

## MARCH 2023

**January-May**  
**Contract Seminar**  
**Breakfast Series**  
*Mason Contractors*

### **MARCH**

**March 8-11**  
**SUBExcel Convention**  
*Fort Worth, TX*

**March 15**  
**BPI in a Box Lunch**  
*Syberg's on Dorsett*

### **APRIL**

**April 22**  
**Emerald City Awards Gala**  
*The Four Seasons Hotel*

### **MAY**

**MAY 17**  
**Monthly Lunch Meeting**  
*Syberg's on Dorsett*

### **JUNE**

**June 21**  
**Monthly Dinner Meeting**  
*Syberg's on Dorsett*

*For a complete list of all  
upcoming ASA MWC  
meetings and events visit  
our website  
[www.asamidwest.com](http://www.asamidwest.com)*

Spring is just around the corner, and with it comes the promise of new beginnings and fresh starts. It's also a time for the construction industry to ramp up activities and take advantage of the warmer weather. With new beginnings, sometimes brings the same hurdles. One of the biggest hurdles that I constantly hear is skilled labor shortage and everything I have read its here for a while. With the aging workforce retiring and the next generation not knocking our doors down looking for a job, what is the next step? How do we attract the next generation of the skilled work force? It seems that money is not a motivator to the younger generation. It is a work life balance. How do we do that with the current market?

One idea that has been picking up popularity around the country is the 4 day work week.

There are many studies that show the positive outcome of a 4-day workweek.

- Reduced costs for everyone. Paying less to commute and less lunch expenses for an example.
- Happier employees. 3 day weekends. Having more time to do the things you love increases overall happiness and can help to increase loyalty to a company - it's a win-win.
- Healthier. Having a longer weekend will allow people to spend more time with their friends and family and do things that they love, which will naturally lead to an improvement in wellbeing.
- Increase in productivity levels. The tools are out and set up. 2 more hours of production. Simple as that for the employers. Happier employees produce more.
- Recruitment and retention. Research shows that 63% of all businesses found it easier to attract and keep quality staff with a four-day work week. Better work life balance.

There are a couple of disadvantages as well

- Longer hours could create more stress.
- Not every company can adopt this.
- Scheduling. In the service industry, you would still need to keep your office open for 5 days. Have a rolling schedule with half o the field personal off on Monday and the other off on Friday.

Now this might be a concept that will have a hard time getting approved by all of the various local unions, but would like to have people start thinking about this option. If we cant hire then we have to do the best with what we have and try to automate. There are many new technologies coming out that allow duties to be completed faster and with less manpower. I will leave this topic for another letter.

Thank you to all who attended Meet The GCs in February. It was as always a great event. Thank you to all the volunteers that helped with the event. Also a great big thank you to Susan Winkelmann for being the driving force for this event. I look forward to seeing everybody at the Awards Gala in April.

Dan Tucker  
MC Mechanical Services  
President, ASA MWC  
314.707.7595 | [dtucker@mcserviceatl.com](mailto:dtucker@mcserviceatl.com)

Syberg's on Dorsett  
2430 Old Dorsett Rd  
Maryland Heights, MO 63043

**March 15, 2023 | 11:30 a.m. to 12:30 p.m.**  
**BPI in a Box Lunch | Sub & Suppliers Only**  
**\$25 ASA members | Lunch & BPI included**

### The ASA WOMEN'S COUNCIL | *She's Built For This*

The purpose of our women's peer group is to become a valuable resource for women in the construction industry and related fields. Our goal is to help woman **Build. Community.** by providing resources needed to build relationships; be a source of information & support; and to provide connections & networking opportunities to all women from our member companies and the STL construction industry as a whole!

For more information & to join our peer group contact the "She's Built For This" committee co-chairs:

Jennifer Church, United Rentals | [jchurch@ur.com](mailto:jchurch@ur.com)

Stephanie Woodcock, Too Creative | [stephanie@toocreativestl.com](mailto:stephanie@toocreativestl.com)

Susan Winkelmann, ASA Midwest Council | [susan@asamidwest.com](mailto:susan@asamidwest.com)



May 17, 2023  
Monthly LUNCH Meeting

***Syberg's on Dorsett***  
***2430 Old Dorsett Rd / Maryland Heights, MO***  
***11:30 a.m. to 1:00 p.m.***

Join us for the ASA Monthly LUNCH Meeting on Wednesday, May 17th at 11:30 a.m. for Lunch & program featuring our 3 GC of the Year award winners

Register to attend the May 17th monthly LUNCH meeting at Syberg's on Dorsett, where we will hear from our three 2023 GC of the Year award winners. They will all share company and project updates for 2023 and beyond. So you do not want to miss this meeting!

The three General Contractors of the year will be announced at the Emerald City Awards Gala on April 22, 2023 at the Four Seasons Hotel. Watch your email & check out the [asamidwest.com](http://asamidwest.com) website and all of ASA Midwest Council's social media platforms for the announcement of our 2023 award winners. We will also announce all of the subcontractor, service provider, and safety award winners at the Awards Gala on April 22nd as well, and hope that as many award winners as possible will join us on May 17th.

**SYBERG'S ON DORSETT**  
**2430 Old Dorsett Road**  
**Maryland Heights, MO**

**MEETING AGENDA:**  
**Networking | 11:30 to 11:45 a.m.**  
**LUNCH | 11:45 a.m. to 12:15 p.m.**  
**Program | 12:15 to 1:00 p.m.**

**Registration includes Lunch & Program**  
**\$25 ASA Members | \$65 NON ASA Members**

**Register online-[www.asamidwest.com](http://www.asamidwest.com)**  
**by Friday, May 12th.**

*(Attendees not cancelled by 5.12.23. will be charged per ASA cancellation policy. No refund after 5.12.23. but you may always send someone in your place if you are unable to attend the meeting)*

**ASA MEANS BUSINESS**  
***Membership Benefits!***  
***How ASA Helps YOU!***

ASA's Legislative involvement on the State & National Level to provide representation of Subcontractors & Suppliers in the Construction Industry in Jefferson City and Washington DC.

Ongoing Work to Improve Laws & Regulations affecting the construction industry

Protecting Your Contract Rights via legislative and contract review activities

Chapter Contract Review Committee with member access to a library of reviewed GC contracts

Business Practices Interchange (BPI) sessions to gain first-hand knowledge of GC's, from peers

Building Your Business & Management Skills thru relevant training and resources provided locally & nationally

Enhancing Your Professional Status with area General Contractors via networking opportunities at our Awards Gala, GC Expo, and Golf Tournament.

Networking Opportunities with Subs & Suppliers who Share Your Concerns, and the opportunity to share ideas with peers

Outstanding Educational Seminars, Publications and Materials, to build your professional knowledge of the industry.

Assistance with improved Job Safety & Working Conditions with information and resources provided by ASA Midwest Council Safety Committee

Access to MEMBER ONLY Safety information, including monthly **TOOL BOX TALK** topics updated each month

**ASAdvantage** Program & local Affinity Programs to provide member only discounts on important goods and services needed to conduct business efficiently

**Did you know?** ASA offers a discount on all your UPS shipping needs thru our ASA UPS Savings Program

**Member Savings Include:**

50% on Domestic Next Day / Deferred

30% on Ground Commercial / Residential

Up to 50% off International Imports / Exports

Plus, UPS Smart Pickup® service is free

## Five Examples of Great Construction Company Marketing Content and Why it Matters in Your Business

**AJ Ford**  
**Marketeer, Inc.**

What is content marketing and why does it matter to contractors? Content marketing, such as creating blog posts, hosting podcasts, developing infographics and videos, is an effective way for construction companies to demonstrate their expertise, build brand awareness, and attract potential customers. Additionally, user-generated content such as social media interactions and reviews build social proof, encourage engagement, and build a sense of community. Lastly, personalized content is tailored to the specific need and interest of individual customers. In other words, content marketing sells!!!

Rather than go through the myriad of marketing terms and bore you to death, here are 5 examples of how some construction companies are growing their business with the help of great content marketing.

1. **"The Ultimate Guide to Understanding Your Steel Building Quote"** by Armstrong Steel. This guide is an excellent example of web-based content that provides valuable information to potential customers. It covers everything from design considerations to construction methods and materials. More importantly it positions Armstrong Steel as a knowledgeable and trusted resource in the metal building industry. It could also be used as a lead generator to capture an email address and begin a nurturing campaign for the buyer who is NOT ready to buy but is in the market. <https://armstrongsteel.com>

2. **"From The Ground Up"** by Weller Development partners: Marc Weller's podcast, features interviews with industry leaders and experts, covering a wide range of topics in the construction industry. The podcast provides valuable insights and information to construction professionals and showcases Weller's expertise and thought leadership in the commercial real estate industry.



3. **"A Whole New World: Q&A with 3D Visualization Specialist Souheil Abdesselam"**: by Gray Construction: This is a great example of shareable content that showcases the company's expertise and knowledge of how the construction industry is changing.

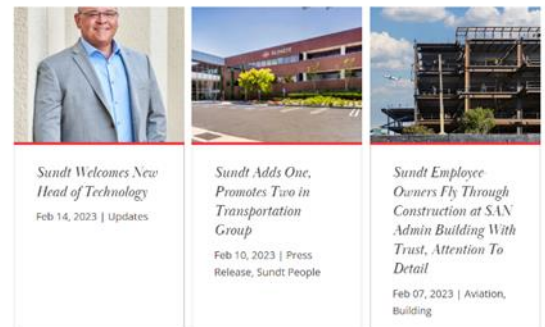


The interview is professional and personal showing what a day in the life of a 3D Specialist encompasses. <https://www.gray.com/people/>

4. **Bigge Crane and Rigging YouTube Channel**: Bigge Crane and Rigging's videos are short & sweet and cover the gamut of topics including safety, their culture and workforce, examples of projects, crane reviews, and much more. Bigge videos are an excellent example of how video content can be used to showcase a company's expertise and capabilities. Their videos feature stunning aerial footage of cranes at work, as well as commentary from experts in the field. [www.youtube.com/@BiggeCraneandRigging](http://www.youtube.com/@BiggeCraneandRigging)

5. **"Airports' Future Depends on Builders Who Excel in These Four Areas"**, by Sundt Construction. Sundt's blog posts are great examples of how to create content that is both informative and relevant to customers' needs. Equally Sundt shows the importance that consistent content can have on organic SEO and positions them as a leader by focusing on their core strengths. <https://www.sundt.com/blog/>

### Sundt Stories



Overall, creating marketing content is essential for contractors who want to grow their business and attract new clients. By investing in content marketing, contractors can establish themselves as experts in their field, differentiate themselves from competitors, and build long-term relationships with their clients.



Follow the Yellow Brick Road to  
ASA Midwest Council's 2023

# Emerald City Awards Gala



**Saturday, April 22, 2023 | 6:00 to 11:00 p.m.**  
**The Four Seasons Hotel | 999 North Second Street | St. Louis, MO**

VISIT [asamidwest.com](http://asamidwest.com) TO REGISTER BY APRIL 12, 2023 | \$225 PER PERSON | VALET PARKING INCLUDED | BLACK TIE OPTIONAL  
CALL 314.881.5757. TO RESERVE A HOTEL ROOM AT ASA RATE OF \$250 | ROOM BLOCK EXPIRES 3.31.23

6:00 - 7:30 PM - PRESIDENT'S COCKTAIL RECEPTION

7:45 - 9:00 PM - DINNER SERVED

9:00 - 10:00 PM - AWARDS PRESENTATION

10:00 - 11:00 PM - CELEBRATION!

CALL 314.881.5757. TO RESERVE  
A HOTEL ROOM AT  
ASA RATE OF \$250  
ROOM BLOCK  
EXPIRES 3.31.23.



VISIT [ASAMIDWEST.COM](http://ASAMIDWEST.COM)

TO REGISTER BY

APRIL 12, 2023

\$225 PER PERSON

VALET PARKING INCLUDED

BLACK TIE OPTIONAL

## 2023 NOMINEES

### General Contractor 2023

#### CATEGORY A

BSI Constructors  
Contegra Construction Co.  
Holland Construction Services  
Kadean Construction  
Keeley Construction  
Tarlton Corporation

#### CATEGORY B

Bex Construction Services  
Helmkamp Construction Co.  
Kozeny-Wagner  
McGrath & Associates  
Musick Construction  
Rhodey Construction

#### CATEGORY C

Eagan Building Group  
G.S.&S. Construction  
SITELINES  
Spiegelglass Construction Co.  
United Construction

### MEP Subcontractor 2023

#### CATEGORY A

Bell Electrical Contractors  
Guarantee Electrical Company  
Haberberger, Inc.  
Integrated Facility Services  
J.F. Electric, Inc.  
Jarrell Mechanical Contractors  
Murphy Company  
PayneCrest Electric, Inc.

#### CATEGORY B

Bi-State Fire Protection  
O.J. Laughlin Plumbing Co.  
R.F. Meeh Co.

### Specialty Subcontractor 2023

#### CATEGORY A

Affton Fabricating and Welding  
BAZAN Painting Co.  
Flooring Systems, Inc.  
Golterman & Sabo  
Titan Carpentry LLC  
T.J. Wies Contracting

#### CATEGORY B

D&L Painting and Drywall  
Grant Masonry Contracting  
Leach Painting Company  
Meyer Painting Company  
Swanson Masonry, Inc.

### Service Provider/Supplier 2023

Enterprise Bank & Trust  
JD Kutter  
MJ Products  
Negwer Door Systems

SFW Partners LLC  
The Sherwin Williams Paint Co.  
Too Creative

# Upcoming ASA Midwest Council Meetings & Events



**January thru May**

**5-part Breakfast Contract Seminar Series**

*The Mason Contractors-1429 S. Big Bend Blvd 63117*

**March 15**

**BPI in a Box Lunch Meeting-Subs & Suppliers Only**

*Syberg's on Dorsett*

**April 22**

**The Emerald City Awards Gala**

*The Four Seasons Hotel*

**May 17**

**ASA Monthly Member Lunch Meeting**

*Syberg's on Dorsett*

**June 21**

**ASA Monthly Member Dinner Meeting**

*Syberg's on Dorsett*



[SCAN QR CODE TO VISIT ASAMIDWEST.COM TO REGISTER FOR ANY EVENTS](http://ASAMIDWEST.COM)  
[Event registration requires member login, contact susan@asamidwest.com with questions!](mailto:susan@asamidwest.com)

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



## **ASA Midwest Council needs your time and talent!**



**Are you a new member looking to get more involved with the ASA?  
Or perhaps you are a long time member, and have never joined a committee!**

**We are always looking for committee members to assist with our  
quarterly events, as well as the ongoing committees,  
that help run the organization & further ASA's goals!**

**If you are interested in joining a committee, contact executive director,  
Susan Winkelmann 314.845.0855 or [susan@asamidwest.com](mailto:susan@asamidwest.com)**

### **ATTENTION ASA MEMBERS | ASA SAFETY AWARD APPLICATIONS AVAILABLE**

**If you are interested in applying for the annual safety awards  
please scan QR code or visit**

**<https://asamidwest.com/category/safety/>**

**to download application and submit by **March 7th, 2023**  
(Remember to submit your OSHA 300A form with application)**



### **THANK YOU to the MEMBER COMPANIES that attended our February Monthly Meeting**

*AME Constructors  
Armanino LLP  
Bazan Painting Co.  
Bell Electrical  
Corrigan Company  
CSA Advisors LLC  
Enterprise Bank & Trust  
FastTrac Rentals*

*Golterman & Sabo  
Hanenkamp Electric  
Imperial Metal Co.  
Linek Plumbing Co.  
Luby Equipment  
Marsh McLennan-JW Terrill  
MC Mechanical  
Meyer Painting Co.*

*Midwest Elevator Co  
MJ Products Co.  
O.J. Laughlin Plumbing  
Parkway Construction Svc  
Precision Analysis, Inc.  
R.F. Meeh  
RubinBrown LLP  
Schmersahl Treloar*

*SFW Partners  
Sunbelt Rentals  
The Daniel and Henry Co.  
The Stockenberg Law Firm  
T J Wies Contracting  
United Rentals  
Vee-jay Cement Contracting  
Vision Electric*





Mason  
Contractors  
Association

## THE ANATOMY OF A CONSTRUCTION CONTRACT

*Stay Healthy by  
Skillfully Using an Addendum  
Smartly Avoiding Killer Contract Clauses  
Properly Exercising Lien and Bond Rights*

*A 5-part Breakfast Series of Educational Seminars for Subcontractors & Suppliers  
Presented by Richard Stockenberg, The Stockenberg Law Firm, ASA Chapter Attorney*

### **2023 Dates & Information | 7:00 a.m. Continental Breakfast | 7:30 to 9:00 a.m. Seminar**

<b>January 10</b>	<b>The Womb:</b> <i>Scope Letters, Bid Shopping, Bid Qualifications, and Incorporation of Contract Documents-<b>COMPLETED</b></i>
<b>February 14</b>	<b>The Heart:</b> <i>Payment Clauses: Pay-if Paid, Progress, Final; Retainage Bonds; Right to Stop Work for Non-Payment-<b>COMPLETED</b></i>
<b>March 14</b>	<b>The Growth:</b> <i>Change Orders and Back Charges; Indemnification</i>
<b>April 11</b>	<b>The Guts:</b> <i>Price Escalation, Force Majeure, Damages, Labor Clauses, Releases and Waivers of Rights, Termination, Arbitration</i>
<b>May 9</b>	<b>The Protection:</b> <i>Lien and Bond Rights, Lien Waiver Forms</i>

### **Seminars held at The Mason Contractors | 1429 S Big Bend Blvd, St. Louis, MO 63117**

***Register for entire series or individual seminars /  
Scan QR code of visit [asamidwest.com](http://asamidwest.com) to register***



ASA Member Price | Series of 5 \$140 | Individual Seminars \$35 per session  
Non-Member Price | Series of 5 \$280 | Individual Seminars \$70 per session



We are two months into the legislative session and so far, legislation appears to be moving seamlessly through the legislative process. To date, most Capitol observers are surprised at how well the Senate is functioning compared to the last several years of Republican infighting. Although there have been a few tense moments, Senate members have been able to negotiate through disagreements and keep the legislative process moving forward.

Several bills of interest to our members have garnered attention recently in Jefferson City. One of those is HJR37, a proposal by Representative Don Mayhew (R-Pulaski County), which would change the way MoDOT receives funding. Currently, money for the State Road Fund is automatically appropriated without legislative action. This is similar to the state's other independent agency, The Department of Conservation, and their use of the Conservation Fund. Mayhew's legislation would require that funding must be approved through the legislative process, a move he says would give the people a voice in how the State Road Fund is spent. Opponents say this change would be detrimental because transportation funding requires a long-term timeline that the yearly legislative appropriation process does not provide. It also runs the risk of politicizing transportation projects. The measure has passed through the House Transportation Accountability Committee and awaits further action. If approved by the General Assembly, the measure would then need to be approved by voters before taking effect.

The Senate General Laws Committee has recently approved a measure to establish the Office of Mechanical Contractors within the Division of Professional Registration. SB80 would allow mechanical contractors to apply for an optional statewide license, rather than having licenses issued by multiple cities and municipalities. This marks the fifth year that legislators have attempted to pass similar legislation. There are two similar bills in the House, but those have not seen any movement through the legislative process thus far.

Representative Mike Henderson (R-Bonne Terre) has filed HB470 which states that contractors are responsible for the unpaid wages of employees of subcontractors at any tier, and for any debt owed to a third party by a subcontractor. The bill also authorizes the Department of Labor and Industrial Relations to institute action against a contractor for any unpaid wages. The measure has been scheduled for a hearing in the House General Laws Committee.

Finally, Governor Mike Parson announced last month that the Department of Economic Development has awarded \$30 million to various companies around the state through the American Rescue Plan (ARPA) Workforce Training Grant Program. The program assists with training Missourians to prepare for the workforce in order to combat the shortage of qualified workers in the state. The program was started in August of 2022, and has funded numerous programs including training for construction, utilities, welding, trucking, plumbing, and CDL endorsements.

*We will continue to keep you updated on political events in Jefferson City and around the state as they happen. Nikki Strong, Strong Consulting Group.*



# ASA Midwest Council Members

A-1 Professional Asphalt & Sealing	Foreman Fabricators	Modern Communications
Acoustical Ceilings, Inc.	George McDonnell & Sons	Montgomery Bank
Affton Fabricating & Welding	Golterman & Sabo	Murphy Company
All American Painting Co.	Grant Contracting	Negwer Door Systems
AME Constructors	Grasser Electric	Nu Way
American Steel Fabrication, Inc.	Guarantee Electrical	O.J. Laughlin Plumbing Co.
Aqueduct Plumbing LLC	H & G /Schultz Door Inc.	On Site Companies, Inc.
Archview Metal Systems Co.	Haberberger, Inc.	P & A Drywall Supply
Armanino LLP	Hanenkamp Electric	Parkway Construction Services
Aspen Waste Systems	Hansen's Tree, Lawn & Landscaping	PayneCrest Electric
Bazan Painting Company	Hawkins Construction & Flatwork	Pirtek Overland
Bell Electrical Contractors	Hayden Wrecking	Pipe and Duct Systems
Benson Electric Company	Heitkamp Masonry	Precision Analysis, Inc.
Bi-State Fire Protection Corp.	Imperial Metal Company	Professional Metal Works, LLC
BluSky Restoration	Integrated Facility Services	R.F. Meeh Co.
Boyer Fire Protection	Irwin Products	RJP Electric
Budrovich	JD Kutter	Ravensberg, Inc.
C.E. Bollmeier Company, Inc.	J.F. Electric	Rock Hill Mechanical Corp.
C. E. Jarrell Contracting	J & S Industrial Services	RubinBrown LLP
C&R Mechanical	J.W. Terrill	Sachs Electric Company
Capital One	John J. Smith Masonry	Sandberg Phoenix
Central Power Systems & Services	K & K Supply	Schmersahl Treloar & Co.
Century Fire Sprinklers	Kaemmerlen Electric	Seiler Instruments
CK Supply	Kaiser Electric	SFW Partners, LLC
CliftonLarsonAllen LLP	KAM's Mechanical LLC	The Sherwin-Williams Co.
CMIT Solutions	Kay Bee Electric	Siemens
CNA Surety	Kirby-Smith Machinery, Inc.	Sikich LLP
CSA Advisors LLC	Knapheide Truck Equipment	Stylemaster Apparel, Inc.
Cardinal Elevator	Lawrence Fabric & Metal Structures	Sunbelt Rentals
Century Fire Sprinklers, Inc.	Leach Painting Company	Swanson Masonry, Inc.
Cooperworks Industries	Liberty Mutual Surety	Titan Carpentry LLC
Corrigan Company	Lindberg Waterproofing	T.J. Wies Contracting
D. Johnson Painting	Linek Plumbing Co.	Taylor Excavating
D&L Painting and Drywall	Luby Equipment Services	The Daniel and Henry Company
Delteck	Marketeer, Inc.	The Stockenberg Law Firm
Drilling Service Company	Maxim Crane Works LP	Too Creative
Dynamic Controls, Inc.	Metal Supermarkets	Total Contractors Services LLC
E. Meier Contracting	Meyer Painting Co.	TROCO Custom Fabrication
ELCO Chevrolet Cadillac	MC Mechanical	UHY LLP
Empire Fence & Custom Iron Works	Mid-America Carpenters Reg. Council	United Rentals
Enterprise Bank & Trust	Midwest Elevator	UNITS Moving and Portable Storage
Fabick CAT	Midwest Monogram Promotions	USI Insurance Services
FastTrac Rentals LLC	MJ Products	Vee-Jay Cement Contracting
Federal Steel & Erection Co.	Mold Solutions	Vision Electric & Systems
Flooring Systems, Inc.		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](mailto:susan@asamidwest.com) or 314.845.0855*



## **SAFETY**

**SAFETY AWARD APPLICATIONS ARE NOW AVAILABLE ON THE ASA WEBSITE AND VIA EMAIL! Download the application and include your OSHA 300A Form when you submit by March 7th.**

Lets be **Always Safety Aware!** Check out the Safety page on the ASA website. Member only access to monthly Tool Box Talks is included in your ASA membership!

For additional information regarding the ASA Safety Committee, or to join the committee, contact our Safety Committee Co-Chairs:

Rose Kastrup with  
CSA Advisors  
at (417) 761-4194 or  
Steve Williams with  
Bell Electrical at  
(314) 447-9071.



## **MEMBERSHIP**

**Welcome to our 5 Newest Members:**

- ✓ **A-1 Professional Asphalt and Sealing LLC**
- ✓ **D. Johnson Painting**
- ✓ **Deltek**
- ✓ **Midwest Monogram Promotions**
- ✓ **USI Insurance Services**

If you know a subcontractor who would 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 our Membership Committee Chairperson, Chris O'Hagan, JD Kutter. (314) 444-4949 or [chris@jdkutter.com](mailto:chris@jdkutter.com).

## **CONTRACT REVIEW**

Did you know ASA Midwest Council has an extensive library of General Contractor contracts on file? These contracts have been reviewed by the Contract Review Committee, and include comments/suggestions of changes you may want to request during your contract negotiations. The contracts are available to ASA members only, and can be requested by sending an email to [susan@asamidwest.com](mailto:susan@asamidwest.com)

If you have questions regarding the contract review service offered to our ASA members, please contact the Contract Review committee chair, Dick Stockenberg, ASA MWC chapter attorney, The Stockenberg Law Firm; [richard@stockenberglawfirm.com](mailto:richard@stockenberglawfirm.com)

## **PROGRAMS**

Do you have suggestions for upcoming speakers and seminar topics? We want to hear from our members to ensure we are providing the best content possible to meet your needs! Who would you like to hear from at a meeting? If you have suggestions or feedback, please contact our Programs Committee Chair: Chris O'Hagan, [chris@jdkutter.com](mailto:chris@jdkutter.com) or executive director, Susan Winkelmann; [susan@asamidwest.com](mailto:susan@asamidwest.com)



# **SUBExcel 2023**

## **March 8-11, 2023**

### **Fort Worth, Texas**

**The premier education and networking event  
for subcontractors,  
specialty trade contractors, and suppliers.**

**Come join us for this industry  
leading event!**

SUBExcel is the annual national convention of the American Subcontractors Association, a trade association representing construction subcontractors, specialty trade contractors and suppliers. We are planning for 2023 to be our biggest year yet, so make plans now to bring your whole team! Mark your calendars today and prepare for inspiration, new ideas, quality education, and a ton of fun!

**Some of the highlights of the 2023 SUBExcel include:**

- Speakers and educational sessions that can change the course of your business.
- Industry suppliers exhibiting their game-changing products & services.
- Luxury hotel accommodations.
- Special events, including the ASA President's Welcome Reception, the Final Reception & Banquet, and a variety of fun activities!
- Deep dives into the future of the industry, your chapters and the association as a whole in ASA's task force, committee and council meetings....And much more!

**LAST CALL TO REGISTER FOR SUBExcel**

**REGISTRATION AVAILABLE AT BELOW LINK**  
**<https://www.asaonline.com/subexcel/>**



## OSHA's Amputation, and Fatality Reporting Rule



The Occupational Safety and Health Administration's (OSHA) serious injury and fatality reporting rule for the triggering events for reporting workplace accidents to OSHA under the Agency's Injury and Illness Recordkeeping regulations at 29 C.F.R. 1910.104, *et seq.*

The regulations were updated in 2015 and differ from the long-standing incident reporting rule in four ways:

1. Lower the threshold for proactively reporting a catastrophic incident from the hospitalization of three or more employees to the ***hospitalization of a single employee***;
2. Add ***amputations*** (including partial amputations) and loss of an eye to the types of injuries that employers must proactively report;
3. Introduce an ***internet portal for employers to submit reportable events***; and
4. Require ***publication of the reporting events on OSHA's public website***.

The reporting rule has been long-referred to informally as the "Fat-Cat" rule because it requires employers to report to OSHA all incidents that result in an employee fatality (Fat) or a catastrophe (Cat). Historically, a catastrophe had been defined as an incident that resulted in the overnight hospitalization for treatment of *three* or more employees.

In addition to lowering the threshold from three to one employee hospitalizations, OSHA also changed the definition of "hospitalization." Historically, an employee's overnight hospital stay triggered the reporting requirement. Under the new rule, whether the hospitalization is a reportable event turns not on whether the employee stays overnight, but rather, whether the employee is formally admitted to the "in-patient" service of the hospital or clinic. The visit, however, must involve medical care after the in-patient admission. A hospital visit only for observation or diagnostic testing, even if it involves in-patient admission, does not constitute a reportable event.

**Timing of reporting criteria.** Employers must report a hospitalization, amputation, or loss-of-eye injury to OSHA within 24 hours of when any management representative of the employer learns of the reportable injury.

Note, however, that the injury must be reported only if it *results* in a hospitalization, amputation (except for medical amputations) or loss of eye *within 24-hours of the incident*. Fatalities still must be reported within eight hours of when employers learn of the death unless the death results more than 30 days after the underlying incident.

**Electronic Reporting and Inadvertent Admissions.** Employers should be wary of using this web portal to report incidents because it requires a detailed written explanation of an incident that has just occurred a few hours earlier, and for which a thorough investigation could not yet have been completed. These preliminary descriptions will be memorialized as the employer's statement of the event and could later be used against it as an admission in an OSHA enforcement proceeding or a personal injury or wrongful death civil action. Indeed, anyone can access these written reports through a Freedom of Information Act request, including plaintiffs' attorneys, union organizers, the media, your competitors, etc. Accordingly, the old-fashioned telephone call should remain the preferred method of reporting.

### What Happens After You Report?

OSHA will automatically conduct on-site inspections for all reported incidents that involve:

- ✓ a fatality;
- ✓ the hospitalization of two or more employees;
- ✓ injuries to employees younger than 18;
- ✓ incidents at a workplace with a "known history of injuries" (i.e., the same or similar events within the last year);
- ✓ incidents at a workplace with a history of egregious, willful, failure to abate, or repeat citations;
- ✓ a hazard that is the subject of a local or national emphasis program;
- ✓ any report from an SVEP employer; or
- ✓ an imminent danger.

OSHA may (but will not necessarily) inspect injuries that involve:

- ✓ hazards that continue unabated
- ✓ amputation hazards;
- ✓ serious hazards (i.e. explosive materials, combustible dust, falls, and heat);
- ✓ temporary workers or other vulnerable populations;
- ✓ health issues such as chemical exposures, heat stress, etc.;
- ✓ a referral from another government agency (federal, state or local); or
- ✓ a pending whistleblower complaint/inspection.

For all other types of incidents, and for those for which OSHA exercises its discretion to not inspect, OSHA will utilize its "Rapid Response Investigation" (RRI) protocol. Under the RRI program, the employer will receive an RRI letter, which asks the employer to conduct an accident investigation, document the findings and corrective actions, post a copy of this letter where employees can review it, and submit the findings and corrective actions to OSHA.

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