

H-H-U HAPPENINGS



AGC SOUTH DAKOTA
HIGHWAY-HEAVY-UTILITIES CHAPTER
THE CONSTRUCTION ASSOCIATION

SUMMER 2020

Mission Statement: "The AGC of South Dakota and its members promote skill, responsibility and integrity through construction and services which enhance the quality of life for all who live, work or travel in South Dakota."

Fall Workforce Development Efforts Push for Innovation and Collaboration

Traditionally one of the most significant workforce development efforts that we have done to target high school students has been to conduct statewide Construction Career Camps with the assistance of members and educational partners. The purpose of these camps is extremely powerful because it provides immersive, hands-on experiences with a variety of construction equipment and technology as well as the opportunity to interact with actual industry professionals.

However, all Fall Construction Career Camps are being postponed due to the COVID-19 policies put into place by the majority of our participating high schools and educational partners. These policies, which are determined at each high school and higher education institutions, are not allowing students to participate in field trips or allowing schools to host large events on campus.

Although this is a challenging environment, we will continue to promote our engagement with area high schools with new materials that share our career exploration opportunities. These materials will also be available for members to utilize and will include a folder that allows customization. In addition, virtual training experiences and industry connections utilizing Zoom with an expanded virtual training facility are in the planning stages to launch this fall as well as a youth apprenticeship program that will be launching shortly.

Historically, adversity has always generated opportunity and innovation and we are up for the challenge. There has never been a better time or opportunity for our organization to share why our work is essential for the betterment of our communities.

If you'd like to assist in these efforts, give feedback and/or thoughts please contact Margaret@sdagc.org today!



ON THE INSIDE

2020 Strategic Committee Goals

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39213 133 ST.
Aberdeen, SD 57401
Phone: 605-262-3727
TF: 877-346-7499

Rapid City, SD
1210 Deadwood Ave.
Rapid City, SD 57702
Phone: 605-348-1155
TF: 800-242-1948

Watertown, SD
920 9th Ave. SW.
Watertown, SD 57201
Phone: 605-878-3727
TF: 800-854-4953

Sioux City, IA
412 Lewis Blvd.
Sioux City, IA 51102
Phone: 712-255-3001
TF: 800-255-8440



GARY JOHNSON

2020 AGC of SD HHU President
A-G-E Corp.
Ft. Pierre, SD

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Senior VP - Jim Soukup, Sioux Falls
VP - RC Scull, Rapid City
Sec./Treas. - Chad Hartman, Sioux Falls
Past Pres. - Tim Foerster, Rapid City

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Elroy Buren / Rapid City
Ed Davis / Sioux Falls
Tim Davis / Huron
Derek Suhr / Rapid City
Robert Sopher / Mobridge
Jared Gusso / Sioux Falls
Andy Johnson / Ft. Pierre
Rob Knight / Webster

NATIONAL GOVERNORS

John Morris / Pierre
Floyd Schafer / Rapid City

LIFE NATIONAL GOVERNORS (ACTIVE)

Gary Johnson / Ft. Pierre
Kari Karst / Dell Rapids
Mark Knight / Aberdeen

ASSOCIATE DIVISION OFFICERS

President Derek McTighe, Pierre
VP - Wade Planting, Sioux Falls
Sec./Treas - Andrew Heitzler, Sioux Falls
Past Pres. - Jon Snedeker, Sioux Falls

From the President:

The calendar on the wall is a constant reminder of either how slow things are going or more often, how fast time is flying by as we're already halfway through August. As I have traveled from East to West and West to East again (yes, some of you may recall these words) I can say our industry is definitely in high gear. I'm observing many active projects statewide and seeing crews working extended hours, even Saturdays and Sundays.

If you have had time, the 2021-2024 SDDOT STIP has been posted to the DOT website. Upon examination, you'll find several projects that are specially funded during that time frame. These include the Missouri River bridges at Pierre/Fort Pierre and the Platte/Winner bridge. Also, the new 85th Street interchange on I-29 in Sioux Falls. In total, more than 35 large projects are listed, pushing the anticipated letting budget over \$500 million each year. What this means for our membership is there will be a lot of work, and a lot competition for already scarce workers. From my conversations with some of you, I don't recall anyone saying they are totally full in all positions they have.

As the days are going by we are moving closer to the November 3rd election day in our country. CONPAC met recently and went thru primary election winners and decided on pro-construction industry candidates to support in the November election. In South Dakota we also have 2 ballot measures that could effect the construction industry. Both deal with marijuana. The first being medical marijuana and the second is legalizing recreational marijuana. In neighboring states and other states where medical marijuana has passed and is legal, AGC chapters are reporting no issues. CONPAC has taken the position to be neutral on this is topic. It is thought that medical marijuana will pass this election cycle in SD. As for the recreational marijuana, CONPAC will be on record opposing this ballot measure along with other major trade associations in our state. Initial thoughts are that recreational marijuana will not pass this cycle, but will continue to be a ballot issue for years to come until it eventually does.

Voting in all elections is important! From your local elections for city, county and school leaders, clear up to a presidential election like we have this year. I'm going to go out on the limb now; with visiting our members from Iowa and Minnesota, I encourage you to ask employees to register and exercise their right to vote. Their vote counts and it is needed this year as much, or more than ever. Pollsters aren't counting on our workforce votes. Let's surprise them - encourage your workers to vote.

Save the date, January 13-15, 2021 in Sioux Falls, SD for our 2021 State Convention. I attended the last convention planning meeting in Sioux Falls and can say this group is organized and is getting a super, top notch, memorable event put together with great speakers, fun sessions and good food! With it at the Sheraton and Convention Center there will be a lot of room for social distancing and being safe. Sponsorship & exhibitor information will be coming soon. With so much cancelled this year, this could be a huge event for AGC considering people want to see other people.

I have to mention our South Dakota AGC staff. This group is our heroes. Without them AGC of SD HHU Chapter would be nothing. They promote our Mission Statement which is, "The AGC of SD and its Members Promote Skill, Responsibility, and Integrity Through Construction and Services Which Enhance the Quality of Life for All Who Live, Work or Travel in South Dakota". Thank you staff!

Be safe out there as we head to Labor Day and start of the fall push.

Thank you, Gary

AGC MEMBER BENEFITS



LEGAL COUNSEL

The AGC of South Dakota, HHU Chapter has an attorney, Jason Smiley, on retainer to assist members and staff with construction-related legal questions. Member firms may contact Jason directly at 605-342-1078 or by email: jsmiley@gpnalaw.com

DENTAL PROGRAM

The AGC of South Dakota has a dental insurance program available to in-state member firms. For more information or to discuss eligibility requirements, please contact the Delta Dental office at 605-224-7345 or by email: sales@deltadental.com



AGC MEMBERS SAVE MORE THAN \$10M ANNUALLY! ARE YOU PARTICIPATING?



AGC's Membership Discount Programs provide members access to high-quality services, cutting-edge technology and top-of-the-line products. From discounts on vehicles to office supplies to cloud-based construction management solutions, AGC has partnered with some of the best to give you the most for your money and improve your daily business operations. Visit the website: <https://www.agc.org/member-benefits/member-discount-programs>

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EMPLOYEE RETIREMENT PLAN

Fringe Benefits Design Inc. is the administrator for the AGC of South Dakota sponsored 401(k) Profit Sharing Plan. They provide all contractors and associate members the education, investments, documents and other administrative needs to implement a qualified retirement plan. Contact Fringe Benefits Design, Inc. for more information at 605-331-5082.



SPOTLIGHT:

National
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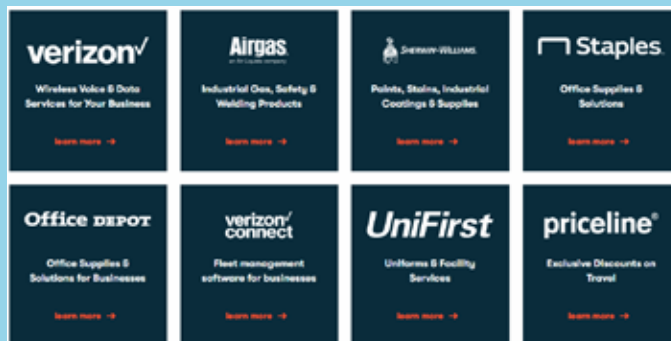


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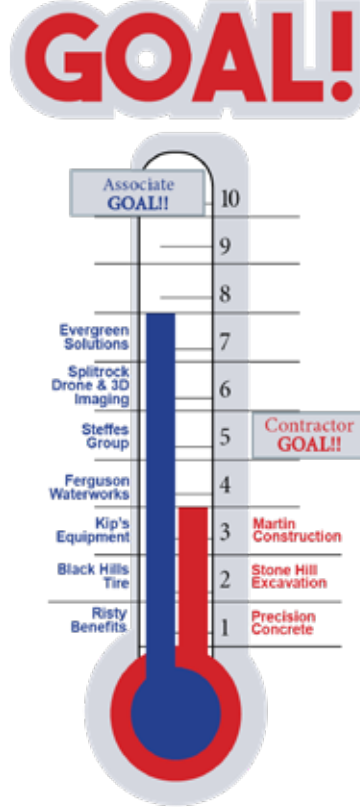
Member News

HELP US REACH OUR GOAL

Membership is the lifeline of our great association and new members are needed! Please ask your business associates to join today! Help the HHU staff by actively recruiting new members and reach our 2020 recruitment goals!

RECRUITMENT GOALS:

- **5 CONTRACTORS**
- **10 ASSOCIATES & AFFILIATES**



Events Calendar



August 27, 2020 - SD

Transportation Commission
Mtg. - Pierre

September 2, 2020 - SDDOT

EBS Letting

September 7, 2020 - Labor Day Holiday - AGC Office Closed

September 16, 2020 - SDDOT EBS Letting

September 18, 2020 - YC Rapid City Chapter Mtg. - Rapid City

September 22, 2020 - SD Transportation Commission Mtg. (tent.)

October 7, 2020 - SDDOT EBS Letting

October 13, 2020 - Associate Division Board Web Mtg.

October 21, 2020 - SDDOT EBS Letting

October 27, 2020 - AGC Board & Fall Mtgs. - Sioux Falls

October 29, 2020 - SD Transportation Commission Mtg. - Pierre

October 29, 2020 - AGC Fall Meeting - Rapid City

November 4, 2020 - SDDOT EBS Letting

November 6, 2020 - Young Constructors Pheasant Hunt - Pierre

November 11, 2020 - Veterans Day Holiday - AGC Office Closed

November 18, 2020 - SDDOT EBS Letting

November 18, 2020 - YC Rapid City Chapter Mtg. - Rapid City

November 24, 2020 - SD Transportation Commission Mtg. - Pierre

Nov. 26-27, 2020 - Thanksgiving Holiday - AGC Office Closed

December 2, 2020 - SDDOT EBS Letting

December 9, 2020 - SDDOT EBS Letting

Dec. 9-10, 2020 - Joint AGC / SDDOT Meeting - Pierre

December 10, 2020 - AGC Board Mtg. - Pierre

December 17, 2020 - SD Transportation Commission Mtg. - Pierre

December 25, 2020 - Christmas Holiday - AGC Office Closed

SAVE THE DATES

January 13-15, 2021 - AGC/LICA State Convention - Sioux Falls

Jan. 27-28, 2021 - AGC Ice Fishing Tournament - Pickerel Lake

February 9, 2021 - AGC Annual Legislative Day - Pierre

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OFFICE LOCATIONS

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Rapid City, SD 57702

Pierre (main):
300 E. Capitol Ave, Suite 1
Pierre, SD 57501
(605) 224-8689

Sioux Falls
7501 E. Arrowhead Pkwy
Sioux Falls, SD 57110

2021 State Convention

The 2021 State Convention is scheduled for January 13 - 15, 2021 at the Convention Center & Sheraton Hotel in Sioux Falls, SD. The line-up of speakers this year is going to be great and includes something for everyone! Wednesday night activities include a Young Constructors Pub Crawl and Thursday night will be the Installation of Officer Banquet! In addition, there will be several educational break-out sessions and a post-convention Safety & HR Summit. Sponsor & exhibitor information will be mailed out in the middle of September and registration will open around Thanksgiving. In the meantime, save the dates! You don't want to miss the 2021 State Convention in Sioux Falls!

2020 Strategic Goals

The AGC of SD HHU Staff, Board & Committee Members have been working diligently on setting goals for our association this year. Setting goals for our committees is important to our

associations growth and continuous improvement. Committee's are the life line of our association and we are fortunate to have great members to lead these groups. Goals for 2020 have been set and the goals document is included as an insert. There has never been a better time for YOU to get involved and join a committee. These goals cannot be achieved without members like yourself!

2020 Awards

Submissions are now being accepted for the 2020 AGC awards program! Awards being given out are the Build South Dakota, Golden Hard Hat, Good Citizen & Mark Knight Leadership Award. In addition, an all NEW award has been added to the awards line-up this year! This award is the **Industry Collaboration & Leadership Award**! This award was created to recognize individual(s) who works directly or indirectly (i.e., consultant) for a public agency administering construction inspection services. The individual(s) will be nominated by an AGC contractor for their excellent collaboration and leadership skills by bringing together industry and contractors for the betterment of a specific project or the industry as a whole. Full award details & forms are now available on our website www.sdagc.org. Awards will be presented



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during the 2021 State Convention in Sioux Falls. If you don't have a project but know of one that you would like to nominate, please contact AGC staff. Submissions will be accepted until December 4, 2020!



Call for AGC Board Members

While all of you are busy wrapping up the construction season, AGC is busy preparing for 2021. This means it's time to fill our Board of Director openings. The AGC Board is currently accepting Board of Director nominations. If you are interested in becoming a Director please contact the AGC Office or any current board member. Please remember, AGC's success largely depends on the active volunteer leadership of its members. Please make a commitment to remain or become more active in the AGC!

AGC Fall Membership Meetings - Save the Dates!!

October 27th – Sioux Falls @ The ClubHouse
October 29th – Rapid City @ Arrowhead Country Club

Registration Information will be available soon at www.sdagc.org!


Young Constructors Pheasant Hunt

This year's Young Constructors Pheasant Hunt is scheduled for November 6-7, 2020 at Broken Arrow Farms in Pierre. A social and dinner will be held on Friday and is open to 60 participants. Please SAVE THE DATES – more information and registration forms will be available in a few weeks!

AGC Young Constructors

The Rapid City Chapter of the Young Constructors, met in August prior to the AGC Summer Social at Murphy's. Plans are set to continue monthly membership meetings starting again on September 18th at the CIC. Stay tuned for more information to be available soon. The Sioux Falls Young Constructors are officially up and running! The group met in July and have been busy planning a Night Out event at the 2021 State Convention.

Members are being accepted for both the East



Have You Downloaded AGC's New Mobile App "AGC Connection"?

"AGC Connection" is the construction industry's #1 resource for news, trends, and highlights delivered straight to your smartphone or tablet!

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River and West River Chapters. If you are interested in signing-up visit <https://www.sdagc.org/youngconstructors> for the application. Cost is \$100 for AGC members and \$135 for non-AGC members. The purpose of the AGC Young Constructors is to serve as a gate-way into AGC, promote new member involvement, create a strong network among peers, promote industry innovation, and provide feedback on important issues to AGC leaders. One of their main goals is to develop a tight-knit community amongst 21-39 year old future leaders in the construction industry and get involved in community projects.

"AGC Cares"

During these unprecedented and uncertain times, it is more important than ever to give back and support those in need. AGC Cares is ready to help others and is looking for some projects to get involved in! If you know of a project or a person needing some "AGC Cares" please email lindsay@sdagc.org or call the office at 605-224-8689! There is no project too BIG or small and all submissions will be



Condolences

We regret to inform you of the passing of Dr. Kenneth K. Gifford. Dr. Ken "Doc" Gifford passed away on Saturday, July 4, 2020, his 83rd birthday, at his home in Rapid City. Ken served as the Executive Director of the AGC of South Dakota Building Chapter as well as assisted with the AGC Carpentry Apprenticeship Program for several years.



AGC "IN THE NEWS"

This section of the bulletin highlights the AGC, its' members and/or staff who have been quoted, interviewed, published, etc. by the media recently. If you are aware of AGC of SD "In the News" items, please forward them to the AGC Office.

May 11 Keloland News: **AGC of SD Executive**

Director, Toby Crow featured in news story titled: "COVID-19 creates more competitive bidding for city construction projects".



May Edition of Construction Equipment Magazine:

AGC of SD Executive Director, Toby Crow featured in news story titled: "Covid-19 Creates Competitive Bidding".

May Edition of Construction Equipment Magazine:

Brent Wurdeman, RCS Construction featured and pictured in article titled "Under 40 in Construction Equipment Awards".



May 19 Argus Leader: **AGC of SD Director of Workforce Development, Margaret Pennock**

mentioned in article titled "EmBe's Tribute to Women to honor winners Tuesday night".

June 27 Construction Equipment Guide: **Steffes**

Group featured in article titled "Steffes Group's Live Auctions Return with Farm Retirement, Aglron, More".



June 27 Argus Leader: **BX Civil & Construction**

pictured in article titled "Deadline Tuesday for South Dakota Small Businesses to Get Financial Help".



July Western Builder: **Concrete**

Materials pictured in article titled "South Dakota DOT Makes Headway on Veterans Parkway Expansion".



July 11 Construction Equipment

Guide: **Ritchie Brothers** featured in article titled "Ritchie Bros.' Busy Week Sets Record".



July 25 Construction Equipment

Guide: **Butler Machinery** featured

in article titled "Butler Machinery Wins North Dakota Safety Council Award".



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JASON M. SMILEY
605-342-1078
JSMILEY@GPNA.COM

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- CONSTRUCTION DEFECT CLAIMS
- SURETY BOND CLAIMS
- GOVERNMENTAL CLAIMS
- ARBITRATION & MEDIATION
- SUPERVISORY TRAINING
- GENERAL COUNSEL FOR SD AGC
- AVAILABLE AS CO-COUNSEL OR REFERRALS

SDDOT NEWS



2021-2024 Statewide Transportation Improvement Plan (STIP)

In July, the SDDOT held “virtual” public meetings for the Aberdeen, Mitchell, Rapid City and Pierre Regions to present the Tentative 2021-2024 STIP and to receive public input. The meetings began with SDDOT presentations pertaining to funding, the overall STIP development process and project updates. Key excerpts from the SDDOT presentation are shown below.



- The total anticipated funding for 2021 is \$716M, compared to \$505M in 2020. This large increase is due to a substantial amount of one-time federal funding for emergency repairs, grants, etc.
- South Dakota is a “donee” state, receiving back over \$2 for every \$1 paid in to the federal government. Federal funds comprise a large part (70%) of SDDOT’s construction budget.
- The current Federal Highway Bill (FAST Act) expires on September 30, 2020. The FAST Act provides \$312M annually for South Dakota. In 2021, the SDDOT also anticipates receiving another \$46M in federal grants. These funds are generated by the Federal Motor Fuel Tax (\$0.184/gallon for gasoline and \$0.244/gallon for diesel fuel).
- The State Highway Trust Fund provides an anticipated \$160M annually. The main revenue sources are the State Gas Tax (\$0.28/gallon) and 4% Motor Vehicle Excise Tax.
- Based on the Tentative 2021-2024 STIP, bridge condition will remain relatively constant but the pavement condition will decrease over time.

At their September meeting, the SD Transportation Commission will review the public comments and approve the final STIP. More details and the final STIP will be available on the SDDOT website: <https://dot.sd.gov/projects-studies/planning/stip> after this meeting.

SDDOT Fall Meeting December 9 & 10 – Ramkota Hotel, Pierre, SD

Make plans to attend the SDDOT Fall Meeting of Contractors and Key SDDOT personnel! Be prepared to extend your knowledge & help shape the future of our industry! The tentative schedule has the meeting starting at 1:00pm CT on the 9th and wrapping up by Noon CT on the 10th. Agenda & registration information will be available this fall - but please save the date!

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AGC SUMMER EVENTS 2020

Thank You for Attending!

JUNE 11 - 12 - PIERRE - AGC FISHING TOURNAMENT

JULY 13-14 - SIOUX FALLS SOCIAL @ GREAT SHOTS AND GOLF TOURNAMENT @ WILLOW RUN

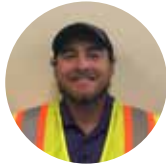
AUGUST 13-14 - RAPID CITY SOCIAL @ MURPHY'S AND GOLF TOURNAMENT @ RED ROCK



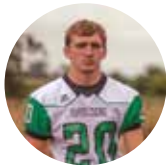
2020 SCHOLARSHIPS

CONGRATULATIONS HHU SCHOLARSHIP WINNERS!

Over \$27,000 Awarded to Area Students Pursuing a Construction Related Degree!



Hunter Jorgensen
\$625
SDSU



Paul Lauck
\$1,000
STC



Aaron Hoelscher
\$750
SDSM&T



Brandon Hilt
\$500
SDSU



Bryce Steffen
\$500
SDSU



Cade Shoemaker
\$900
NDSCS



Dillon Weig
\$1,000
LATC



Dylan Wetsit
\$650
LATC



Tate Barnhart
\$1,000
UNL



Ty Hiller
\$1,400
STC



Faith Shoemaker
\$3,000
SDSU



Garrett Larson
\$625
SDSU



Isaac Buchholtz
\$500
US Military



Jackson Knight
\$1,900
SDSU



Jasmine Green
\$5,500
LATC



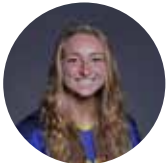
Walker Schiltz
\$500
SDSU



Riley Olsen
\$500
SDSM&T



Kaycie Hawkins
\$1,250
SDSU



Marisa Shultz
\$500
SDSU



Mason Karpen
\$500
SDSM&T



Megan Gusso
\$500
UNL



Mitchell Gusso
\$500
SDSU



Nicholas Deggen
\$750
SDSU



Tyler Kleinsasser
\$1,250
SDSM&T



1987 Ford L8000

2,000 gallon (compartment sizes
500g, 500g, 400g, 300g, 300g)
145,916 miles



1990 International 4900

2,700 gallon (compartment sizes
1200g, 700g, 500g, 300g)
49,590 miles



1996 Volvo M11 Cummins diesel

4,000 gallon (compartment sizes
1200g, 1000g, 1000g, 800g)
1,088,880 miles



1995 Ford L9000 3176 Cat diesel

2,000 gallon (compartment sizes
500g, 500g, 400g, 300g, 300g)
561,922 miles



1996 Chevrolet Kodiak, 3116 Cat diesel

2,200 gallon (compartment sizes
600g, 500g, 400g, 400g, 300g)
190,950 miles



If you are interested or
have questions, contact
Dave Schamber at:

• Dave.Schamber@Stern.co
• (605) 661-7824

STERN



LEGISLATIVE NEWS

UI Trust Fund to be Replenished with Coronavirus Relief Funds

Governor Noem has announced that South Dakota is using Coronavirus Relief Fund (CRF) dollars to replenish depleted funds within the South Dakota Unemployment Compensation Trust Fund.



This transfer should prevent a tax increase on South Dakota employers, which would likely have been needed to replenish the fund. The unusually high unemployment payments issued since the start of the COVID-19 pandemic had decreased the fund's balance by more than \$70 million. South Dakota's Unemployment Insurance Trust Fund balance was \$118.9 million on July 26.

AGC has been watching the trust fund level since the pandemic hit and had advised members that while the trust fund level would not sink low enough to trip the surcharge, it was likely that increased tax tables would have to be used starting in January 2021. AGC will continue to monitor the Unemployment Trust Fund and any possible UI tax increases for our members.

Workers' Compensation Advisory Loss Costs/Rate Levels Continue to Decrease

The state Workers' Compensation Advisory Council received a favorable report on workers' compensation insurance in South Dakota. For the current state fiscal year (July 1, 2020, through June 30, 2021) an overall average decrease of 9.8% was approved for the advisory loss costs in the voluntary workers' compensation market. An overall average rate level decrease of 8.4% was approved in the Assigned Risk Market from the previous year. This is the ninth consecutive decrease for loss costs in the voluntary insurance market. Injury frequency continues to decrease, and medical and indemnity severity increased slightly.

The Workers' Compensation Advisory Council discussed whether COVID-19 claims are compensable under workers' compensation. Amber Mulder, the Director of Labor and Management at the Department

of Labor said the "answer to that is maybe." She explained that for COVID-19 to be compensable, the worker must establish that COVID-19 is an "occupational disease" which means that exposure to the disease is an essential part of the job (example: doctor or nurse) and not a result of incidental contact from a job that working with the public is expected (example: cashier or waiter). Also, to be eligible for workers' compensation benefits, an employee must be unable to work for at least seven consecutive days.

No questions of workers' compensation coverage have risen to date in South Dakota. AGC will continue to monitor this issue as it may come up during the 2021 Legislative Session.



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LEGISLATIVE NEWS

Contractors are Politically Active

The Contractors Political Action Committee, or CONPAC, and the Associated General Contractors are engaging on many political fronts in this election year to protect their industry and promote a healthy business climate.



Legislative Campaign Contributions: All 105 legislative seats are up for election this year. CONPAC actively supports business-friendly candidates and those who have supported the industry while in the legislature. Once CONPAC discusses and selects the candidates to support, members volunteer to deliver the contributions to the candidates so we can continue to build relationships with policy makers.

This year CONPAC supported 39 candidates with \$8,550 in contributions for the primary and 66 candidates with \$20,000 in contributions for the general election.

Ballot Measures: It seems like every election cycle brings proposed changes to state law or the state constitution. CONPAC and AGC have been involved in

many of these issues in the past, working to preserve a good business climate in the state. Constitutional Amendment A on the November 2020 ballot concerns contractors. Constitutional Amendment A, if passed by voters, would add to our state constitution language to legalize, regulate, and tax marijuana. Both the AGC Board of Directors and CONPAC members have voted to oppose this amendment since it would have a negative impact on the construction industry. Passage of the amendment would further thin an already weak employee pool, increase time needed for and the cost of drug testing, open employers to more work comp claims, lead to more work accidents, and create gaps in insurance coverage, since it is unlikely that policies will cover accidents caused by marijuana impaired workers.

CONPAC voted to add their name to the growing list of groups and organizations opposing Constitutional Amendment A and will provide funding to help defeat the measure. The AGC Board of Directors voted to add AGC of SD, HHU Chapter to the list of groups opposing the measure as well.

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SAFETY & TRAINING NEWS

Training Calendar Coming Soon!

The AGC Safety and Training Calendar will be coming soon. We are in the process of adding all training to the AGC website for easier access to class dates, Information and registration. We will be sharing all content once it becomes available on the website.



Safety Audits? Yes we do!

The AGC is available before our training season begins to do job site audits for our members. This is a member benefit so please take advantage of having our well trained staff come out and help get your job sites compliant. We have seen a rise in OSHA Audits and Citations so please use all resources at your disposal to be prepared for that unexpected OSHA visit! The scope for on-site inspections is defined by the member – it can be from a full walk-thru to focusing on a specific issue or area of concern. Contact Jim@sdagc.org to schedule this member service.

AGC Safety Summit - State Convention 2021

The AGC Safety/HR/MSHA Summit was cancelled in 2020 due to COVID, so we have moved our training to the 2021 AGC State Convention. We are partnering with the HR Alliance to bring in Leah Braun to discuss the Disruptive Forces in our businesses. A disruptive force in business is one that causes us to change the way business gets done and the coronavirus is one such force that is altering every facet of business and society. Disruption is typically viewed as negative, but it can also be viewed as an opportunity to transform and even improve your business. Change and innovation are integral to not only surviving but thriving in our world. Please join us for this interactive training session on the current disruptive force and its impact on business while gaining an understanding on the change process. Learn about the power of resilience and how to cultivate it while discovering ways to innovate, retool, and uncover hidden opportunities.



Safety Lunch!

The Safety Team is currently working on our September Safety Luncheon dates. We will be presenting on OSHA Investigations and how to talk to Inspectors. With the rise in Audits and Citations from OSHA, we need to make sure we know what to say and how to say it. Details and Calendar invite will be sent out soon!

Our Primary focus is to promote, teach and engage everyone about the importance of safety. If you know of any safety officers/managers etc. that should be at the meeting, please let me know and bring them along. If you want me to invite them, send me their contact info and I will give them a call.

Our members are always looking for cool and innovative technologies or products to incorporate into their companies. If your company is doing something like that and would like to share, please bring the info to the meeting for us to discuss.

Thank you all again for what you do for the safety of our employees and I look forward to seeing you all in September.

MSHA Alliance

While MSHA will continue to perform its essential functions, including mandatory inspections, serious accident investigations, and investigations of hazard complaints (imminent danger or serious in nature). MSHA has suspended Educational Field and Small Mine Services visits. Therefore your MSHA Alliance wants to remind you that we can help you be proactive in protecting miners!



AGC COVID Resources

The COVID Pandemic has thrown us all into a constant state of information overload. We have all struggled with how to deal with this virus while working and maintaining the safety of our employees. To help our members deal with all this chaos, the AGC has put together documents to help your companies prepare, train and track your employees. For a list of all the resource and documents, please visit the following link: <https://www.sdagc.org/covid19-news>.



SAFETY & TRAINING NEWS

Silica Inspection Directives Released

This new Instruction establishes OSHA's field inspection and enforcement procedures designed to ensure uniformity when addressing respirable crystalline silica exposures in the workplace. The new standard for construction (29 CFR § 1926.1153) adopted a new permissible exposure limit (PEL) of 50 micrograms of respirable crystalline silica per cubic meter of air ($\mu\text{g}/\text{m}^3$) as an 8-hour time-weighted average. Please read the full Directive just released to make sure you are in compliance at https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-02-080.pdf



or if you are wanting to send your employees through any of our Apprenticeship programs, please email Michael O'Neal at michael@sdagc.org.

Safety Sam Available for Your Jobsites!

AGC's "Safety Sam" is looking for projects to make his home during the last few months of the construction season! AGC has three "Safety Sam's" located in Sioux Falls, Pierre and Rapid City. If your company would like him set-up on your jobsite, please email michael@sdagc.org.



National Fall Stand Down 2020

The National Fall Stand Down Week has been moved to September 14-18. This year it will be in conjunction with Construction Safety Week. If you have plans for a job stand down, fall prevention training or some other safety event, please let the AGC know. We would like to be a part of your event, promote your event, or provide any resources you may need to make your event a success.



**Know what's below.
Call before you dig.**

Apprenticeship Classes Starting Soon!

The Heavy Equipment Operator Apprenticeship classes will be starting up in Early December. We are also working on a Concrete 101 Class to roll out in 2021. If you are interested in information on how to get involved in the apprenticeships



Need Safety Training?
Contact Michael O'Neal or
Jim Heaphy Today!
michael@sdagc.org
jim@sdagc.org

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WORKFORCE DEVELOPMENT

Build South Dakota AGC of SD Youth Apprenticeship Program to Launch

Due to a \$50,000 SD DLR Start Today Grant, high school juniors and seniors can now be hired onto your team as an apprentice and start a meaningful career pathway



to your organization! AGC of SD has expanded the Commercial Carpentry and Heavy Equipment Operator apprenticeships to be inclusive of 16 and 17 year olds. Financial assistance valued up to \$3,250.00 in wages, dual credit fees and apprenticeship fees will be awarded to the first 15 members committed to the AGC of SD Youth Apprenticeship. In addition, grant provisions are helping AGC of SD to expand distance learning across the state for all members in all locations. If you would like to learn more about the program or if you have a student ready to enroll, contact margaret@sdagc.org.

Construction Career Academy Gears Up for 2021

Recruiting for the Construction Career Academy is in planning mode for Summer 2021 in both Sioux Falls and Rapid City. This recruitment effort will include both in-person events as well as virtual experiences. Students interested in the program will be directed to apply online at buildsouthdakota.com for an opportunity to interview for the program with our members. If you have an interest in participating in the program or would like more information, contact margaret@sdagc.org or call 605.336.9338. Members are encouraged to recruit students into the program as well!

Education Advocacy and Impact

AGC of SD was invited to participate in the SD Department of Education's Career and Technical Education Standards for the Architecture and Construction Cluster. If approved by the DOE, changes will be incorporated for all South Dakota high schools starting 2022 and will remain in place until 2025. A huge shout out to Jim Soukup for spending a day helping to create new curriculum for two Construction Equipment programs! Other wins included changing the terminology and discussion

of commercial construction opportunities in the classroom.

AGC HR Alliance Activities

The HR Alliance was active hosting virtual monthly meetings connecting West River and East River HR professionals. Topics included; Workplace Issues: COVID-19 and the FFRCA, AGC of SD Training Opportunities for Your Team, Inclusive Leadership and Success Attitudes. In-person meetings resumed in August.

Safety/HR Summit Rescheduled for Convention 2021

Due to COVID-19, the Safety/HR Summit was rescheduled to take place at Convention 2021. Leah Braun with NSight Partners will be conducting a workshop Cultivating Your Culture. Participants will gain a good understanding of the importance of culture as well as to look at strategies to improve their company's own culture within the construction industry. Registration Fee is \$125.00 and includes book and entry for a drawing for a FREE Pulse Survey from NSight Partners! Email margaret@sdagc.org to register and pay today. A block of rooms has been reserved for AGC Members. Call 888.697.6363 or visit <https://bit.ly/SafetyHRSummit> to make your reservation online.

AGC Launches Landmark Initiative to Build a More Inclusive Industry

Commit to a Culture of CARE in Your Company by visiting BuildCulture.org!

AGC of America's Culture of CARE initiative is challenging leaders to take a bold and visible step towards ensuring their



workplaces are welcoming, safe, and inclusive for an increasingly diverse and talented pool of workers! The AGC HHU Board recently approved taking the pledge as a chapter and encouraging members to also do so! Join this effort by taking the Culture of CARE pledge. Once you sign the pledge, Culture of CARE provides companies with tools and resources to help establish a Culture of CARE in your workplaces. Learn more at www.BuildCulture.org, click "learn more" for further information on this initiative. AGC is working on providing members with more information via a webinar, details will be available soon!



AGC LEGAL MINUTE

JASON SMILEY, AGC LEGAL COUNSEL

SAFETY WEARABLES

Construction is facing an unprecedented adoption of technology. No longer is it enough to rely on physical safety measures alone. The current wave of wearables

in construction has driven a need for understanding what they truly bring to the table. Wearables, which can monitor workers in real time, offer improved social distancing, spatial safety, fatigue awareness, data-driven policies and so much more. When it comes to implementing wearable technology among your workforce, wearables offer many legal considerations as well.

Tip 1) Keep your employees informed. To help prevent future privacy disputes, seek consent and disclose what information may be collected, where it will be stored, and how it will be used. [Sources: I; VII]

Tip 2) Identify potential health-data complications. With the collection and storage of data produced by wearables, Health Insurance Portability and Accountability Act (HIPAA) violations may become more of an issue. [Sources: I; VIII]

Tip 3) Freedom. Individual's rights may complicate effective implementation. Despite what the device is to be used for, effective rates of implementation are crucial in the success of many wearables. Relying on a program with less than full implementation may risk unexpected liability. [Source: IV]

Tip 4) Vendor contracts. Contracts are key in implementing these devices or their related services. Setting up proper safety measures and expectations from the start will prevent headaches later on. [Source: IV]

Tip 5) Association standards. As wearables become more prevalent, associations are looking to develop uniformity. Compliance with such standards will be essential to successful adoption of these new technologies. [Sources: V; III]

Tip 6) Employment considerations. If your chosen device reports statistics on productivity or safety, you might find yourself reconsidering the relationship. Such data and any potential errors may present novel legal complications. [Source: VI]

Tip 7) Information in lawsuits. While these devices may prevent more accidents and generally improve safety, the data they provide will surely be sought by plaintiffs in disputes that do occur. This should be considered when pondering implementation. [Source: II]

Tip 8) OSHA. The administration has already shown an interest in providing guidance for certain wearables, and will definitely be interested in jobsite safety information that was previously unavailable. [Source: II]

Tip 9) Project bidding. As wearables become more commonplace, future projects may seek previous safety information. Disclosure should be carefully considered. [Source: III]

Tip 10) Whodunit. Litigation often centers on who was at fault. Wearables might provide a means of clearing your name, but could likewise implicate your business in other situations. [Source: II]

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AGC OF AMERICA NEWS



AGC Victorious in Leading Congressional Passage of PPP Loan Improvements

In early June, the Senate passed the AGC-backed Paycheck Protection Program (PPP) Flexibility Act of 2020 (H.R. 7010) after AGC members sent tens of thousands of messages seeking improvements to the PPP. The measure makes significant improvements to the Paycheck Protection Program that AGC has been pushing for and its passage marks another legislative victory for the association. Among these improvements are: (1) Extending the amount of time that loan recipients can spend PPP funds, and qualify for loan forgiveness, from eight to 24 weeks; (2) Revising the uses of loan funds eligible for forgiveness from up to 75 percent in payroll costs/25 percent in non-payroll costs to up to 60 percent/40 percent, respectively; (3) Creating a safe harbor for employers that made a good faith effort to hire or re-hire qualified employees; (4) Extending the maturity of PPP loans from two to five years; and (5) allowing PPP loan recipients to defer payroll taxes through the end of 2020.

COVID-Relief Bill Negotiations Stall; Chances Fade for Agreement in August

Congressional Democratic and White House leaders have failed to hold substantive negotiations on additional COVID relief legislation. In early August, House Majority Leader Steny Hoyer (D-Md.) announced that the House would not hold votes again until September 14th. While this does not preclude a vote before then on COVID relief legislation—as members of the House and Senate remain on a 24-hour advanced-notice of such a vote—it's a fairly significant sign that an agreement in August is unlikely. Also, keep in mind that the Democratic and Republican National Conventions occur the last two weeks of August. This leaves Congress 13 legislative days in September to not only determine what or if it will take action on COVID relief legislation, but also to stave off a shutdown of both the federal-aid highway and transit programs and federal government agencies—as the current highway and transit authorization law (the FAST Act) and fiscal year 2020 appropriations laws expire after September 30. AGC continues to advocate for—among other things—Congress to make broad, robust and dedicated investments in infrastructure and public facilities to protect construction jobs, provide certainty to construction

markets and ensure the long-term benefits construction projects bring the economy and communities can still be realized in a timely manner.

President Acts on Payroll Tax Deferral

President Trump recently issued a presidential memorandum that would defer—not forgive—the withholding, deposit and payment of certain payroll taxes paid from Sept. 1 through Dec. 31, 2020. Specifically, the presidential memorandum: (1) applies to employees who “generally” make less than \$4,000 on a pre-tax basis every two weeks, which works out to an annual salary of \$104,000; (2) defers the employee's obligation to pay a 6.2% Social Security tax per paycheck (the 1.45% Medicare tax will still have to be paid by all employees on all wages); and instructs the Treasury Department to look into how the federal government can forgive the deferred tax payment. Forgiveness of that payment, however, will require legislation from Congress. Unless legislation is enacted stating otherwise, those tax payments are due at the beginning of 2021. At least one major law firm is instructing clients not to take immediate action to implement the deferral, as the IRS must issue guidance.

President Acts on Unemployment Insurance

In early August, President Trump issued a presidential memorandum on unemployment assistance that would provide an additional \$400 in weekly unemployment benefits to be shared between the states and federal government (25 percent and 75 percent, respectively). Previously, the CARES Act included a \$600/week increase in supplemental federal unemployment benefits. Those benefits, however, expired on July 31. This presidential action would provide benefits retroactively from August 1 to December 6, 2020. Nevertheless, the action also presents a litany of legal, logistical, and implementation questions that must be resolved before could benefits flow, which would take time to unravel. AGC recognizes the importance of providing unemployment benefits during the global health crisis and encourages Congress to move toward a model that increases workforce participation—as opposed to creating high artificial barriers to such—and provides further investment in career and technical education.

Building a Better Congress

AGC PAC is the nonpartisan political action committee (PAC) sponsored by AGC of America. It is registered with the U.S. Federal Election Commission (FEC) and allows eligible employees of AGC member companies to pool personal, voluntary financial contributions. The contributions are used to support candidates running for elective office who, regardless of party affiliation, understand the construction industry and the specific needs, interests and concerns of AGC member companies and their employees. For more information on how to get involved contact David Ashinoff, Director of AGC PAC & Political Advocacy at ashinoffd@agc.org or (202) 547-5013.



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AGC of America SAVE THE DATES!!

September 28-29, 2020
AGC Nat. & Chapter Leaders Virtual Mtg.

October 7-9, 2020
AGC HR & Training Prof. Virtual Mtg.

October 13-16, 2020
AGC's CLC Development Virtual Mtg.

October 28-30, 2020
AGC CFMA Conference
Las Vegas, NV

November 10-13, 2020
AGC Transp. & Utilities Issues Meeting
Phoenix, AZ

March 29-Apr. 1, 2021
AGC's Annual Convention
Orlando, FL

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