

The SubAla Insider



Starting with the 4th quarter of 2014, invoices for SubAla and WorkersFirst will be coming to you electronically. Be on the lookout!

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THE PRESIDENT'S AWARD FOR 2014

We are honored to have Larry Argo as our 2014 President. Larry has had many years of service, support and hard work in our association and has held numerous board positions over the years.

Larry's work background began as a teenager, attending college, starting in construction as an apprentice electrician and working with different contractors. He progressed to Superintendent in one company, moved to the office to estimate jobs, and from there to a full-time project manager and estimator.

In 1987 he and two other partners began Marathon Electrical Contractors and the company has grown from 22 employees to approximately 400 at this time. Marathon consistently ranks in the Top 600 Specialty Contractors, as ranked by a national magazine.

Larry and his wife, Janet, have been married for over forty years. They have three children and seven grandchildren.

We truly appreciate Larry's loyalty, his work commitment, his concern and support for SubAla. He has been steadfast in our organization and has helped us achieve the solid foundation we have at this time. We look forward to his continued leadership as our President until the end of this 2014 year.



2015 PRESIDENT DAVID RICHARD

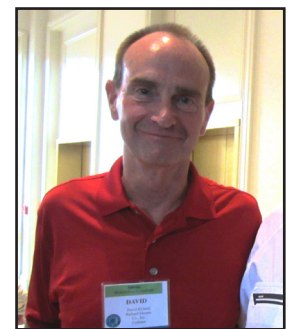
SubAla would like to announce that David Richard of Richard Electric Co., Inc., in Cullman, AL, will be the Association's President for 2015.

David began in the construction industry working summers and after school at his father's business, Richard Electric. In 1974, David and his brother, Dennis, took over the business. During the 1980's, the business became a member of the Association and David became very active. He was later asked to be a member on the Board of Directors and he accepted. After serving on the Board for several years, David was elected as President for 1998-1999 and led the Association with integrity and enthusiasm to grow the membership during that time. After serving as President, he became a Fund Trustee and later continued his service to SubAla by again serving on the Board. During all positions, David has been active and devoted to the Association.

On a personal note, David and his wife, Pam Richard, are celebrating 31 years of marriage this year and have two wonderful children. Their daughter, Tyler Gaston is now a Chief Neurology resident at UAB. Their son, Paul Richard, is a second year medical student at Alabama College of Osteopathic Medicine in Dothan. David says, "so much for the two of them doing electrical work" but we can only imagine how proud Pam and David are of their children. We are proud, too, as we have watched them grow up as family in our membership. David and Pam have decided to try their talents recently by purchasing an investment house in Cullman County where they are using their talents and spending all of their extra time improving it.

David is very active in his community having served numerous positions over the years at his church, Sacred Heart Church and School, and also at their local country club.

We are honored that David will once again be President of the Association in 2015 and we are looking forward to working with him.



THE CHISENHALL AWARD

Each year SubAla presents the highly honored Chisenhall Award to one member. This award is named after Herbert Chisenhall, a gentleman with outstanding qualities who was instrumental in the establishment of our association. The Chisenhall Award is the highest award given by the association. The recipient is selected by the previous Chisenhall Honorees and goes to the person whom they see as someone who exhibits all the highest qualities of excellence and contribution.

SubAla is proud to announce that Bob Baker is the recipient of the 2014 Chisenhall Award.

Bob Baker is the President of Hinkle Roofing Products, Inc., in Birmingham, AL and has held that position since 1998.

He was the President of Subcontractors Association of Alabama in 2013 and has held many previous positions in our association since 1998, always demonstrating total dependability and care in the concerns and growth of our Association.

Bob stands tall in character and is highly respected by everyone who knows him. He is very active in the community and his involvement includes, but is not limited to:

- Past Chairman of the Finance Committee at Mountain Brook Baptist Church where he is also a Sunday School teacher
- On the Executive Committee of Mountain Brook Athletics
- Past Board member of Shades Valley Rotary
- Past president of the Foundation Board of St. Vincent's Hospital
- Chairman of the Advisory Committee of the Building Science Department at Jefferson State College

Bob is married to Elizabeth Hightower Baker and has two wonderful daughters, Anne Peyton and Mary Lucile.



2014 EXCELLENCE IN WORKPLACE SAFETY AWARD

To be eligible for the Excellence in Workplace Safety award candidates must be a member in good standing of SubAla and have participated in WorkersFirst for a minimum of five years. The award is based on extremely stringent performance criteria including, but not limited to, achieving an aggregate loss ratio for the last 5 years of 15% or less as well as maintaining an experience modification rating (EMR) of 1.0 or under for this same time period. There are additional rigorous standards to be realized before being nominated for this award. We are extremely proud to have 48 members accomplish the criteria for nomination and be selected for recognition of this significant achievement. Honorees will receive an Excellence in Workplace Safety award that can be displayed prominently in their workplace and utilized as they market their organization.

We are proud to recognize the following for the SubAla/WorkersFirst 2014 Excellence in Workplace Safety Award:

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| A & B Electric Company | Five Star Heating & Cooling, LLC |
| Advanced Machinery, Inc. | Flanagan Contracting, LLC |
| Alabama Seamless Gutter, LLC | Garrison & Garrison, Inc. |
| Allen Caton Acoustical, LLC | Harrell's Refrigeration Service, Inc. |
| Allen's Air Conditioning, Inc. | Huntsville Heating & Cooling, Inc. |
| Architectural Stone Imports | Interstate Sheet Metal Co, Inc. |
| B & B Roofing, Inc. | James B. Donaghey, Inc. |
| B & W Electric Co, Inc. | Joe East Heating & A/C, Inc. |
| Bama Services | Johnstone Supply – Dothan |
| Bhate Environmental Associates, Inc. | McCord Contract Floors, Inc. |
| Bonham Plumbing, Inc. | NeedCo, Inc. |
| Brown Roofing Co, Inc. | Paradiso Painting Co, Inc. |
| Burgess & Berry Insulation Co, Inc. | Phil Dennis Heating & A/C, Inc. |
| Bynum Heating Cooling & Appliance Repair, Inc. | Quality Architectural Metal & Roofing, Inc. |
| Capital Heating & Cooling, Inc. | R.B. Atkins & Associates, Inc. |
| Clarke-Air, Inc. | Roofers Mart Southeast, Inc. |
| Classic Flooring, Inc. | Roofing Systems, Inc. |
| Coley Air Conditioning, Inc. | Sanders-Hyland Corporation |
| Cooper Wilkins Welding & Machine Co, Inc. | Sibertson Fence Sales, Inc. |
| Cornelius Welding & Maintenance, Inc. | Snell Service Co, Inc. |
| Crimson Insulation Co, Inc. | Southeast Cherokee Construction, Inc. |
| D & D Construction, LLC | Valley Distributors, Inc. |
| Dallas Air Conditioning & Heating, Inc. | Walley Electric Co, Inc. |
| Donald Carter Heating & Cooling, LLC | Wildes Air Conditioning Co, Inc. |

INDUSTRY AWARDS BANQUET 2014

On Tuesday, October 7, 2014, SubAla held its annual Industry Awards Banquet in the Grand Ballroom at The Club in Birmingham. This industry-wide event honored members of the construction industry for their contributions to Alabama's construction climate. Special recognition was also given to the SubAla General Contractor Forum participants: B. L. Harbert International, LLC, Brasfield & Gorrie, LLC, Doster Construction Company, Dunn Building Company, Murray Building Company, Prier Construction, Inc., Rives Construction Company, Inc., and Robins & Morton.



The night started with an outdoor cocktail hour overlooking a beautiful Birmingham skyline at sunset. This was a perfect opportunity to network and meet the award winners. A dinner followed before the awards ceremony started. Hundreds of industry professionals from all facets of the construction industry, including architects, engineers, general contractors, subcontractors, suppliers, and owners of many of the area's construction projects attended to honor:



General Contractor of the Year (Category III)—*Brasfield & Gorrie, LLC*; **General Contractor of the Year (Category II)**—*Dunn Building Company*; **General Contractor of the Year (Category I)**—*Dyson Construction Company*; **Project Manager of the Year (Category III)**—*Daryl Whitehurst, Hoar Construction, LLC*; **Project Manager of the Year (Category II)**—*Paul Vardaman, Cooper Construction Company*; **Superintendent of the Year (Category III)**—*Larry Helms, Brasfield & Gorrie, LLC*; **Superintendent of the Year (Category II)**—*Rickey Smitherman, Rives Construction Company, Inc.*; **Estimator of the Year (Category III)**—*Bryan Hufalar, Robins & Morton*; **Estimator of the Year (Category II)**—*Brad Judy, Rives Construction Company, Inc.*; **Architect of the Year**—*Dave Reese, TurnerBatson Architects*; **Engineer of the Year**—*Scotty Winfrey, Engineered Solutions, Inc.*; **Specialty Contractor of the Year (Central Alabama)**—*Star Insulation*; **Specialty**

Contractor of the Year (North Alabama)—*Jesse Stutts, Inc.*; **Specialty Contractor of the Year (South Alabama)**—*James B. Donaghey, Inc.*; **General Contractor Safety Award**—*B.L. Harbert International, LLC*; **Upstart Business of the Year**—*Wise Environmental Solutions*; **Legislators of the Year**—*Senate President Pro Tempore Del Marsh & Representative Mike Jones*; **Lifetime Achievement Award**—*Jim Early, Sr., Early Services, Inc.*

Special thanks to our sponsors: Platinum Sponsor- Brasfield & Gorrie; Crystal Sponsors- B. L. Harbert International and Dunn Building Company; Cocktail Hour Sponsor- USI Insurance Services; Centerpeice Sponsor- WorkersFirst CompFund; Gold Sponsors: BRAWCO, Bright Future Electric, Brown Mechanical Contractors, Early Services, Environmental Systems Corporation, Garrison Steel Fabricators, Hardy Corporation, Hinkle Roofing Products, Inline Electric Supply Company, Marathon Electrical Contractors, Paradiso Painting Company, Quality Architectural Metal & Roofing, R. J. Mechanical, Summit Electrical Construction, and UAB Facilities; and Silver Sponsors: Baker Donelson Bearman Caldwell & Berkowitz, Jim Cooper Construction Company, CraneWorks, Hoar Construction, M. J. Harris Construction Services, Rives Construction Company, and Sellers Richardson Holman & West.

SPRING GOLF TOURNAMENT

With temperatures in the mid 80's, it was a beautiful day for the SubAla Spring Golf Tournament at Highland Park Golf Course on May 12th. CraneWorks prepared a delicious lunch of grilled hamburgers and hotdogs and the aroma enticed everyone at the golf course. V & W Supply Company sponsored our hole-in-one prize of \$10,000, but no lucky golfer took home the prize. Graybar Electric Company was our Range Sponsor, and USI Insurance and WorkersFirst Comp Fund sponsored the refreshments. The door prize sponsors were: ACRI- Go Build Alabama, Barfield Murphy Shank & Smith, Finer Finishes, NES Rentals, SubAla, Truckworx, and WorkersFirst CompFund. During the awards presentations after the tournament, Austill Lewis Pipkin & Maddox sponsored the wonderful hors-d'oeuvres.



Congratulations to our Winners: Marathon Electrical Contractors - 1st Place; Quality Architectural Metal & Roofing - 2nd Place; Bo Walters (Craneworks)- Longest Drive; and Bill Austill- (Austill Lewis Pipkin & Maddox) - Closest to Pin.

We want to give a special thanks to all of the sponsors listed above, as well as to the hole sponsors: Austill Lewis Pipkin & Maddox; B. L. Harbert International; Baker Donelson Bearman Caldwell & Berkowitz; Barfield, Murphy, Shank & Smith; Brasfield & Gorrie; BRAWCO; Bright Future Electric; Carr, Riggs & Ingram; First Response; M & A Electric Co.; Marathon Electrical Contractors; NES Rentals; Paradiso Painting Company; Sentry Heating & Air Conditioning; Stone Avant & Daniels; Summit Electrical Construction; Truckworx; USI Insurance; V & W Supply Company; Warren Averett; Wholesale Controls; and York Risk Services Group.

Thank you to the following companies that had teams or players in the tournament: Alabama Controls, Austill Lewis Pipkin & Maddox, B. L. Harbert International, Baker Donelson Bearman Caldwell & Berkowitz, Berney Office Solutions, Brasfield & Gorrie, CraneWorks, Dunn Building Company, EIDeCo, ERS Equipment Rental Supply, HRA Risk Services, Marathon Electrical Contractors, Quality Architectural Metal & Roofing, Sentry Heating & Air Conditioning, Stone Avant & Daniels, The Mell Group, Thompson CAT Rental, Truckworx, Wholesale Controls, and York Risk Services Group.

SPECIAL THANKS TO OUR CONVENTION SPONSORS!

We are grateful to our friends who are sponsoring the 2014 SubAla and WorkersFirst convention. We are thankful for their interest in supporting us. Without the generous financial support of all our sponsors, we would not be able to host this type of first-class event. Please take advantage of this opportunity to socialize with representatives of these fine organizations and thank them personally for their support.

PLATINUM - \$2,500 and up

WellComp
Wilson & Berryhill, PC
WorkersFirst CompFund
York Risk Services

GOLD - \$1,500-\$2,499

Austill Lewis Pipkin & Maddox
CMI
Marathon Electrical Contractors
Midwest Employers Casualty Co
Morgan Stanley
Roofers Mart Southeast, Inc.
Summit Electrical Construction

SILVER - \$750-\$1,499

Brasfield & Gorrie
Carr, Riggs & Ingram, LLC
Hinkle Metal & Supply Co, Inc.
Mingledorff's, Inc.
Ogletree Deakins Nash Smoak & Stewart, PC
Weathertech Distributing Co, Inc.

BRONZE - \$749 or less

Baker Donelson Bearman Caldwell
& Berkowitz, PC
Carlisle Medical
First Response
Jett Medical
Johnstone Supply
Miller Development Group
R C Sales Group, Inc/Duro-Last
ServisFirst Bank
Wittichen Supply Co, Inc.

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J Smith Lanier & Co.
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USI Insurance Services, LLC





LEGISLATIVE UPDATE AND 2014 ELECTION INFORMATION

AG OPINION: PRIVATE PROPERTY OWNERS CAN BAN ALL FIREARMS FROM THEIR FACILITIES/ BUT EMPLOYERS CANNOT FORBID EMPLOYEE GUNS IN LOCKED VEHICLES

A July Attorney General Opinion appears to allow private property owners to prohibit the carrying of firearms in all cases even when a person possesses a concealed carry permit. The opinion was issued to address whether polling places could ban firearms. However, the opinion can be negated if litigated and a judge sees it differently.

The AG opinion stated: "The owners of private property may also choose to forbid firearms on their property, even if the person with the firearm has a permit... The owner of private premises or another authorized person may revoke the license of a person to enter or remain on private property. Ala. Code sec. 13A-7-1(4) (2006). Therefore the owner of private property who allows his or her property to be used as a polling place may personally, or by authorized representative, prohibit firearms on the premises, even with respect to persons who have a permit."

The opinion does not discuss any provision of the law relating to the possession of firearms by company employees in employer owned parking lots. For now employers should NOT assume that the broad language contained in this opinion extends to include a right to prohibit employees from having firearms stored out of sight in their locked vehicle.

MARK YOUR CALENDER 2014 ELECTION DATES

October 24th:	Voter registration dead-line for General Election
October 30th:	Absentee ballots due for General Election
November 3rd:	Completed absentee ballots due for General Election
November 4:	GENERAL ELECTION
MARCH 3- 2015:	REGULAR SESSION OF THE ALABAMA LEGISLATURE CONVENES



REMINDER: 2014 ALABAMA LEGISLATION THAT MAY AFFECT YOU

OCTOBER 1st

BUSINESS LICENSE RENEWAL: If applying for a new business license or a renewal business license the business must provide the business federal identification number or a Social Security number.

NEW SHORT TAX FORM: Small businesses that have filed an itemized person property tax return with total property of \$10,000 or less in the previous tax year are eligible to use a new short tax form. The state is in the process of developing a centralized online business property tax filing system.

INDEPENDENT TAX TRIBUNAL: Taxpayers will be able to appeal final assessment of sales, use rental and lodging taxes issued by self-administered cities and counties or by the Alabama Department of Revenue to the new independent tax tribunal UNLESS they opt out. To date, most of the cities and counties and the contracting companies (RDS/Alatax are expected to not opt out.) This tribunal will also hear appeals from the Department of Revenue's proposed adjustments to a taxpayer's net operating loss carryovers, denied refund claims and any preliminary assessment entered by the Department or a local jurisdiction that is not made final or withdrawn within 5 years from the date of entry according to the information available.

The tax appeals that do not qualify are ad valorem property taxes, municipal business licenses and liquor taxes.

Under the new law, both parties are required to make reasonable efforts to volunteer informal exchanges of information and evidence before a request of formal discovery. But unlike the current process, the tribunal judge may grant formal discovery power if he/she believes good faith efforts to obtain voluntarily have failed.

GC FORUM PANEL DISCUSSION & COCKTAIL HOUR

The GC Forum Panel Discussion and Cocktail Hour was held on June 24th at The Club. The group gathered to discuss various topics related to how times have changed in the industry and what requirements are important today in the bid process and on the jobsite that might not have been stressed in the past. Some of the issues included safety, training and pre-qualifications.

Our panelists included: B. L. Harbert International, Brasfield & Gorrie, Dunn Building Company, Murray Building Company, Rives Construction Company, and Robins & Morton.

After the discussion, there was a cocktail hour held to have an opportunity to network and discuss any issues more in-depth with our general contractors and other attendees.



OSHA'S LATEST RULE CHANGE WILL AFFECT YOUR COMPANY

On September 11th, 2014 OSHA changed the rules

Did you know that employers are required to notify OSHA within eight hours of a work-related death? How about... did you know that as of January 1st, 2015, ALL employers are required to notify OSHA within 24 hours if an employee is admitted to a hospital, suffers an amputation or loses an eye? Are you 2 for 2? If so, great. You can go on with your day and continue being awesome! If not, you are not alone. Prior to the rule change, employers were required to call OSHA (800-321-OSHA (6742) Toll Free U.S.) if they had three employees admitted to the hospital or experienced a death (in the event of a death you must call them within 8 hours).

So why did they change the rule? A couple of weeks ago OSHA decided that they need more and improved information. Labor Secretary Thomas E. Perez issued some strong statements regarding his feeling on the information they have received and his belief that all workplace deaths are preventable. He also addressed the issue of who this new rule applies to, "no company will be exempt, no matter how small." Note: Employers with 10 or less employees are still exempt from the existing record-keeping standard.

So how will this affect you? In addition to the stronger reporting requirements, you need to verify your company's status, as OSHA recently updated the exempt list: <https://www.osha.gov/recordkeeping2014/records.html>

How do we know how to define the three injury categories addressed by the new rule? Being admitted to the hospital... qualifies. Losing any part of a finger... qualifies. Removal of an eye... goes without saying. Please take a moment to review the FAQ page OSHA has provided: <https://www.osha.gov/recordkeeping2014/faqs.html>

So what do you do if you experience an injury that qualifies? Call the number referenced above or wait for the web portal that OSHA is developing so that you can submit the information electronically. Hopefully it will be up in time and will run smoother than their latest portal. I recommend making a call if you have any trouble.

Subala and Workersfirst is always on the lookout for issues that might affect your company. We will be reviewing any legislative issues that have an effect on its membership. Please let us know your thoughts and if you have any questions regarding the rule change.

WHAT WOULD YOU DO IF AN ACTIVE SHOOTER SITUATION OCCURRED WHERE YOU ARE

Due to the times we live in, you always must be prepared wherever you are for an active shooter situation. Knowing what to do could not only save your life but the lives of countless others. The Department of Homeland Security has provided information on how to react in such a situation. If you encounter an active shooter you have three options: run, hide, or as a last resort fight.

OPTION 1: You should always have an escape route and a plan in mind and never try to grab your belongings before fleeing. Once you have reached a safe area call 911. The information you provide to 911 operations is critical. As calmly as possible tell the operator the address where you are, the location of the shooter, number of shooters, a description of the shooter, number and type of weapons the shooter has and number of potential victims at the location.

OPTION 2: Hide if you are unable to flee. Hiding can save your life if you follow these steps. Hide out of the shooters view, lock the door or block the entry to your hiding place and silence your cell phone and remain quiet.

OPTION 3: If all other options have been exhausted, fight. Only fight when your life is in imminent danger. Commit to your actions and act with as much physical aggression as possible. Try to incapacitate the shooter by any means possible. Remember your life depends on it.

What to expect when the Police arrive:

When the police arrive on the scene the first officers WILL NOT STOP to help the injured. Expect rescue teams to follow the initial officers. These rescue teams will treat and remove the injured.

Once you have reached a safe location, you will likely be held in that area by law enforcement until the situation is under control and all witnesses have been identified and questioned. Do not leave the area until law enforcement authorities have instructed you to do so.

RECENT WAYS SUBALA HAS HELPED ITS MEMBERS

This year SubAla has decided to include in its newsletters real life examples of some of the many services the Association provides its members. Hopefully these illustrations can show you how we can help you and your company. All assistance provided remains confidential.

Scenario: Contract Language - Retainage

A member had completed work on a subcontract specifying that retainage would be held until completion of the project. The member contacted SubAla and told the Association's General Counsel that the General Contractor had been paid in full by the Owner for the Subcontractor's work. General Counsel informed that member that under Alabama Code 8-9-23(e) the General Contractor is required to pay a subcontractor not later than the seventh day after the date the General Contractor receives payment from the Owner. The member was provided the specific wording in the code which was given to the General Contractor in a letter demanding final payment. Retainage was released to the member within days of receiving the statute language and demand.

Scenario: Human Resources – Employee Drug Testing

A member wanted to review and modify his current drug testing policy and pre-employment drug testing. The member contacted SubAla's free HR service (First Response) and SubAla's General Counsel for guidance. After conferencing with the member, First Response and SubAla was able to modify his drug policy to meet the member's needs. First Response was also able to provide the member pre-employment drug testing that met legal requirements and at a cost less than the member was previously paying.

Scenario: Contract Language - Indemnification

A member contacted SubAla regarding a contract that he received for a job in which the member wished to limit his exposure for acts not caused by his company. SubAla's General Counsel was able to review his contract and spoke with him about many of the pitfalls in the contract. After discussions, SubAla was able to provide the member with language that would limit the company's liability only to acts arising out of the subcontractor's negligence. The member was also provided a sample addendum that addresses items such as payment terms, back charges, change orders, scheduling, and claims.

Scenario: Human Resources – Employee Background Checks

A member wanted to start background checks on specific employees that would be working in an industrial plant. The member contacted SubAla's General Counsel who also contacted First Response and the member was able to make sure that the document that was being provided to the employees was accurate and would not violate any of the employees' rights.

Scenario: Contract Language – Lawsuit Against Subcontractor

A member had received notice of a lawsuit against his company and needed help regarding the allegations and answering the complaint. The member contacted SubAla's General Counsel for advice. After review of the complaint, General Counsel advised the member that many of the allegations in the lawsuit should be covered under the company's general liability policy and the member should send the insurance carrier notice of the suit and a demand for defense and indemnification. The member was also given the name of attorneys that could help him should the insurance carrier deny coverage of the claims. The member provided notice to his insurance carrier, and they are presently defending the lawsuit for the company.

WELCOME NEW MEMBERS!

SubAla is proud to welcome the newest members to the Association. As our commitment to you, we promise to always strive to provide you the services, support, and unified voice you need to be successful in your business. SubAla has a number of great programs and offers numerous ways to be involved in the association. Please contact our office at 205-981-0086 if you need anything or would like to be more involved in the association.

4J Steel Erectors, Inc. - Pell City
Champion Steel Builders - Fruithurst
CLP Resources - Homewood
CNA Insurance - Birmingham
Commercial Roofing Solutions, LLC - Oakman
Criss Construction Company, Inc. - Vance
Criss Industrial Maintenance, LLC - Vance
Dogan Steel, Inc. - Northport
First Response - Birmingham
Great Lakes Petroleum - Bessemer

Ironman - Phenix City
Lakeshore Benefit Alliance, LLC - Birmingham
Max Hall Construction, LLC - Deatsville
RCS Waterproofing, LLC - Leeds
RKS Construction, Inc. - Alabaster
Solutions Mechanical, LLC - Fairhope
Synergy Specialty Construction - Oneonta
WES Construction, LLC - Mobile
Wise Environmental Solutions, Inc. - Birmingham
Vernis Bowling - Birmingham