

# The MidWest Wireman

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BY ELECTRICIANS, FOR ELECTRICIANS

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The MidWest Wireman  
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*Special points of Interest:*

- 40 Hour Work week
- Continuing Education

**"Silence never won rights. They are not handed down from above; they are forced by pressures from below."**

**Adrian Alvarez**

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## THE 40 HOUR WORKWEEK

Time and a half pay for work over 40 hours in a week was never intended to be a benefit to employees. In 1938, through the Fair Labor Standards Act, it was designed to be a penalty to the employer. There are many misconceptions about overtime and overtime pay. Most of them can be answered by the Fair Labor Standards Act, but lets dig a little deeper into the issue.

In the early days of the Industrial Revolution it was common for employers to demand 12 to 14 hours a day, 6 to 7 days a week. Yet productivity faltered, there was high rate of workplace accidents and life was miserable. Work analysis studies during that time showed that the number of units produced per hour after 8 hours in a day dropped off dramatically. This is across the board, regardless of the industry.

Back in 1920, Henry Ford, father of the modern assembly line, took a radical step and cut shifts down to 8 hours a day. (And he doubled the salary of his workers!) Other employers got quite angry and thought this was a terrible strategy. However, the changes resulted in huge increases in production, quality, safety, employee retention, and a whole host of positive changes, and helped make Ford the brand that it is today.

In our new "Guilded Age" with our current suppressed wage structure, take home pay is so low or stagnant that bosses are able to demand more work hours, even though study after study shows that productivity falters in sustained overtime conditions. This trend is the result of pressure from employers who have reduced or stagnated wages in the face of inflation and rising prices. Workers in America have not seen a real wage increase in over 20 years. As a result, employers can demand more hours from employees. The fact that we have so much unemployment in our nation puts pressure on the people who currently have jobs. Either you put up the hours, or you are out of a job. What kind of choice is that?

It's important to realize that any employer who demands more than 8 hours a day or 40 hours a week is stealing something precious from you and your family. At your job, you exchange your knowledge, skills, and abilities for the compensation that you receive. It is an unfortunate fact that there is an unwritten expectation to give up your life for the company. Think about the dollar value of the things that make life worth living. How many dollars per hour is it worth to sit down with your family for supper? How many dollars per hour is it worth to miss the kids' game again this week? How many dollars per hour is a full night of sleep worth?

For the good of our bodies, our families, our communities, and the future of this country, we have to find a better way. 8 hour a day wages should be enough to support a family in our country. The studies have shown over and over that working more hours does not help. Having a workable balance between our jobs and the rest of our lives makes us better employees and better people.

*UNITED WE BARGAIN, DIVIDED WE BEG*

## **TRICKS OF THE TRADE**

Bending PVC without a traditional heater: The best way I have found to bend PVC when you're caught without a hotbox is to simply stick it in the tailpipe of your truck. It only takes a few minutes at an idle to get the PVC warm enough to bend. Just be sure you have couplings, the bell end will disappear!

Long under ground pulls: Sometimes using a vacuum cannot get the mouse past the last 90, and a fish tape with a leader does no better. Try this: Take two fish tapes, one long enough to make the distance, the other can be a shorty. Take a piece of string line, not jet line, about 15 inches long and tie a series of loops in it. Attach the string to the long fish tape and feed it as far as it will go. Then pull it back about 2 feet. This will set your loops at the end of the tape. Feed the second tape in from the other end and hook the first tape by the loops on the string. You may have to rotate the fish tape several times to have it wrap around the other. Have a man at each end to help feed the long tape the last little bit as the string is not high tensile strength.

Extra protection for feeder wires: Whenever I strip larger wires prior to placing them in lugs or kearneys, I score a circle around the wire insulation, then slice parallel to the wire. Unless the insulation is very tough, the insulation can usually be pried from the wire in one piece. This piece of insulation can then be snapped back onto the insulated wire wherever it is needed to offer extra protection against panel mounting screw holes or sharp edges on cabinets or neutral lugs.

Cutting PVC with wire in it: Say you have a conduit that stubs up through a slab and the wires have already been pulled but the pipe needs to be trimmed to length. Simply slide a smaller piece of conduit over the conductors, making sure it's small enough to fit inside the other pipe. Push it down past where you are going to make your cut. This "inner pipe" will serve as a guard against nicking as you work your way around the conduit with your saw.

## **UNPAID WAGES?**

Surfing the internet one morning, I noticed an ad at the top of the page titled [IWantMyOT.com](http://IWantMyOT.com). I followed the link and found a website that offers legal assistance in helping employees get their proper overtime wages. I know there are workers out there being taken advantage of by their employers. And these unscrupulous employers use all sorts of methods and tactics, but obviously this is so rampant that now there are websites of attorneys who do nothing but chase unpaid wages for workers. I can only guess that there are fees involved and/or a portion or percentage of recovered wages would go to the attorneys. We don't necessarily endorse these particular firms, but they might have some value. If you feel you are being taken advantage of and there are unpaid wages owed to you, there are also government offices that enforce these very laws.

Of course there are different types of unpaid wages. There is Davis Bacon, overtime after 40, comp time, unpaid vacation time, time spent to the benefit of the employer, and so on. Accordingly, the Fair Labor Standards Act says that any time spent to the benefit of the employer is compensable time and must be paid.

What we have found is that if an employer is not paying the correct wages on one employee chances are there are more employees in the company being stolen from. We would be happy to point you to the correct government agency that can help you with your particular situation. One thing to keep in mind is that there are statute of limitations on recovering some of the unpaid wages depending on the type of wages. For instance, Davis Bacon has a stated limitation of 2 years, but with the Department of Labor Wage and Hour Division understaffed, underfunded, and overwhelmed with these rampant violations, once the job has been completed, for them to try to go back is just not feasible and it is too late.

So if you are aware of this, it is better to handle it sooner than later and even if it's too late for you, you might be helping your fellow employee so it doesn't happen to them.

## **THE WORLD WE LIVE IN**

When it comes to violations of your rights as an employee, there can be many times that it boils down to a “he said, she said” situation. Say you were threatened with being fired for exercising your legal rights. How would you prove it? These situations are extremely difficult to prove in a court of law or with the governmental offices. To protect your rights regarding unpaid wages, NLRB charges, or other violations, you need credible proof.

So how do get that proof? In Nebraska and about 37 other states, the law of audio recording states that one party to a conversation **MUST** have knowledge the conversation is being recorded. If you record a conversation where your rights are violated, you are legally protected and able to use that in a court of law. You cannot hide a recorder in a room and record a conversation that you are not participating in. So with that being said there are many different devices that can do this very thing at a minimal price. Even some of the smart phones have this option as a “Voice Note” or something of that nature.

If I am walking into a situation where I suspect my rights are going to be violated, I make sure to prep the recorder with the time, date, where I am at, and who I am potentially going to speak with. During the conversation, if another person is talking **DO NOT** interrupt, just let them talk and be patient as this will make a difference in determining who is saying what when you play it back. You should also repeat the other persons name or names to reiterate who you are speaking with so there is no question or confusion.

There are some who may say this is wrong or doesn’t need to be done. If you feel your employee rights are being violated, then you really will need some concrete evidence. If you make the recording, be prepared to use it. We are not talking about trivial matters here, like scheduling a vacation or work hours. Those are normal matters that should be resolved normally. If you are in a situation where you need to prove that someone has violated your rights, having that playback recording can be the confirmation that you need.

I think most of the time this type of thing is unnecessary as people are genuine and not intentionally out to get you, but this is just another way to protect yourself as an employee. There are those few unsavory employers who have got away with abusive and illegal behavior for years and think that it is just business as usual. If they are shady and dishonest, you shouldn’t feel bad about protecting yourself.

I am pretty sure we can all think of a time when someone has said “oh yeah, prove it” and with a recording, you would be prepared to do so. Just remember that the legality of being recorded works in both directions. You should always be honest in your dealings just in case your boss is recording you!



**Omaha Joint Electrical Apprenticeship and Training Committee  
Upcoming Continuing Education Classes**

**Significant Changes to the 2011 NEC**

July 19 8:00 am—2:30 pm

August 23 8:00 am—2:30 pm

July 20 8:00 am— 4:30 pm

August 24 8:00 am— 4:30 pm

July 21 8:00 am—12:00 pm

August 25 8:00 am—12:00 pm

September 20 8:00 am—2:30 pm

October 18 8:00 am—2:30 pm

September 21 8:00 am— 4:30 pm

October 19 8:00 am— 4:30 pm

September 22 8:00 am—12:00 pm

October 20 8:00 am—12:00 pm

November 15 8:00 am—2:30 pm

December 13 8:00 am—2:30 pm

November 16 8:00 am— 4:30 pm

December 14 8:00 am— 4:30 pm

November 17 8:00 am—12:00 pm

December 15 8:00 am—12:00 pm

All classes are Thursday, Friday, and Saturday. Thursday class are for Participants who need State of Iowa continuing Education. Friday and Saturday classes are registered with the State of Nebraska.

Cost: \$140.00

Name: \_\_\_\_\_ Class Date: \_\_\_\_\_

Address: \_\_\_\_\_

NE: License #: \_\_\_\_\_ Iowa: License #: \_\_\_\_\_

*Please Make Checks Payable to: OJEATC 8960 L Street Suite 200 Omaha, Ne. 68128 NO CASH*

**Want to go green? You can get the MidWest Wireman by email. Just email me at [bjohnson@ibew22.org](mailto:bjohnson@ibew22.org) and I will add you to the growing list.**



## Davis Bacon

I recently took a young electrician we'll call "Dave" to the Department of Labor Wage and Hour Division at their new office located at 222 South 15th Street, Suite 504A in the old Conagra building.

"Dave" contacted my office with questions on whether or not he was being paid the correct wages on several Davis Bacon projects he had worked on in the last two years. What we found is yet another interesting way for an employer to cheat when it comes to paying the correct Davis Bacon wages.

"Dave" was working for a local shop doing street lighting and Lineman work. The employer was classifying him and everyone else on the job as Groundmen. In this particular instance there were two issues here, employee classification and pay.

As an example the Groundman wage rate for one of these jobs was \$34.62 per hour and is less than the Journeyman Lineman wage rate at \$46.09 per hour. Not only was the employer paying less than the correct Groundman wages, he was also misclassifying his employees as Groundmen instead of Linemen. The wage determination for that particular project was posted on the billboard in front of the general contractor's job trailer. The posted Groundman wage was about \$20.00 an hour higher than what this young man was being paid. Which can certainly add up quickly.

At this particular time "Dave" was not a registered apprentice at the ABC school, however his coworker was. The ABC does not offer a Lineman apprenticeship program. The standard ABC commercial and residential electrical apprenticeship program is not a "Lineman" apprenticeship. Since he, nor his coworkers, were not in a "Lineman" apprenticeship, these employees should have been making Journeyman Lineman rate.

As we spoke with the Department of Labor we found out that this electrical contractor was already under investigation for incorrect and non-payment of Davis Bacon wages. Interestingly enough "Dave's" story gave the investigators even more leads and angles to consider when dealing with this contractor.

Another red flag that may tip you off is being classified as a Laborer. You may never have knowledge of this as most likely you won't see the certified payroll report. If you have taken the time to get an Apprentice or Journeyman card to be legal on every other job you work on, why would you not be considered an Apprentice or Journeyman Electrician on Davis Bacon projects? Specifically, if you are doing electrical work and not just pushing a broom or picking up trash, your classification should be Electrician not Laborer. You may be starting to see how quickly an employer can muddy the water with classifications for the work you are doing. Regardless of what the contractor was billing or classifying the employees as, the law is very clear on what wages are to be paid.

It never ceases to amaze me the lengths employers will go to avoid doing the right thing. Essentially Davis Bacon projects are paid for with taxpayer money. This contractor was not only stealing from "Dave" as an employee, he was stealing from him as a taxpayer as well.

Remember when you guys are on these Davis Bacon projects if you think there is some funny business going on, and the answers you are getting aren't jiving, there are people that specifically handle these violations and they are more than happy to help you. Just make sure to report this sooner than later as these violations have statutes of limitations. Lastly keep all of your check stubs.

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*Remember, They Can't Do It Without You!*

## **POOR INSTALLATIONS**

If you have ever been on the wire pulling crew this conduit will remind you of something you don't want to pull through.

A couple of extra minutes planning might have had a dramatic affect on the money wasted trying to get wire in this pipe.

What do you suppose the maintenance people will think of this contractor once they do the inspection.

Remember everything we do is with the next guy in mind.

Someone will always be behind us and they will always have an opinion of our work!

