



# **e-News Now**

***The Electronic Newsletter of the  
Heavy Construction Contractors Association***

## **Winter 2015**

**In This Issue:**

**HCCA Board of Directors Visits the Governor McAuliffe  
and the Virginia General Assembly**



The HCCA Board of Directors has made a decision to be proactive in interacting with our

government entities on all levels.

In line with this direction, a substantial number of the board members traveled to Richmond on February 18<sup>th</sup> to meet with selected legislators for a series of meetings. The group consisting of David White, Greg Smith, David Yergin Doniger, Glenn Kauffman, Dann Nash, PJ Heflin, Abe Ismael, Rob McKeever and Ken Garrison joined with HCCA Lobbyist Lynwood Butner to meet with Speaker William Howell, Delegate Tim Hugo, Delegate Jackson Miller, Delegate Richard Anderson, and Delegate and Chair and the Transportation Committee Tom Rust.

In each meeting the HCCA members renewed relationships and emphasized the importance of continued improvement in the infrastructure of Northern Virginia to both our industry, the continued growth of commerce and the overall quality of life of all of the residents.

In addition, the group concluded the day with an extended meeting with Governor McAuliffe, Secretary of Transportation Aubrey Layne and Deputy Secretary of Transportation Grindly Johnson. The meeting concluded with the opportunity to make Governor McAuliffe and Secretary Layne honorary members of HCCA

The opportunity to meet and enhance our relations with the legislators and senior government officials allows HCCA to have a voice and a presence in Richmond. We have been expanding this effort over the last several years and believe that a continued level of interaction will only strengthen our ability to serve our members in the future. We would encourage anyone who wants to play a more active role begin by joining our legislative committee. All are welcome to participate.

**Supplemental photos are posted on the HCCA Facebook page - click [HERE](#).**

## HCCA Members Respond to Families in Need at Christmas



It all started with a humble post on Facebook by Tammy Perkins, Community Resources Manager for Transitional Housing Barn "the Barn" on December 18, 2014 asking for donations for their 12 homeless mothers and their 25 children for Christmas gifts. Karen Garvin, AHT Insurance sprang into action the next morning and called Tammy to see what was needed to fulfill their Christmas wishes.



Karen recognized this type of community service was the purpose of the HCCA Charity fund which is overseen by the HCCA Public Relations Committee. She first reach out to contacted her fellow committee members asking that they approve a donation of \$250 to allow "gas cards"



to be purchased to aid homeless mothers in driving to their places of employment.

As each committee members responded in the affirmative for the expenditure of funds, they also contemplated what more they might accomplish.

Fellow committee members Phil Frazier and

Brian Bell went to work on their connections and raised nearly \$3,000 within 24 hours!

Here is what the group collectively accomplished in and delivered on December 22<sup>nd</sup>. Brian Bell reached out to the Hilliard Charity & Fellowship who donated \$1500 in cash, as Phil Frazier and his wife donated two huge baskets of goodies and \$100 in gift cards. Brian Bell and Phil Frazier also donated \$250 in gift cards on behalf of the employees of Virginia Paving. HCCA member E.E. Wine converted the HCCA donation of \$250 into 10 \$25 gas cards. To complete the donation, Karen Garvin donated 15 handmade scarves for the mothers and staff of the barn, along with \$100 in gift cards and 8 bedding sets worth \$500.

"The Barn" is located on Linton Hall Road in Bristow behind the Benedictine Sisters of Virginia.

They started the shelter in 1997 along with Senator Charles Colgan's wife Agnes. They are always looking for donations and volunteers. Please visit their website

[www.barninc.org](http://www.barninc.org)

It is amazing what HCCA members will do for their community when the need arises. We can only be grateful we work among such inspired individuals.



### **HCCA Donates Toys and Food to Shelter House in Fairfax County**

HCCA traditionally holds a Holiday Party in December. The purpose is three-fold, first to gather members and guest to enjoy some camaraderie at year's end, to hold the drawing for the Sidney Johnston Trust Raffle and to raise funds to support HCCA charitable giving needs through the next year.

A review of the photos of the Holiday Party on Facebook will confirm that the 220 attendees enjoy food, a few beverages and a casino night in fine form. The Sidney Johnston Trust raffle first prize of \$10,000 was won by Mike Brewer from Superior Paving; the three \$1,000 second prizes were won by Sarah Shuffleburg of Lane Construction, Kelsie Scott from Anderson and Zach Surface from

Superior Paving.

The Sidney Johnston Trust Scholarship Applications are now being accepted with a due date of March 24, 2015 for member's children who are high school seniors and need assistance in attending college. The applications will be reviewed by the Trustees and two winners will be chosen and formally awarded during the HCCA May 21<sup>st</sup>.

Dinner Meeting at the Country Club of Fairfax. In a new twist this year we asked those attending the event to bring presents or canned goods to aid those families in need at Shelter House in Fairfax County. The HCCA party attendees responded in amazing fashion. As the party goers arrived they gave generously of gifts, food staples and assorted other items. The overwhelming response at the Holiday Party assures that it will be repeated in the future. Thanks to all who participated.



Click [HERE](#) for photos from the Holiday Party and Donations to Shelter House are also on the HCCA Facebook site.

### OSHA Injuries Filings Update



Covered employers must complete and post their 2014 annual summary of work-related injuries and illnesses by Feb. 1, 2015, and keep it posted in a common area until April 30, 2015.

All employers required to keep Form 300, the Injury and Illness Log, must utilize the annual summary Form 300A to comply with posting requirements even if there have been no recordable injuries or illnesses, as the

Occupational Safety and Health Administration (OSHA) will continue to focus on record-keeping violations in 2015.

This year's summary must include the total number of job-related injuries and illnesses that occurred in 2014. More than 1.4 million establishments are required to maintain OSHA logs on an annual basis. The summary Form 300A reports a business's total year-end number of fatalities, missed workdays due to injury or illness on the job, job transfers or restrictions, and injuries and illnesses as recorded on Form 300. It also includes the number of employees and the hours they worked for the year.

#### Which Employers Must Track Injuries and Illnesses?

Nonexempt employers with more than 10 employees must track injuries and illnesses and post the form. Certain low-hazard industries are exempt. Businesses that employ 10 or fewer workers or those that fall into an exempt category must also record injuries if they are required

to by OSHA or the Department of Labor's Bureau of Labor Statistics for survey purposes. Only the summary must be posted; the log does not have to be displayed but must be available to employees, their representatives or OSHA inspectors. Companies with multiple jobsites should keep a separate log and summary for each location that is expected to be operational for at least a year.

### **Newly Covered Employers**

The list of industries exempt to the rule changed Jan. 1, 2015. Prior to 2015, the exemption list was based on the Standard Industrial Classification (SIC) system; going forward the list is based on the North American Industry Classification System (NAICS). The exemption for employers with 10 or fewer employees was retained.

Newly covered employers who were previously exempt from OSHA record-keeping requirements and were not required to maintain the Form 300 in 2014 are not obligated to post the 300A on Feb. 1 of this year, as the form relates to injuries from the prior year. Previously exempt employers should review the updated industry exemption list to see if they are now covered. If so, they must maintain the OSHA 300 logs this year and post the Form 300A in February 2016.

### **Executive Certification**

OSHA requires that a company executive certify the 300A summary. Company executives are defined as:

- \* An owner of the company.
- \* An officer of the corporation.
- \* The highest-ranking company official working at the site.
- \* The immediate supervisor of the highest-ranking company official working at the site.

This official must certify that he or she has reviewed the related records and that the posted summary is accurate and complete, to the best of his or her knowledge. HR managers normally cannot sign the OSHA 300A summary unless they are an officer of the company.

### **Posting Period**

The 300A summary must be posted at each jobsite from Feb. 1 to April 30, in a conspicuous area where notices to employees are customarily placed. Copies of the form should be provided to any employees who may not see the posted summary because they do not regularly work onsite. Employers have a duty to update and maintain records for five years plus the current year and provide them upon request for inspection by OSHA investigators. Employers must also ensure that the annual summary is not altered, defaced or obscured during the posting period.

### **Reportable Injuries**

Generally, only serious injuries resulting from workplace activity must be reported. A business should review an employee's activities to determine whether an injury is work-related. Businesses are not required to report injuries that stem from activities that are merely incidental to work responsibilities. A serious injury is one that results in a fatality, loss of consciousness, days away from work, a restricted work schedule or job transfer, or a significant injury or illness diagnosis by a health care provider, or that requires medical treatment beyond basic first aid. Employers should not report incidents that require only basic first aid. If the injury is of a sensitive nature, such as sexual assault, then the employer should write "privacy case" in the

box for the worker's name.

OSHA requires companies to enter the average number of employees and the total hours they worked on the summary form. An employer can plug those figures into a formula to calculate injury and illness incidence rates and compare them with the data of other establishments in similar industries.

## PROTECTIVE FOOTWEAR

Courtesy of Superior Paving Newsletter, December 2014

Over 100,000 foot and toe injuries occur in the workplace each year. Approximately 4.4% of all occupational related injuries involve the foot and toes. In addition to the pain and disability, these injuries cost employers over 1 billion dollars annually in total cost, including lost wages, lost productivity, medical costs and administrative expenses.



On September 9, 2009, OSHA issued an update to its Personal Protective Equipment (PPE) standard for head and foot protection. "Each affected employee shall wear protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards."

Data from the Bureau of Labor Statistics show only 23% of workers with foot injuries wore safety shoes or boots. While safety toe shoes will not eliminate all foot injuries, they certainly can reduce the severity of those injuries.

With all of this statistical information available, Superior's safety committee began a conversation about requiring safety toe shoes for all field employees. These conversations were not all positive. We received all the standard arguments for **NOT** moving towards a safety toe shoe requirement:

- They're not comfortable.
- They're too heavy.
- They are too hot or too cold.
- They cost too much.
- If the steel collapses, it will cut off my toes.

Even with the push-back we received, the committee unanimously voted to require the use of safety toe shoes for all field employees. Though the requirement will not take effect until April 1, 2015, the safety committee decided it was important to begin sharing this information with all employees and to include this in the new hire safety orientation so our new employees could purchase safety toe shoes at the time they were hired. Boy did this pay off!



On December 19, 2014, the safety department received a phone call about an employee having his foot or leg backed over by a paver. This employee was loaded into an ambulance and transported to the closest hospital with what we perceived to be a significant lower leg or foot injury. After about an hour in the waiting room, we were pleasantly surprised to see our employee walking out of the hospital under his own power: no broken bones, no crushed toes, just very fortunate. This employee actually purchased steel toe work boots after attending the new hire safety orientation. According to the nurse that escorted



him out of the emergency room, these boots are the only reason he did not sustain a significant foot injury. Safety toe work shoes are a step in the right direction for Superior's safety program. For more information about protective footwear visit: [www.grainger.com](http://www.grainger.com)

### **2015 HCCA Safety Awards Applications - Deadline extended to March 11, 2015**

The Safety Committee has voted to extend the deadline for applications due to a schedule change for the awards ceremony to April 15, 2015. To date, the committee has received the highest number of corporate applications in the last 10 years, but they wanted to give everyone a chance to participate given the schedule change. The extended due date for applications is Wednesday 3/11/15.

Click [HERE](#) for Safe Employee Application

Click [HERE](#) for Safety Award Application

Click [HERE](#) for Robert Woodard Safety Award Application

### **2015 Sidney R. Johnston Memorial Trust Scholarship Applications now being accepted**



Each year the Sidney R. Johnston Memorial Trust, established in 1980 and named for the late President of the HCCA (1959 to 1962), awards two scholarships to deserving students. The Trust, supported over the years through direct & indirect donations of HCCA members, has awarded over \$268,000 through the end of 2014.

[2015 Sidney R. Johnston Memorial Trust Application](#)

**Deadline March 24, 2015**

### **HCCA Introduces New Web Site**



# HEAVY CONSTRUCTION CONTRACTORS ASSOCIATION



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Manassas, VA 20110  
(703) 392-7410

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HCCA Members meet with Governor Terry McAuliffe & Secretary of Transportation Aubrey Layne



### eNews

02/22/2015  
**In Virginia, little chance of raising more road revenue**  
[more »](#)

02/16/2015  
**MCAULIFFE RAISES REVENUE BY \$136 MILLION, URGES TEACHER RAISES**  
[more »](#)



### Training Information

Custom course scheduling built to suit your company's schedule, type of certification/training needed, and location  
[more](#)



### Upcoming Events

Next Events! - February 18, 2015 HCCA Networking Night Country Club of Fairfax, more to come - please check our calendar!  
[more](#)

### Highlights

**MARCH 2015  
HCCA DINNER MEETING**  
WEDNESDAY, MARCH 18, 2015  
6:00PM - 8:30 PM

Country Club of Fairfax  
5110 Ox Road, Fairfax, VA 22030  
**LEADERSHIP ROUNDTABLE FORUM**

### Leadership Roundtable Forum

LEADERSHIP ROUNDTABLE FORUM John LeGore, President - Luck Stone Corporation Mike Post, President - Shirley Contracting Mark Rodenburg, President of Operations of Total Development Solutions Speakers will discuss the future of the industry from a variety of perspectives.  
[read more](#)

### Quick Links

Committee Meetings

Events Calendar

Member Directory

HCAA-PAC

During February, HCCA introduced a new and exciting version of the web site (<http://www.hcca.net>) that was developed for us by SiteWhirks of Warrenton, VA.

The new site includes all of the information that has been available through the former site, but presents it in a more graphically-pleasing manner with a considerable dose of on-screen animation thrown in to boot. The home page makes use of rolling pictures and scrolling text to bring you up-to-date information about activities and events as well as providing access to late-breaking news of importance to the members.

In the near future we will introduce a version of the new web site that is compatible with mobile devices. The system itself will determine what kind of device you are using (desktop or mobile) and render the site in the appropriate layout. Eventually you will be able to maintain the information for your own company without our intervention. But, this raises an important issue.

It is very important that we ensure that all data currently included on the web site for each member company (addresses, contacts, products and services, etc.) because that information is what is being used to produce the annual printed directory - which is current in development. We encourage you to take a few minutes to review your page data and let us know what (if anything) needs to be updated.

### 2015 HCCA "March Madness" is Here



\$25.00 per Individual / Email Address  
**REGISTRATION DEADLINE MONDAY - MARCH 16TH AT 5:00PM**

Click [HERE](#) to download flyer and registration form

### 2015 HCCA Golf Tournament - "The Ditch Diggers Open"



Click [HERE](#) to download flyer and registration form

## 2015 HCCA Softball League



## 2015 HCCA Softball League in Prince William begins April 1st

**To register your team or sponsor a team  
Contact Ken Garrison (703)392-7410  
kgarrison@hcca.net**

**or**

**Jarod Stevulak jstevulak@acmpave.com**

\$1,275 per team registration plus jerseys, bats & balls.

Practice will begin the first of April.

Games begin at the end of April.

The season will end with a tournament at Valley View Park in early August.



## King v. Burwell: The U.S. Supreme Court Case Challenging the ACA Subsidies in Federal Marketplaces

(Courtesy Brown & Brown Insurance)

Anyone receiving a subsidy through a federally established ACA health marketplace, also called exchanges, should be aware that changes could be on the horizon. Read here for details.

### **Who:**

Anyone receiving a subsidy through a federally established ACA health marketplace - also called exchanges. Federally established marketplaces are in all states except:

States with State-Established Marketplaces				
California	Hawaii	Massachusetts	New Mexico*	Rhode Island
Colorado	Idaho	Minnesota	New York	Vermont
Connecticut	Kentucky	Nevada*	Oregon*	Washington
District of Columbia	Maryland			

\*State run marketplaces using federal website

**When:** The Supreme Court justices will hear arguments on March 4, 2015 and likely rule by the end of June or early July 2015. Federal marketplace subsidies could end by the following month.

**What:** The legal challenge is to the 2012 IRS ruling that allows ACA subsidies for policies purchased in federally-run marketplaces.

**Executive Summary:** The ACA specifies subsidies are available in "an Exchange established by the State..." In 2015, only 13 states and D.C are operating pure state-run exchanges. Three (3) states use the federal website. 37 states use federal exchanges. About 6 million people were enrolled in the federal exchanges in 2014. 85 percent or 5.1 million received subsidies.

<u>Against Federal Marketplace Subsidies</u>	<u>For Federal Marketplace Subsidies</u>
The law clearly restricts the subsidies to state exchanges. The IRS cannot unilaterally change legislation or provide subsidies without authorization by Congress.	It was the intent of legislators to make subsidies available in all states. There are too many people with existing subsidies to eliminate them. And, "established by the State" should be interpreted as meaning government-run (federal or state) exchanges.

**Potential Impact of Negative Ruling:** Subsidies in federally-run marketplaces will cease. State-run marketplaces will continue to provide subsidies. Other states may consider building a state marketplace. States with federal marketplaces will be unable to impose the employer mandate penalties (because the penalties are triggered when someone without access to employer-based coverage receives subsidized coverage). The individual mandate would not apply, if the lowest-priced non-subsidized) coverage available costs more than 8 percent of their household income. Congress will need to move quickly to pass legislation creating a cost effective alternative or bridge for those losing subsidies.

**Actions:** Check with your agent or broker on the impact to your cost and coverage. If the Supreme Court rules in favor of federal marketplace subsidies, there will be no change. If the court rules against federal marketplace subsidies, individuals affected may be able to drop insurance altogether or buy otherwise non-qualified plans. In states affected, employers will not be subject to the employer mandate.

*The information presented and contained within this article was submitted by Ronald E. Bachman, President & CEO of Healthcare Visions and a contributor for the Client Community newsletter. This information is general information only, and does not, and is not intended to constitute legal advice. You should consult your legal advisors to determine the laws and regulations impacting your business. Any opinions expressed within this document are solely the opinion of the individual author and may not reflect the opinions of Ebix or its personnel.*

## UPCOMING EVENTS

### "Save the Date"

**April 15th, 2015**

HCCA Safety Awards Dinner  
(Country Club of Fairfax)

**May 21st, 2015 (Thursday)**

HCCA Dinner Meeting  
"Sidney R. Johnston Scholarship Awards & HCCA Leadership Institute  
(Country Club of Fairfax)

**May 30th, 2015**

Clay Pigeon Shoot Tournament  
(Shady Grove - Remington, VA)

### Heavy Construction Contractors Association

(703) 392-7410

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