

The Midwest Wireman

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BY ELECTRICIANS, FOR ELECTRICIANS

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The Midwest Wireman
8946 L Street
Omaha, NE. 68127
Phone 402-331-8147
Fax 402-331-0836
www.ibew22.org

Special points of Interest:

- Useful information
- License Reciprocity
- Davis Bacon

Every advance in this half century, Social Security, civil rights, Medicare, aid to education, one after another came with the support and leadership of American Labor.

Jimmy Carter

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100 Year Anniversary Triangle Shirtwaist Fire

March 25th of this year marked the 100 year anniversary of the Triangle Shirtwaist Factory Fire. This was an entirely preventable tragedy in an American sewing sweatshop that took the lives of over 146 workers, mostly young immigrant women. The business was located on the 9th and 10th floors of an industrial building in New York City. The investigations after the fire found that the conditions inside the Triangle Factory were to blame. Reams of fabric and fabric scraps cluttered walkways that were too narrow for workers navigate. Buckets of oil and rags for maintaining the sewing machines were located throughout the factory floor. The fire escapes for the area were entirely inadequate. Also two of the three egress doors were actually locked to prevent workers from leaving work before their shift ended.

In the months prior to the tragic fire, the Triangle employees were part of an unsuccessful organizing effort to form a union to address worker's rights and safety issues. During their organizing efforts, the young workers were vilified. They were spat on. They were beaten by police. They were subjected to all of the union busting efforts that have played themselves out over and over again. After the tragedy, the public began to see the necessity of worker safety and many workplace protections were passed into law.

A one hundred year anniversary of something so important is a good time to stop and think about these events and how they still affect our work today. Improvements in workplace safety have truly saved lives. We now have OSHA, permits, inspections, and other government actions, but we must remember how close we are to those days of old. Think about the times on the job when there was an expectation to just "get it done" and safety was sacrificed for speed. How many steps are we truly ahead of the Triangle Factory women?

Today OSHA is under attack. There are legislators who want to reduce OSHA funding by \$100,000,000. Various efforts are also trying to reduce or eliminate child labor laws. They are attacking overtime wages after 40 hours worked and the like. Unions have fought to improve the quality of life for union and non-union workers on each one of these issues. And yet even as we continue to fight, history is repeating its self again.

It is up to each worker, every day, to honor the sacrifice that the Triangle Factory women made and refuse to work in unsafe conditions. Don't let it happen to you! The next time you are working a cabinet hot, or standing on the top rung of a ladder, or climbing up somewhere without being properly tied off, think about those women and the other fallen heroes of the working class. Do the right thing by them and demand safe working conditions for yourself and for your family.

UNITED WE BARGAIN, DIVIDED WE BEG

TRICKS OF THE TRADE

Removing 'Chico' with Ease: Use common household vinegar to remove hardened chico from a seal off to re-pull a circuit. It will soften the chico so it can be removed.

Keep a Compact Mirror just in case: It's extremely handy to have a small compact mirror in your toolbox. You can use it to sight down a hole in the top of a stud for aiming your fish tape. Or use the mirror and a flashlight through a box opening to see if your wire is hung up in the wall or still coming down.

A Driller's Helper: Instead of searching through a pocket or work pouch for screws or self tappers, make it easier on yourself by taping a strong magnet to the top of your cordless drill. Stick the screws you need on this magnet. When you run out of screws, just dip your drill magnet into the box of screws, shake off the extras, and you're loaded and ready to go!

Duct seal helps hole sawing: When you have repetitive hole sawing to perform, especially when drilling through Q decking, panels or other similar materials, hole saws may burn out, slugs can jam the cutters, and the person drilling the holes may incur temporary deafness. Packing the hole saw with duct seal prevents the slug from becoming stuck. The duct seal also acts as a heat sink, which prolongs the life of your hole saw and reduces noise to a more tolerable level. The duct seal compound can be left in the hole saw indefinitely. This method works best when drilling 1-inch and larger holes. Using these cutters over and over also saves on replacement hole saws.

Use Duct Strap For Positioning Spring Nuts: When placing and positioning spring nuts in uni-strut that contains holes, take a scrap piece of duct strap and place it in the top of the channel. This makes sliding the spring nuts much easier. When finished just pull out the strap.

IOWA LICENSE RECIPROCATATION

Great news! The state of Iowa has decided to accept the State of Nebraska electrical license as a reciprocal to the State of Iowa. This is especially important when it comes to making yourself more marketable from contractor to contractor or job to job.

Some of the requirements for reciprocity are:

1. The Nebraska license can only be for the Iowa Journeyman license, regardless of whether a Master or Journeyman license is currently held.
2. The license must have been received as a result of passing the state exam, not a city exam.
3. The license must have been held continuously for at least one year, and must not have been expired, suspended or revoked.
4. A copy of the valid, unexpired license must be included with the application.
5. The applicant may not reciprocate if the applicant took the Iowa exam for the license, but failed.
6. The applicant may not reciprocate if a previously issued State of Iowa license has expired, or has been suspended or revoked.

So make sure you are the most valuable tool in your contractors tool box!

USEFUL CONTACT INFORMATION

With all of the information we have delivered to workers, it occurred to me we should compile a list of contact information for the agencies that look over worker's rights. Occasionally the time comes when you or one of your coworkers will have questions concerning your employment and you will need to know who to contact to answer those questions.

Obviously you can reach out to Local 22 for support as well. Over the years we have helped workers get connected to the proper agencies when their rights have been in question.

Life is a lot simpler when employers know and clearly follow all of the laws and regulations. There are other times when it seems to get into a gray area. Going to the source, and finding reliable information about the laws and your rights is extremely important.

Department of Labor Wage and Hour Division
www.dol.gov/whd
 (402) 221-4682

Immigration and Custom's Enforcement (ICE)
www.ice.gov
 1-866-347-2423

Department of Labor Office of Apprenticeship
www.doleta.gov/oa
 (402) 221-3281

Nebraska State Electrical Division
www.electrical.nebraska.gov
 402-471-3550

Nebraska Workforce Development
www.dol.nebraska.gov
 (402) 471 - 9000

City of Omaha Electrical Division
www.cityofomaha.org/planning/permits
 402-444-5358

Iowa Workforce Development
www.iowaworkforce.org
 (515) 281-5387

Iowa State Electrical Division
 1-866-923-1082

Nebraska OSHA
 (402) 553-0171

Council Bluffs Electrical Division
www.publicworks.councilbluffs-ia.gov/inspections.asp
 712-328-4626

Iowa OSHA
www.iowaworkforce.org/labor/iosh
 1-800-562-4692

IBEW Local 22
www.ibew22.org
 (402) 331-8147
 Brett Johnson
 (402) 980-7596

National Labor Relations Board
 Region 17
 1-913-967-3000
www.nlrb.gov



UNAUTHORIZED PAYROLL DEDUCTIONS

I recently was told a story about an electrician who was on a residential service call to troubleshoot a circuit for a dryer. In the course of the service call, the electrician accidentally damaged the top of the appliance. Although this was purely accidental and not malicious, the electrical contractor decided to charge the employee for the damage and went about taking the money from him in the form of payroll deductions.

This type of action may be illegal according to the Nebraska Wage Payment and Collection Act section 48-1230 which states,

*an employer may deduct, withhold, or divert a portion of an employee's wages **only** when the employer is required to or may do so by state or federal law or by order of a court of competent jurisdiction or the employer has written agreement with the employee to deduct, withhold, or divert.*

Also, if this electrical contractor turned the damage in to his insurance company for payment, it becomes insurance fraud in addition to illegal payroll deductions.

Hopefully this young man retained his check stubs and kept as much documentation as possible. If there is a situation that seems wrong or terribly unfair, there are people you can contact to get the correct legal answers you are looking for with out fear of being reprimanded or losing your job.

At some point everyone gets tired of being taken advantage of and will want something done about it. It is better to get your answers right away than to wait and look back on it. In this situation, there are statutes of limitations that comes into play. If the employee waits too long, it may be too late when he decides he's had enough.

Want to go green? You can get the Midwest Wireman by email. Just email me at bjohnson@ibew22.org and I will add you to the growing list.



DAVIS BACON

With the economic conditions as they are, employers may be tempted take advantage of their employees after bidding a Davis Bacon project to the customer. After securing the job, they find numerous ways to not pay the prevailing wage. This amounts to theft from the employee and theft from tax payers. The possibilities for cheating seem endless and every week I learn about new and creative ways unscrupulous employers attempt to avoid paying their employees the wages guaranteed under the Davis Bacon Act.

For example:

Misclassification — This happens when an employee is classified as another craft or trade that typically earns less, like paying laborer wages for plumber's work, for instance. Most times, employees will not even know that this is happening as they never see the required weekly certified payroll report submitted by their employer to the general contractor.

Apprentices — This one keeps coming up. On a Davis Bacon project, being classified as an Apprentice means that you are in a "Registered Apprenticeship Program" with the Federal Department of Labor, Office of Apprenticeship. If you are not in that registered program, your employer is required to pay you the posted Journeyman rate. Recently I spoke with a young man who had graduated the ABC Program in 2009 but had not passed his state Journeyman exam yet. He had been working on Davis Bacon jobs locally and was being paid \$15.00 per hour. The posted Journeyman rate was \$40.00 per hour. Since he didn't have his Journeyman license yet, his employer told him that he was to be paid Apprentice wages. But he was not in a Registered Apprenticeship Program. This is a clear violation of the Act, and he is now due back pay for earned wages.

Kick back—I also recently spoke with two Journeymen who were written "bonus checks" by their employer because he underpaid them on a Davis Bacon project. The contractor was required to pay his employees back wages in the amounts of \$5,000 and \$3,800 in order to be in compliance with the Davis Bacon Act. The employer then instructed his two employees to deposit the checks in their bank accounts and write personal checks back to the employer for the same amount. If that weren't bad enough, these two guys paid taxes on the "bonus checks." This is a violation of the Copeland Anti-Kick Back Act. And it is not just a simple misdemeanor, it carries a criminal penalties and potentially time in prison.

Copeland "Anti-kickback" Act
TITLE 18, U.S.C.

Sec. 874. Kickbacks from public works employees

Whoever, by force, intimidation, or threat of procuring dismissal from employment, or by any other manner whatsoever induces any person employed in the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract of employment, shall be fined under this title or imprisoned not more than five years, or both.

Another interesting tactic for not paying the appropriate wage is using insurance premiums as a way to recoup money from required payment to employees. For example, your contractor normally deducts from your paycheck \$80.00 per week for employer provided insurance which equates to approximately \$2.00 per hour. Later you go to work on a Davis Bacon job, and your hourly insurance rate goes up to "Union Rates" of \$4-\$5-or even \$6 per hour, but no increase in benefits. This means is you are getting the same insurance for two or three times the price, and the employer pockets the difference.

Also I have seen bogus "Education" deductions on payroll reports. For example, an employee has normal deductions of taxes and so on taken from their paycheck. Once they are moved to a Davis Bacon project, there are new "Education deductions" from their paycheck that were not previously required. Again, the employer pockets the difference.

I often wonder how the employers who pull these stunts can live their lives constantly looking over their shoulder, knowing they are breaking the law and could get caught. The most important thing to remember is that these Davis Bacon projects are funded by your tax dollars under Federal grants, economic development monies, and stimulus packages. So if you are on one of these jobs you are paying yourself for working through the Federal taxes you pay. When your contractor cheats the system and doesn't pay you the correct rate, he is essentially stealing from you twice.

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8946 L STREET
OMAHA, NE 68127
(402)331-8147

Drop us a line!
bjohnson@jibew22.org

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ADDRESS SERVICE REQUESTED

Remember, They Can't Do It Without You!

POOR INSTALATIONS

**110.12.... Mechanical Execution of work
334.30.... Securing and Supporting**

I wonder what the electricians were thinking when they decided this mess was acceptable.

Surely the inspector will not accept this as it is a clear violation of the NEC, and more importantly, where is the customer?

Quality workmanship is the mark of a quality craftsman. When an installation looks right, it usually is right. When it looks like this, you have to wonder about the rest of the system. The NEC is there for a reason.

