

APRIL 2019

APRIL

April 6
The ASA MWC
Mad Hatter Awards Gala
The Four Seasons

April 24
Monthly DINNER Meeting
Syberg's on Dorsett

MAY

May 15
Construction Showcase
& BBQ
Queeny Park

May 23
ASA Women's Council
Happy Hour
Rosalita's Cantina

JUNE

June 19
Monthly LUNCH Meeting
Contegra Construction

OCTOBER

October 7
ASA 32nd Annual
Golf Tournament
Whitmoor Country Club

*For a full list of all
ASA Midwest Council events
visit www.asamidwest.com*

I had a great time at the ASA National SubExcel convention in Nashville, TN! There were seven of us from the Midwest Council chapter, so we had great representation from our chapter. All of the speakers were informative and challenged the way we think and do things. There were several things that came to light and made me stop and think about where we are as an industry, a chapter, a business, and even personally.

Vocational Investment was the topic that Tennessee Governor Lee brought to the podium. They are making leaps and bounds in the youth investment for the trades in Tennessee. The Arkansas State Chamber of Commerce is also making tremendous progress with introducing youth to the trades. If you have time go to their website BeProudBePro.org, it is impressive what they have accomplished. This is exactly the topic of conversation we started with our February meeting, and an extremely important topic to all of us in the STL construction industry!

Another one of my favorite things that we were challenged with was becoming a better leader. Inclusion and engagement were the focus. "Would you follow you?" It starts with positivity, consistency, celebrating victories and enhancing the conversation. Clint Swindell, the keynote speaker, did an excellent job reminding us that attitude reflects leadership and success depends on your leadership. His motto; "Tell me something good"... go to his website www.verbalocity.com for more information on leadership engagement.

March 3-9 was National Women in Construction week. Women nationwide celebrated their impact on the construction industry and honoring those trailblazers who came before them. ASA Midwest Council's women's peer group will kick off with a Happy Hour on May 23rd, more details coming soon, so watch your email, and check out www.asamidwest.com for information.

According to the Bureau of Labor Statistics the number of women in construction began to drop in the early years of the recession from over 1,000,000 in 2005. Those numbers continued to drop through 2012 hitting a low of 802,000 before they began to climb again. This is, obviously consistent with the industry's recovery from the recession. In 2016 (most recent statistics available), women comprised 9.1% of the industry (939,000 individuals). Still, the majority of these women (45%) work in the sales and office sector of the industry. It's wonderful to note, though, that 31% are in Professional & Managerial positions while another 21% are in the Natural Resources, Construction & Maintenance sector. (information from AGC source).

Daylight savings time was a welcome change from this brutal winter we have had. The weather is slowly starting to change to Spring! This is the start of our industry's busy season. Make sure your folks have the proper training, whether it be safety lift training, CPR or anything else from A to Z. Our ASA Midwest Council Safety Committee is working hard to bring valuable information to our members! We want everyone to be Always Safety Aware so please Stay Safe out there! Wishing everyone a prosperous and safe summer! I look forward to seeing you at the May 15th ASA Construction Showcase & BBQ, at Queeny Park!

Jennifer Church, United Rentals
President, ASA Midwest Council
jchurch@ur.com 314.486.3899

Syberg's on Dorsett

2430 Old Dorsett Rd
Maryland Heights, MO

Directions: Exit HWY 270 at the Dorsett Exit.
Go east on Dorsett, and a left onto Old Dorsett
Road to Syberg's.



SAVE THE DATE!

The 32nd ANNUAL
ASA MWC
GOLF TOURNAMENT

Monday, October 7th
Whitmoor Country Club

www.asamidwest.com
for event details!

WE NEED YOU!

ASA Midwest Council needs
your Time & Talent!

*Consider Joining a Committee to help
ASA be the Best we Can be!*



Membership

(Chris O'Hagan/Matt Tucker)

Education/Programs

(Chris O'Hagan/Steve Albart)

Golf

(Jennifer Church/ Steve Cummins)

Advocacy

(Tim Thomas)

Awards Gala

(Molly Spowal /Rick Swanson)

Construction Showcase & BBQ

(Amy Heeger/Rick Williams)

GC Expo

(Walter Bazan, Jr. /Tim Thomas)

Safety

(Rose Kastrup/Steve Williams)

Brand Development

(Stephanie Woodcock)

Contract Review

(Dick Stockenberg)

Affinity Programs

(Dianne Gibbs)

Contact a committee chair or Susan Winkelmann
to join any of the above committees!

Visit the committee page on our new website for
more information on all of ASA Midwest Council
committees available to join!

APRIL 2019 Monthly **DINNER Meeting**

Syberg's on Dorsett

Wednesday, April 24, 2019

5:30 p.m. to 8:00 p.m.

Please make plans to join us for the April Monthly
Member **DINNER** Meeting on Wednesday, April 24,
2019 at 5:30 p.m., **Syberg's on Dorsett**.

Join our three ***GC of the Year Award Winners***
at our Monthly Membership **DINNER** Meeting, for
networking, dinner, and a company overview from
each award winner!

**GC of the Year Award Winners Will be
Announced at the Mad Hatter Awards Gala on
April 6th at the Four Seasons Hotel STL**

***Watch your email for the winning GC's that will be
in attendance on April 24th!***

MEETING AGENDA:

Networking 5:30 to 6:30 p.m.

Dinner 6:30 p.m.

Program (GC Award Winners) 7:00 p.m.

Registration includes hosted bar, dinner & program

\$42 ASA Members

\$65 Non ASA Members

INTERESTED IN SPONSORING THIS MEETING?

ONLY \$250 to sponsor meeting!

Limited Sponsorship Availability!

Contact Susan Winkelmann for details
susan@asamidwest.com or 314.845.0855

**Register online-www.asamidwest.com
by Friday, April 19, 2019**

*Attendees not cancelled by 4.19.19. will be
charged per ASA cancellation policy. No refund after
4.19.19, but you may always send someone in your
place if you can not attend.*

Lisa Grubbs/Chris O'Hagan
JD Kutter



Drone Use in Construction Has its Ups and Downs

The use of drones in the construction industry is starting to really take off (ouch....)! Benefits of their use by contractors include access to better information (drones can go places we simply cannot and provide more precise material inventory estimates), increased billing accuracy (drones are ideal for unit cost projects) and are an economical alternative to manual aerial photography (a small, high-quality digital video camera can be easily attached).

On the other hand, drones present risks to contractors as well. Drones are unmanned, remote-controlled aircraft that can weigh as much as 55 pounds by law. That is a lot of weight when free-falling from 400 feet, and in flight there is potential interference with *manned* aircraft, risking physical injury to people and/or damage to property. This could be a small issue, such as a dent or paint damage to a car, or a major catastrophe if the drone seriously injures a person on the ground or collides with another aircraft, causing it to crash.

Further, improper usage is also a concern, whether intentional or not, having the possible effect of violating an individual's privacy by illegally collecting and storing unauthorized data, as well as infringing on personal property and space. There unfortunately is a steady stream of news reports with allegations of invasion of privacy by drone operators.

The Federal Aviation Administration (FAA) mandates that drones be flown only by a licensed operator, that the operator always maintain a direct line of sight on the drone and that the operator cannot fly the drone over people not "directly participating" in the flight operation. Government rules concerning drone operation are subject to exception, and have changed considerably over the past few years. It is reasonable to expect that they will continue to change, so it is important to remain informed and updated.

As for insurance implications, the issue is that the typical policies purchased by a contractor do not offer proper or clear-cut coverage for claims involving aircraft. Standard General Liability coverage forms, assuming no special endorsements, exclude coverage for bodily injury and property damage claims caused by aircraft. For privacy claims, the policy's definition of "personal and advertising injury" does not include coverage for invasion of privacy unless that material or data is published. Even this scenario excludes coverage if the contractor knowingly or criminally violates another's rights.

The Umbrella / Excess policy typically does not fill in any coverage gaps.

Note that while the standard General Liability policy excludes coverage for "aircraft", the policy does not define the word, which could lead to coverage disputes. Insurers are becoming increasingly familiar with drone exposures, however, and may be willing to specifically add coverage back onto the General Liability policy by endorsement. The Umbrella policy may in turn be revised to sit over this enhancement by endorsement as well.

If drone use will be an ongoing part of your operations, you may want to consider a special aviation policy that fully covers your particular use of the drone. Coverage includes physical damage to the drone itself. Over time this type of policy has become less and less expensive.

Market solutions continue to develop. So talk to your insurance broker and make sure that you are protected, because drone coverage won't just fall out of the sky (my sincere apologies.....)!





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.

Please consider making a tax deductible donation to the Tom Owens Memorial Scholarship Fund to further our cause today.

**For additional information about the Scholarship Fund contact
Chris O'Hagan, J D Kutter -chris@jdkutter.com**

THANK YOU

to the MEMBER COMPANIES that attended the Monthly Meeting

Affton Fabricating & Welding
American Steel Fabrication
Archview Metals
Aschinger Electric Co.
AUTCOhome Appliances
Bangert Computer Systems
BAZAN Painting Co.
Bell Electrical Contractors
Bi-State Utilities Co.
CNA Surety
Common Sense Solutions
CSA Advisors

Duct Systems
Enterprise Bank & Trust
Event Productions
Fabick
Foreman Fabricators
Gencorp Services
George McDonnell & Sons
Golterman & Sabo
Guarantee Electrical Co.
Hayden Wrecking
ideas4promos
Irwin Products

J.D. Kutter
Liberty Mutual Surety
Jarrell Mechanical Contractors
Johnson Controls
Knapheide
Lawrence Fabric & Metal
Marketeer, Inc.
Meyer Painting Co.
Nu Way
PM Leach Painting Co.
PPG Paints
Precision Analysis, Inc.

Sachs Electric
Sandberg Phoenix von Gontard
Schmersahl Treloar & Co
Seal the Deal Too
SFW Partners, LLC
Sikich, LLP
Sunbelt Rentals
TJ Wies Contracting, Inc.
UHY LLP
United Rentals

Upcoming ASA Midwest Council Meetings & Events



- | | |
|-------------------------|--|
| <i>April 6</i> | <i>ASA Midwest Council Awards Gala-The Mad Hatter Gala
The Four Seasons Hotel</i> |
| <i>April 24</i> | <i>Monthly Membership DINNER Meeting
Syberg's on Dorsett</i> |
| <i>May 15</i> | <i>Construction Showcase & BBQ
Queeny Park</i> |
| <i>May 23</i> | <i>ASA Women's Council Happy Hour
Rosalita's Cantina</i> |
| <i>June 19</i> | <i>Monthly Membership LUNCH Meeting
Contegra Construction</i> |
| <i>October 7</i> | <i>ASA Midwest Council Golf Tournament-SAVE THE DATE
Whitmoor Country Club</i> |

VISIT WWW.ASAMIDWEST.COM TO REGISTER FOR ANY OF THE ABOVE EVENTS!
Event registration now requires member login, contact susan@asamidwest.com with questions!



***ASA Midwest Council is on Facebook, Twitter & LinkedIn
Follow ASA Midwest Council for the latest news and information!***



ASA in Wonderland

2019 Nominees

General Contractor 2019

CATEGORY A

Alberici Constructors
BSI Constructors, Inc.
Contegra Construction Co.
McCarthy Building Co.
Tarlton Corporation

CATEGORY B

Interface Construction Corp
KAI Design & Build
Kozeny-Wagner
Musick Construction
Rhodey Construction, Inc.

CATEGORY C

BEX Construction Services
Eagan Building Group
G.S. & S. General Contractors
LANDCO Construction

MEP Subcontractor 2019

CATEGORY A

Corrigan Co.
Guarantee Electrical
Haberberger, Inc.
PayneCrest Electric
RockHill Mechanical Corp
Sachs Electric Co.

CATEGORY B

Aschinger Electric Co.
Boyer Fire Protection
Kaemmerlen Electric
Kaiser Electric, Inc.
OJ Laughlin Plumbing Co.
Pipe and Duct Systems LLC
Parkway Construction Services
R.F. Meeh Co.
Schaeffer Electric Co.

Specialty Subcontractor 2019

CATEGORY A

Collins & Hermann
Fenix Construction Co.
Flooring Systems, Inc.
Golterman & Sabo
John J. Smith Masonry Co.
Niehaus Building Services LLC
T. J. Wies Contracting, Inc
Wies Drywall & Construction

CATEGORY B

AME Constructors
BAZAN Painting Co.
Bloomsdale Excavating Co.
Hoette Concrete
P.M. Leach Painting Co.
Signature Craft

Service Provider/Supplier 2019

Enterprise Bank and Trust
J.D. Kutter
K & K Supply
Montgomery Bank

NuWay
Precision Analysis
Seal the Deal Too



ASA Midwest Council
P.O. Box 510743
St. Louis, MO 63151
314.845.0855
susan@asamidwest.com
www.asamidwest.com

Please join us for the



St. Louis Construction Showcase & BBQ *Sponsored by ASA Midwest Council*

May 15, 2019 | 2-7pm | Queeny Park



FREE ADMISSION – FREE Food & Drinks Included!

Visit with the top Vendors, Suppliers, Subcontractors and GCs!

Featuring the latest and greatest, new and innovative construction equipment, tools, supplies and safety equipment.

FREE ADMISSION

Visit asamidwest.com for additional details.

Building. Community.

ASA Midwest Council Has a New WEBSITE!!

The ASA Midwest Council has a NEW & IMPROVED website!!

Watch for enhanced features and benefits for our members in the coming months!

PLEASE take a few minutes to login to the new site and check out the new event registration features!

Don't have your login information? Just visit the login page, enter your email address and then select "FORGOT PASSWORD", you will receive an email with a temporary password so you can then login!

If you have any issues, PLEASE contact susan@asamidwest.com and we will walk you thru the login/registration process

Missouri legislators are in the home stretch of the 100th General Assembly as the beginning of April will mean only seven weeks remain in the legislative session.

The annual week-long spring break for legislators ran from March 15-22. This meant longer hours were spent debating bills on the floor in March. Both the Senate and House worked late into the night on several occasions in order for key legislation to move through the process. The House finalized its version of the fiscal year 2020 budget in March. The Senate will have the month of April to scrutinize the budget and decide on its version before sending the budget to conference the first of May.

One of the more notable issues thus far has been Governor Mike Parson's initiative for a \$351 million bonding proposal to repair and replace numerous bridges across the state. As we mentioned in last month's column, Parson had been meeting with legislators to gain support for his plan, but many remained skeptical, particularly House Budget Chairman Cody Smith. Chairman Smith has concerns about committing the state to such a large debt, and instead has proposed his own plan to use \$100 million in general revenue for bridge work in fiscal year 2020. He also signaled his intent to continue that level of funding for the next four years. The spending authority for the \$100 million has already cleared the full House and now sits in the Senate waiting its scrutiny. Numerous Senators have already announced their support for Smith's plan.

A handful of other bills dealing with road and bridge construction have had hearings in the House and Senate. Several of those are designed to increase fuel taxes. It appears though, at this point, a tax increase of any sort will not happen.

In an idea that many may see as futuristic, Hyperloop One seems to be making slow but steady progress in Missouri. The concept is for high-speed train or pod travel, through a sealed vacuum tube, where the pods ride on a cushion of air. The pods would transport goods or people and could theoretically reach speeds nearing 700 mph. The proposed route in Missouri would be from Kansas City to St. Louis, with stops in Columbia. Travel time between St. Louis and Kansas City reportedly would be just 28 minutes. Trips to Columbia from either side of the state would be as little as 15 minutes. In a previously released feasibility study, Kansas City engineering firm Black & Veatch estimated the cost to construct Hyperloop in Missouri would be between \$7 and \$10 billion and could create hundreds of construction related jobs in the I-70 corridor.

House Speaker Elijah Haahr has been a proponent of the Hyperloop idea, prompting him to name a Blue-Ribbon Panel on Hyperloop. The public-private task force will be chaired by Lt. Governor Mike Kehoe. Additional members will include University of Missouri President Mun Choi, Director of Economic Development Rob Dixon, several House and Senate members, as well as subject matter experts from around the state.

As the second half of the legislative session ramps up, legislators will continue to put in long hours, as well as pass and amend bills in rapid fashion. We will keep you updated on all the political happenings in Jefferson City and around the state. Please watch your e-mail inbox for weekly legislative updates. Nikki Strong, Strong Consultants.

ASA Midwest Council Members

Acoustical Ceilings, Inc.
Advanced Environmental Svcs
Affton Fabricating & Welding
Ahern Fire Protection
AME Constructors
American Burglary & Fire, Inc.
American Steel Fabrication, Inc.
Aqueduct Plumbing LLC
Architectural Sheet Metal Systems
Archview Metal Systems Co.
Aschinger Electric
Aspen Waste Systems
Autco Appliances
Automatic Controls Equipment
Bangert Computer Systems
Bazan Painting Company
Bell Electrical Contractors
Benson Electric Company
Bick Group
Big Boy's Steel Erection
Bi-State Fire Protection Corp.
Bi-State Utilities Company
Bloomsdale Excavating Co.
Boyer Fire Protection
Building Point Mid-America
C.E. Bollmeier Company, Inc.
C. E. Jarrell Contracting
CK Power
CMIT Solutions
CNA Surety
CSA Advisors LLC
Cardinal Environmental Operations
Cee Kay Supply
Century Fire Sprinklers, Inc.
CliftonLarsonAllen, LLP
Collins & Hermann
Common Sense Solutions
Corrigan Company
Doll Services and Engineering
Drilling Service Company
Dynamic Controls, Inc.
ELCO Chevrolet Cadillac
Enterprise Bank & Trust
Equipment Share
Event Productions, Inc.
Fabick CAT
FBM
Fenix Construction Co. of STL
Flooring Systems, Inc.
Foreman Fabricators
Foundation Supportworks by Woods

Freeman Contracting
Frost Supply
Galloway, Johnson, Tompkins,
Burr & Smith
George McDonnell & Sons
Golterman & Sabo
Grant Contracting
Guarantee Electrical
H & G Sales, Inc.
HM Risk
Haberberger, Inc.
Hager Companies
Hanenkamp Electric
Hansen's Tree, Lawn & Landscaping
Hawkins Construction & Flatwork
Hayden Wrecking
Heitkamp Masonry
Hoette Concrete
Ideas4Promos
Integrated Facility Services
Irwin Products
JD Kutter
J.F. Electric
J.W. Terrill
John J. Smith Masonry
Johnson Controls
Jos. Ward Painting Co.
K & K Supply, Inc.
Kaemmerlen Electric
Kaiser Electric
KAM's Mechanical LLC
Kay Bee Electric
Kent Companies LLC
Kirberg Company
Kirby-Smith Machinery, Inc.
Knapheide Truck Equipment
Landesign LLC
Lawrence Fabric & Metal Structures
Leach Painting Company
Liberty Mutual Surety
Lindberg Waterproofing
Linek Plumbing Co.
Lizmark
Luby Equipment Services
Marketeer, Inc.
Martin Fence, LLC
Meyer Painting Co.
Midwest Elevator
Montgomery Bank
Mueller Prost
Murphy Company

Negwer Door Systems
Niehaus Building Services
NuWay
O.J. Laughlin Plumbing Co.
On Site Companies, Inc.
P & A Drywall Supply
P.M. Leach Painting Co.
Pac-Van, Inc.
Parkway Construction Services
Patterson's Hospitality Agents LLC
PayneCrest Electric
Pearl Street Electric, LLC
Pipe and Duct Systems
PPG Paints
Precision Analysis, Inc.
Professional Installers
Professional Metal Works, LLC
R.F. Meeh Co.
RJP Electric
Raineri Building Materials
Ravensberg, Inc.
Rebar Specialists Installation
Rental Supply, Inc.
Rock Hill Mechanical Corp.
RubinBrown LLP
Sachs Electric Company
Safety International, LLC
Sandberg, Phoenix, von Gontard
Schaeffer Electric Co., Inc.
Schmersahl Treloar & Co.
Seal the Deal Too
Seiler Instruments
SFW Partners, LLC
The Sherwin-Williams Co.
Signature Craft
Sikich LLP
Smash-It
St. Louis-KC Carpenters Reg Council
Stylemaster Apparel, Inc.
Sunbelt Rentals
Swanson Masonry, Inc.
T.J. Wies Contracting
Taylor Excavating
Team Industrial Services
Tradesmen International
TROCO Custom Fabrication
UHY LLP
United Rentals
Vee-Jay Cement Contracting
Wies Drywall and Construction
Worksafe Technologies
Zurich Surety

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. Interested in joining a committee? Contact Susan Winkelmann, ASA Executive Director-susan@asamidwest.com or 314.845.0855

MEMBERSHIP

The ASA Membership Committee is asking for your help. If you know a subcontractor who could benefit from the resources that ASA brings to its members, let us know. The benefits of ASA membership are many and our committee is very focused on adding quality new members. For Additional information contact one of our Membership Committee Co-Chairs Chris O'Hagan, JD Kutter, at (314) 444-4949 or chris@jdkutter.com. Matt Tucker, Affton Fabricating & Welding, at (618)391-0434 or mtucker@afwc.com

SAFETY

The safety committee meets the fourth Thursday of the month at 4:00pm. The location varies by month. We are growing as a committee, and are always looking for more members. Please consider sending someone from your staff to join our committee. Lets be Always Safety Aware! For additional information regarding the ASA Safety Committee, contact one of our Safety Committee Co Chairs-Rose Kastrup with CSA Advisors at (417) 761-4194 or Steve Williams with Bell Electrical at (314) 447-9071.

CONTRACT REVIEW

BEWARE: If by contract (or otherwise) you have projects using Textura as your payment mechanism, watch out for suspicious communications asking for information from you. In other parts of the country there are instances of scams where subs' payments are being diverted to the Bad Guys.

If you have questions regarding the contract review service, contact committee chair, Dick Stockenberg, Sandberg Phoenix, von Gontard rstockenberg@sandbergphoenix.com.

PROGRAMS

The ASA Programs Committee is putting the finishing touches on 2019. Our goal is to continue to provide relevant programming to all our members. If you have questions, please contact either of our Programs Committee Co-Chairs: Chris O'Hagan, chris@jdkutter.com or Steve Albart, salbart@enterprisebank.com

SHOWCASE & BBQ

This year's Construction Showcase & BBQ will take place on Wednesday, May 15th at Queeny Park. **The Committee needs your help** in planning and executing this annual event! **If you are interested in joining the committee**, please contact our committee co-chairs, Amy Heeger, AME Constructors at 314 575-1703 amyh@ameconstructors.com **OR** Rick Williams, K & K Supply at 314 825-2390 rickw@kandksupply.com.

ASA National Recognizes Bazan Painting Co. with Certificate of Excellence in Ethics

ALEXANDRIA, Va.—Bazan Painting Company, St. Louis, Mo., was one of 14 construction subcontracting firms to earn the American Subcontractors Association's Certificate of Excellence in Ethics. The awards were presented on March 8 during a ceremony in Nashville, Tenn., in conjunction with ASA's annual national convention, SUBExcel 2019, the premier education and networking event for subcontractors, specialty trade contractors, and suppliers in the construction industry.

The ASA Certificate of Excellence in Ethics is presented to subcontractors, specialty trade contractors, and suppliers in recognition of their commitment to ASA values like quality construction and a safe and healthy work environment.

ASA National Construction Best Practices Awards

Alberici Constructors, St. Louis, Mo., received the ASA National Construction Best Practices Award, which recognizes prime contractors that exemplify the values of subcontractors, treat subcontractors fairly through use of level-playing-field contract terms, and consider subcontractors part of their core project teams.

The awards program's rigorous criteria include the use of a standard subcontract whose provisions substantially reflect the best practices incorporated into the ASA-endorsed ConsensusDocs 750 *Standard Agreement Between Constructor and Subcontractor*, as well as highly favorable evaluations from three specialty trade contractors.

ASA Members Elect Anthony Brooks, Platinum Drywall, Little Rock, Ark., as Next ASA National President



ASA members elected Anthony Brooks, Platinum Drywall, Little Rock, Ark., to serve as the Association's 2019-20 President. His term will begin on July 1. He will succeed Courtney Little, ACE Glass Construction, Little Rock, Ark.

Members also elected Brian Cooper, AROK Inc., Phoenix, Ariz., as Vice President, and Brian Carroll, Sanderford & Carroll, P.C., Temple, Texas, as Secretary/Treasurer. They will join Brooks in serving a one-year term, from July 1, 2019, thru June 30, 2019.

Brooks has served as president of Platinum Drywall since 2001. He was an estimator for Horton Drywall from 1993 to 2001. He earned his bachelor's degree from Philander Smith College, Little Rock, Ark. Brooks currently serves as ASA Vice President. As ASA President, Brooks will preside at meetings of ASA's Board of Directors, Executive Committee and the membership of the Association. He also will serve as the principal spokesperson for the Association and appoint the chairs, vice chairs and members of ASA committees and task forces.

ASA members elected three individuals to the Board of Directors: Brad Miller, Midwest Crane & Rigging, Olathe, Kan.; Chip Mabus, F.L. Crane & Sons, Inc., Fulton, Miss.; and Aaron Parker, Silver Star Construction Co., Moore, Okla. These directors will serve a three-year term, from July 1, 2019, through June 30, 2022. Current ASA Secretary/Treasurer Cooper announced the results of the election during ASA's annual business meeting on March 8, held in conjunction with ASA's annual national convention, SUBExcel 2019, in Nashville, TN.

**Legislative Changes that
Reduce the Liability
of Missouri Employers for
Temporary Total Disability (TTD) Benefits.**

No TTD is owed if the claimant applied and receives unemployment, or if discharged for "post-injury" misconduct:

287.170. 3. An employee is disqualified from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation.

287.170. 4. If the employee is terminated from post injury employment based upon the employee's post injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section, section 287.170, or 287.180 are payable. As used in this section, the phrase "post injury misconduct" shall not include absence from the work place due to an injury unless the employee is capable of working with restrictions, as certified by a physician.

After August 2017, the statute now provides that TTD is no longer owed after the claimant reaches MMI which had been the case law for decades but is now codified in 287.149. The law also provides that no TTD is owed if light duty had been available, but the claimant resigns:

287.149. 1. Temporary total disability or temporary partial disability benefits shall be paid throughout the rehabilitative process until the employee reaches maximum medical improvement, unless such benefits are terminated by the employee's return to work or are terminated as otherwise specified in this chapter.

287.170. 5. If an employee voluntarily separates from employment with an employer at a time when the employer had work available for the employee that was in compliance with any medical restriction imposed upon the employee within a reasonable degree of medical certainty as a result of the injury that is the subject of a claim for benefits under this chapter, neither temporary total disability nor temporary partial disability benefits available under this section or section 287.180 shall be payable.

If a claimant refuses to take a post-accident drug test that an Employer's policy requires, all benefits including TTD are forfeited:

287.120.6(3): ...An employee's refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, RSMo, at the request of the employer shall result in the forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

All of the above provisions are in addition to the argument that is provided in the simple definition of "total disability" that is contained in 287.020 that: "The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident."



**April is National
Distracted Driving Awareness Month**

Scary Statistics About Distracted Driving

Think about the time it takes you to enter an address into a map app on your phone or type a message to a friend telling them you're running a few minutes late. In your mind it only takes a second or two, but in reality, it takes at least five. To put that into perspective, if you were going 55 mph, that's like driving the length of one football field without looking. In fact, texting while driving makes a crash 23 times more likely. (By the way, texting while stopped at a stop sign or red light counts, too.) And if texting weren't bad enough, one in five people have admitted to surfing the web while driving. In these scenarios, dangerous would be an understatement. Even though technology has caused us to become more and more distracted, it has also evolved to provide us with solutions to this epidemic.

Being distracted, even while backing out of your own driveway can have fatal consequences. The National Highway Traffic Safety Administration cites an average of 210 fatalities and 15,000 injuries due to back up incidents every year, the majority of those being hurt fall under the age of five years old. In an effort to improve backup safety, new NHTSA regulations state that in 2018, all new cars must have back up camera systems for rear view safety, allowing the driver to see a 10-by-20-foot area behind the vehicle from a dashboard display.

INTERESTED IN SPONSORING AN UPCOMING MEETING?
ONLY \$250-CONTACT [SUSAN@ASAMIDWEST.COM](mailto:susan@asamidwest.com) FOR DETAILS!

WORKSAFE TECHNOLOGIES

Help ASA Midwest Council continue to grow, by inviting someone who would benefit from ASA membership, to join us at the next monthly meeting. All first time non member guests are free of charge.

Please register your guest in advance by contacting susan@asamidwest.com

Join a committee today.

Membership

(Chris O'Hagan/Matt Tucker)

Education/Programs

(Chris O'Hagan/Steve Albart)

Golf (Jennifer Church/Steve Cummins)

Advocacy (Tim Thomas)

Awards Gala

(Molly Spowal /Rick Swanson)

Construction Showcase & BBQ

(Amy Heeger/Rick Williams)

GC Expo

(Walter Bazan, Jr. /Tim Thomas)

Safety

(Rose Kastrup/Steve Williams)

Brand Development

(Stephanie Woodcock)

Contract Review

(Dick Stockenberg)

Affinity Programs

(Dianne Gibbs)



WOMEN OF ASA WE NEED YOU!!

**WE ARE FORMING A WOMEN'S PEER GROUP
AND NEED ALL WOMEN OF ASA TO JOIN US!
WATCH YOUR EMAIL FOR
DETAILS COMING SOON!**

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.

- Website Rotating \$420/Year
- Website Static \$1,000/Year
- 1/4 Page Monthly \$300/Year
- 1/4 Page Quarterly \$125/Year
- 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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ASA Monthly Meeting

It is only \$250 to be a meeting sponsor.

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overview to meeting attendees!
Announcement at Meeting.
Recognition in Newsletter.

Contact Susan Winkelmann
susan@asamidwest.com

