens Memorial Scholarship is a 501(c)(3) non-profit organization that provides financial assistance to qualified candidates who are part-time or full-time students who attend or will be attending accredited junior college, college, university or post-graduate institutions.

The Scholarship Committee will hold their Annual Wine Pull at the St Louis Construction Showcase and BBQ Wednesday, June 18th

We are looking for donations of bottles of wine with a minimum value of \$20.

If you care to donate Please Contact Chris O'Hagan, J D Kutter Insurance. chris@jdkutter.com

Please consider making a tax deductible donation to the Tom Owens Memorial Scholarship Fund to further our cause today. Visit www.asatomsf.com for details.

Sponsorship Rates

Sponsorship opportunities are available in the ASA newsletter. Rates are very reasonable but are limited. Below are the rates. If interested, please call Susan at 314 845-0855.

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- 1/4 Page Monthly \$300/Year
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- 1/2 Page Monthly \$500/Year
- 1/2 Page Quarterly \$225/Year
- Business Card Monthly \$125/Year
- Business Card Quarterly \$70/Year
- Whole Page 1X \$300 Per Issue
- Whole Page Quarterly \$900/Year
- Classified Ads \$15 Per Issue

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Contact Susan Winkelmann
susan@asamidwest.com

ASSOCIATION PARTNERSHIPS:

Mason Contractors Assoc.(MCA)

Contact Pam Holway

or David Gillick

(314) 645-1966



www.masonrystlouis.com

American Society of Professional Estimators (ASPE)

Contact Mindy Funk or

Cyndi Walker

(314) 596-7695 or

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