

HIGHWAY HAPPENINGS



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

FALL 2021

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."

GET READY FOR THE 2022 ...

State Convention!

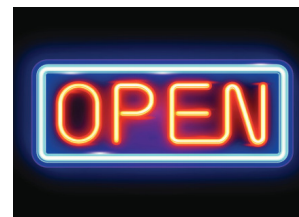
January 12 – 14, 2022 / Convention Center - Sheraton Hotel in Sioux Falls, SD

The Annual State Convention is just around the corner, and the planning committee has been working diligently to bring you another great event! The line-up of speakers this year is outstanding and they each offer a little bit of something for everyone. Key-note speakers include Steve Russell, Lisa Te Slaa, AGC of America President Bob Lanham, Jan Lehman and more!

Key-note speaker topics include; The Hunt & Capture of Saddam Hussein, Leading in Times of Trouble and Create a Culture of Productivity in a Changing Work Environment. In addition, there will be several educational break-out sessions and a post-convention Safety & HR Conference see the enclosed insert for more details!

Wednesday evening activities include the Annual Awards Banquet followed by a "Pub Crawl" hosted by the Sioux Falls Chapter of the Young Constructors in downtown Sioux Falls. The Installation of Officers Banquet will be held Thursday evening, followed by a table trivia night. Sponsors and Exhibitors will be accepted until December 4th. Registration is NOW OPEN and a block of sleeping rooms is available by calling the Sheraton Hotel by calling 605-367-9695. We hope to see you January 12-14 at the Annual State Convention!

ON THE INSIDE



State Convention Exhibitor & Sponsor Forms, 2022 Advertising Opportunities, Post Convention Safety & HR Conference Flyer

LEADERSHIP 2021

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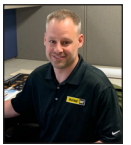
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Jim Soukup

From the President:

The orange cones are disappearing from the roadways and we know what that means: we need to take some time to reflect on the construction season that is quickly coming to an end. I must be getting old because the years go by quicker and the pace at which we work seems to be much faster.



As we move into winter mode and have an opportunity to decide what we want to do rather than what we have to do, I hope you will consider some AGC events. Coming up quickly is the AGC/DOT Fall Meeting in Fort Pierre on December 8th and 9th. If you have not registered, do so today. This is always a great event that is well attended and I hope you will join us. The highlight of the AGC winter calendar is our state convention on January 12-14 in Sioux Falls. Registration is now open so make plans to attend. We will have speakers and breakout sessions, not to mention the opportunity to socialize with other AGC members. As always, the Young Constructors have a fun evening event planned for us. I enjoy the state convention not only for the knowledge gained but also for the opportunity to connect with other members in a casual setting.

I had the opportunity to attend the National and Chapter AGC Leadership Conference in Florida last September. We discussed topics ranging from climate change to work force development. It is clear to me that the AGC not only has their finger on the pulse of what is going on in Washington DC, they also have a big impact on the decisions being made.... or sometimes not being made. They work hard and do a great job at protecting the interests of the construction industry.

On a local level, our State Chapter will be providing CDL training. The training is aimed at recruiting people into our industry but it is also a great option for your existing employees to get their CDL. If you are in need of CDL drivers you will want to learn more about this program as we get the details finalized. We have heard from a number of our members that finding drivers has become extremely difficult. Training and recruiting are the answers to this problem and I feel the AGC is taking some very positive steps forward to help us. However, we need your involvement to make this successful.

I wish you all a relaxing and enjoyable off season. Now is the time to recharge your batteries so you are ready to hit the ground running when spring thaw comes. As always, when you see the AGC staff and Board of Directors, thank them for their hard work and dedication to our industry.



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WWW.FACEBOOK.COM/SDAGC

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: www.agc.org/member-benefits/member-discount-programs.



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.



DISCOUNT SPOTLIGHT!

UPS YRC Estes Freight



Through your AGC Shipping Program you can receive competitive discounts on qualifying LTL (less-than-truckload) shipments greater than 150 lbs. It's free to enroll in the program and there are no minimum shipping requirements to take advantage of your member discounts.

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If you would like to enroll in your AGC Shipping Program or would just like some more information please call

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**EXTRA! EXTRA!
READ ALL ABOUT IT!!**

"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.

August 30, 2021 Equipment World Magazine: **Hancock Concrete Products and HDR Engineering** featured in an article titled "Highway Project with Innovative 90-Degree Box Culvert Wins ACPA Award."



September 15, 2021 Argus Leader: **Trent Bruce, DGR Engineering** quoted in article titled "Engineering Firm to Build 16,000-square-foot Office in Eastern Sioux Falls".



September 23, 2021 KVHT Radio Yankton: **AGC of SD Construction Career Camps** featured in article titled "Some Area High School Students Get Hands-On Learning."



September 23, 2021 NEWS Media Group, Inc.: **AGC of SD Construction Career Camps** mentioned in article titled: "Some Area High School Students Get Hands-On Learning"

Fall 2021 Concrete In Focus: **Dale Kotzea, GCC Ready Mix** recognized in article titled "2021 NRMCA Fleet Benchmarking and Costs Survey".



October 5, 2021 Argus Leader: **Cal Lottman, Dakota Traffic Services** quoted in article titled "National Paint Shortage Stalls South Dakota Road Painting Projects".



October 20, 2021 Black Hills Fox News: **AGC of SD, HHU Chapter & Safety Trainer, Jim Heaphy** featured and interviewed in news story titled "Safety seminar reminds local contractors of trenching hazards."

October 20, 2021 Argus Leader: **Carstensen Contracting** pictured in article titled "Council Votes to Support American Rescue Plan Funding Request from Regional Water System".



October 20, 2021 NewsCenter 1 TV: **AGC of SD, HHU Chapter & AGC Safety Trainer, Jim Heaphy** featured in the 5:00pm, 6:00pm and 6:00am newscasts in a story titled "Trench safety training emphasizes importance of



caution when digging."

October 23 Capital Journal: **William Davenport, Morris, Inc & Margaret Pennock, AGC of SD** pictured and quoted in article titled "AGC Gives Local Students a Taste of Construction Work".



October 24, 2021 Keloland News: **AGC of SD Construction Career Camps** and **Andy Johnson, AGE Corp.** featured in 6:00pm and 9:00pm newscasts in a story titled "Pierre Construction Career Camp gives students up-close look at industry."



November 5, 2021 Black Hills Pioneer: **AGC of SD, HHU Chapter Awards Program and R.C.S Construction** mentioned in article titled "Spearfish employees receive Industry Collaboration and Leadership Award."



October 2021 Western Builder Magazine: **Foothills Contracting** pictured & featured in article titled "Flattening the Curves."



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Events Calendar

Dec. 8-9, 2021 - Joint AGC / SDDOT Meeting - Ft. Pierre
December 9, 2021 - AGC Board Meeting - Ft. Pierre
December 9, 2021 - HR Alliance Meeting - Rapid City
December 14, 2021 - Associate Division Board Meeting - Zoom
December 15, 2021 - SDDOT EBS Letting
December 16, 2021 - SD Trans. Comm. Mtg - Pierre
December 16, 2021 - HR Alliance Meeting - Sioux Falls
December 24, 2021 - Christmas Holiday - AGC Office Closed
December 31, 2021 - New Years Day Holiday - AGC Office Closed
January 11, 2022 - 1st Day of Legislative Session - Pierre
Jan. 12-14, 2022 - 2022 State Convention - Sioux Falls
January 14, 2022 - Safety Comm. & MSHA Alliance Mtgs
January 14, 2022 - HR Alliance Meeting - Sioux Falls
January 18, 2022 - 1st Legislative Briefing - Zoom
January 19, 2022 - SDDOT EBS Letting
January 21, 2022 - AGC Legislative Lunch - Pierre
Jan. 26-27, 2022 - AGC Ice Fishing Tournament - Pickerel Lake
January 27, 2022 - SD Trans. Comm. Mtg - Pierre
Feb. 1-2, 2022 - Concrete Conference - Deadwood
February 2, 2022 - SDDOT EBS Letting
February 10, 2022 - SD Transportation Comm. Conf. Call
February 16, 2022 - SDDOT EBS Letting
February 22, 2022 - Last Legislative Briefing - Zoom
February 24, 2022 - SD Trans. Comm. Mtg - Pierre
March 2, 2022 - SDDOT EBS Letting
Mar. 9-10, 2022 - SD Trans. Construction Summit - Oacoma
March 10, 2022 - SD Transportation Comm. Conf. Call
March 10, 2022 - Last Day of Legislative Session - Pierre
March 16, 2022 - SDDOT EBS Letting
March 22, 2022 - AGC Board & Member Meeting - Rapid City
March 24, 2022 - SD Trans. Comm. Mtg - Pierre
March 24, 2022 - AGC Member Meeting - Sioux Falls
March 28, 2022 - Veto Day - Pierre

SAVE THE DATES

May 4-5, 2022 - AGC/Corps of Eng. Annual Mtg. - Omaha, NE
June 2-3, 2022 - AGC Safety & HR Summit - Ft. Pierre
June 9-10, 2022 - AGC Fishing Tournament - Pierre Area
July 18, 2022 - Summer Social - Sioux Falls
July 19, 2022 - AGC Golf Tourney (Willow Run GC) - Sioux Falls
August 11, 2022 - Summer Social - Rapid City
August 12, 2022 - AGC Golf Tourney (Red Rock GC) - Rapid City
October 25, 2022 - AGC Board & Fall Mtgs. - Sioux Falls
October 27, 2022 - AGC Fall Meeting - Rapid City
Nov. 3-4, 2022 - Young Constructors Pheasant Hunt - Pierre Area

2022 Membership Renewal & Directory Update

Your 2022 AGC membership renewal invoice and membership information has been mailed! Please complete the membership form and submit payment prior to January 1, 2022.



In addition to renewing, please log-into your account and update your company information **PRIOR to December 31st!** The information you update is what will be published in the 2022 Membership Directory! You can access your account and update your profile by visiting this link <https://www.sdagc.org/login.asp> or click on "log-in" in the upper right hand corner of our website. It's very important to us that your information is printed correctly, so please log-in and update your company information by 12/31!

2022 Director Openings

While all of you are busy wrapping-up the 2021 construction season, the AGC is busy preparing for 2022. This means it's time to fill our 2022 Board of Director openings. The AGC Board and Associate Division 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. As 2022 nears, please make a commitment to remain or become more active in the AGC!

Legislative Lunch - Save the Date!

"AGC Day" at the Legislature is slated for Friday, January 21, 2022. AGC will host legislators and members at a lunch in the Capitol Rotunda from 11:00am - 1:00pm. This unique opportunity allows members to see first-hand how our Legislature operates in Pierre and meet with key state officials. Please save the date now, you do not want miss the opportunity to get face-to-face with your Senators & Representatives! More information will be available soon!



2022 Advertising Opportunities

The new year is just around the corner, so get ahead

of the curve and reach your target audience by advertising in a HHU Chapter publication! Opportunities include the AGC website www.sdagc.org, the quarterly bulletin and new ads now in Monday's Weekly News E-Newsletter! Ads are sold at a discounted rate for members and can be placed on a one-time only basis or in every publication for a year. Please see the enclosed form for all of the details and email lindsay@sdagc.org with any questions!



AGC Cares In Action!

AGC Cares is ready to finish off the year by helping 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 605-274-8689! There is no project to BIG or small and all submissions will be considered!



AGC Potential Member Recruitment

The AGC is always looking for new members to join our association and we need your help! If you know of a company that would benefit from joining the AGC, please get in contact with them and ask them to join! The Board of Directors recently approved giving potential members a free registration to attend our 2022 State Convention. Please send any potential member information to the AGC staff today!



Need Safety Training?

Contact AGC's Safety Team
Michael O'Neal
or
Jim Heaphy Today!

michael@sdagc.org
jim@sdagc.org

WELCOME NEW MEMBERS!

Hawkins Construction Company

Chris Hawkins, President
2516 Deer Park Blvd.
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chawkins@hawkins1.com
www.hawkins1.com

Dakota Iron

Jon Snedeker, Owner
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Sioux Falls, SD 57107
605-929-6362
jon@dakotaironequipment.com
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Summit Contracting, Inc.

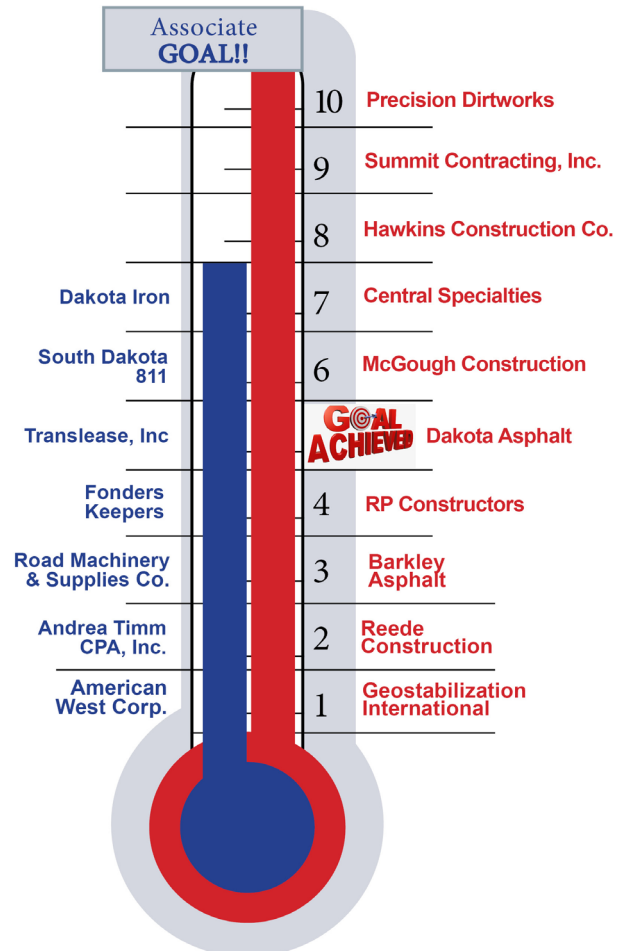
Corey Rabenberg, Chief of Staff
36581 SD Highway 44
Platte, SD 57369
(605) 337-2841
www.buildsummit.com
corey@buildsummit.net

South Dakota 811

Larry Janes, Exec. Director
PO Box 187
Rapid City, SD 57709
(605) 339-0529
execdir@sdonecall.com
www.SD811.com

Precision Dirtworks

Jess Hamman, President
PO Box 88736
Sioux Falls, SD 57109
(605) 940-3132
precisiondirtworks16@gmail.com



SAVE-THE-DATE
AGC/SDDOT Fall Meeting
December 8 & 9 - AmericInn in Fort Pierre, SD

Key Discussion Topics:

- Alternate Project Delivery Methods
- Work Zone Safety – Innovations & Solutions
- Workforce (CDL Training Grant, Wage Scale, etc.)
- Electronic Plans & E-Construction Update
- SDDOT Construction Program:
 - Collaboration During Tentative STIP
 - Funding & Future Construction Program
- On-Going & Proposed SDDOT/AGC Improvement Efforts:
 - Division I Spec. Review & Utility Cooperation
 - Material Availability & Price Escalation Clauses
 - Qualification Deadlines
 - New Scour Protection Requirement for Structures

Room Block:
AmericInn
312 Island Dr.
(605) 223-2358
Tentative Schedule:
1:00pm start on the 8th
& Noon adjourn on the 9th
Registration information will
be available soon at:
www.sdagc.org

Rate: \$99.00/night

And Much More You Don't Want to Miss this GREAT Meeting!!

AGC/SDDOT Fall Meeting December 8 & 9 in Fort Pierre, SD!

Make plans to attend the AGC/SDDOT Fall Meeting of Contractors and Key SDDOT personnel! Be prepared to expand your knowledge & help shape the future of our industry! Key discussion topics include; alternate project delivery methods, work zone safety – innovations & solutions, CDL training grant, wage scale, electronic plans & e-construction updates and much more! The tentative schedule has the meeting starting at

1:00pm CT on the 8th and wrapping up by Noon CT on the 9th. Room reservations can be made by calling the AmericInn in Fort Pierre at (605) 223-2358. The block room rate is \$99.00 per night. Registration is open and can be done on the AGC website at www.sdagc.org. Please make plans to attend this informative and relationship building event - get registered today!

SDDOT Now Hiring Seasonal Winter Snow Plow Operators

SDDOT is hiring seasonal snowplow operators for the upcoming winter season. Candidates must be 18 years of age and have the ability to operate heavy equipment. Must have a valid driver's license and be able to obtain a Class A or Class B commercial driver's license (CDL) within 60 days of hire date to retain employment. For more information or to apply for a Winter Seasonal Snowplow Operator position, please visit: <https://bhr.sd.gov/job-seekers/>.



AGC/SDDOT Transportation Summit – Save the Date

The AGC & SDDOT will once again be hosting the Annual Transportation Summit March 9 & 10, 2022 at Arrowwood Resort & Conference

Center in Oacoma, SD. More details will be available soon, but in the meantime, please save the date!

NOTICE!

UPDATE YOR RECORDS:

AGC has an updated address and phone number. Please be sure to update your records with our new information ...

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PO Box 1742
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PHONE NUMBER:

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JOHN SHOEMAKER ICE FISHING TOURNAMENT

JANUARY 26-27, 2022

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DATE!

REGISTRATION INFORMATION WILL BE
AVAILABLE SOON IN THE MONDAY MORNING
WEEKLY NEWS & AT WWW.SDAGC.ORG!



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AGC SCRAPBOOK

Installation of Officers & Awards Banquet SUCCESS

AGC Hosted our Fall Installation & Awards Banquets October 26th in Sioux Falls and October 28th in Rapid City. Our 2021 New Directors and Officers were recognized, as well as our 2021 Award winners. This event typically takes place during our Annual State Convention, but due to the cancellation of our 2021 event, it was pushed back. Thank you members for attending and being a part of these special recognition events and congratulations award winners!



AGC SCRAPBOOK

2021 Young Constructor's Pheasant Hunt SUCCESS

AGC Hosted our 16th Annual Young Constructor Pheasant Hunt November 4 & 5 in Draper & Pierre, SD! Both hunts were full with over 40 attendees each day, and over 50 members attended the social/dinner at Drifter's in Fort Pierre. Thank you members for attending and being a part of this great event.



WORKFORCE DEVELOPMENT NEWS

2021 Construction Career Camp Season SUCCESS

AGC's 2021 Construction Career Camp season was a success for members & students! Camp sponsorships broke a record with over \$20,000 raised in funding from 38 sponsors, in addition to 24 exceptionally generous in-kind donors who all played a part in this year's events. We made an impact on almost 500 students with four camps held in Yankton, Aberdeen, Sioux Falls and Pierre.

AGC will wrap up the 2021-2022 year with one spring camp which will be held in Rapid City. In addition, a Pizza, Pop and Powertools event for middle-school aged girls will be held in Sioux Falls. A huge shout out to our members and partners who make these camps a possibility! *(See photos on the next page!)*

Careers in Construction Month

AGC of SD along with Governor Kristi Noem via an Executive Proclamation, is proud to proclaim October 2021 as "Careers in Construction Month" across South Dakota! As an essential industry, the key aspect of our on-going workforce development goal is to show students career opportunities available in construction. With the ever-growing need for skilled professionals in the construction industry, there has never been a better time for education and industry to work together to help students build successful construction career pathways that are stable and rewarding.

AGC of SD + SDDOT Work Together to Create CDL Driver Solutions

Working in collaboration with the SDDOT, the AGC of SD is establishing a sustainable training provider system for our members and SDDOT employees; as well as working to encourage and impact the number of individuals who may be interested in entering the construction industry as a CDL driver. New mandates from the FMCSA will require new drivers to attend a formal training program to become licensed effective February 7, 2022. To address this, AGC of SD is registered with the Training Provider Registry with the Federal Motor Carrier Safety Administration. We are recognized on the DLR Eligible Training Provider List for apprenticeships - we should be able to add CDL as well when we are ready. This designation will qualify AGC for training dollars we otherwise wouldn't qualify for. In addition, we have identified an instructor and are working on identifying and training additional instructors across the state. AGC is currently in the process of scheduling a workgroup meeting to review curriculum and marketing of program as well as time line for roll-out.

Legalization of Marijuana in the Workplace Resources & Member Feedback Needed

AGC of SD hosted a special session addressing the recent approval of medical marijuana by employee law specialist attorney David Kroon of Woods, Fuller, Schultz & Smith in November. If you weren't able to attend or if you would like to review the presentation and/or recording, please utilize this link: bit.ly/AGCCannabisResources. In addition, AGC is currently working on resources that can help guide you through the legalization of marijuana and the impact it will have on the construction industry but your help is needed! Please share your feedback and assistance with Margaret@sdagc.org so that we can get a handle on this and continue to provide resources for you that help you stay one-step ahead of this complex situation.

High School Construction Career Academy Applications Opening January

Recruiting efforts for our Summer 2022 Construction Career Academy are about ready to start for both Sioux Falls and Rapid City. Please contact Margaret@sdagc.org if you are interested in the program and want to know more about getting involved. This is a great way for your company to start developing a high school talent pipeline!

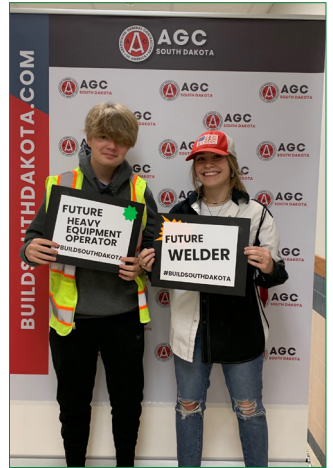
Build Dakota Scholarship Program

Jasmine Green, HHU's Stretch the Million scholar, will be graduating this spring and is currently looking for employment as a heavy equipment operator. She is committed to working for an HHU member for three years. Interested in securing future educated employees? Think about sponsoring students for the South Dakota Build Dakota program at one of South Dakota technical colleges. Visit www.builddakotascholarships.com for more information or call Margaret@sdagc.org for more information or to schedule an interview with Jasmine.

Member Webinar December 14th: New Workforce Development Member Benefit Enova

We're excited to announce that AGC of SD and Enova have launched a comprehensive talent strategy for our members. By leveraging data and best-in-class talent management tactics, Enova designed solutions will help enhance your potential to grow and compete effectively in a highly contentious talent market. This partnership will help your HR team and your company strengthen your ability to recruit top candidates as well as retain them. Join us for our Enova Kickoff Meeting on December 14th at noon CT to learn more about this exciting new benefit. See the enclosed insert and email margaret@sdagc.org to get the Zoom log-in info.

Construction Career Camp SUCCESS!



SAFETY & TRAINING NEWS

2022 Safety & Training Calendar Now Available!

The Safety staff has been busy preparing the safety & training calendar for the upcoming 2022 Training Season. We are happy to announce that the calendar is now available at www.sdagc.org! For questions or to set up trainings please email us: Michael O'Neal michael@sdagc.org or Jim Heaphy jim@sdagc.org.

Upcoming Safety Training Opportunities:

Confined Space – Competent Person

Dec. 14 – 1:00pm – 5:00pm – Yankton/TBD

Jan. 18 – 1:00pm – 5:00pm – Brookings/TBD

Excavation – Competent Person

Dec. 14 – 8:00am – 12:00pm – Yankton/TBD

Jan. 18 – 8:00am – 12:00pm – Brookings/TBD

Fall Protection – Competent Person

Dec. 15 – 8:00am – 12:00pm – Yankton/TBD

Jan. 19 – 8:00am – 12:00pm – Brookings/TBD

First Aid/CPR

Jan. 5, 8:00am – 3:30pm - Sioux Falls/AGC Training Center

Forklift Operator

Dec 3, 12:00pm–5:00pm Brookings/TBD

OSHA 10hr. Construction

Dec. 2, 8:00am – 5:00pm & Dec 3, 8:00am – 11:00am Brookings/TBD

Dec. 16, 8:00am – 5:00pm & Dec 17, 8:00am – 11:00am Yankton/TBD

Jan. 21, 8:00am – 5:00pm & Jan 28, 8:00am – 11:00am Sioux Falls/TBD

OSHA 30hr. Construction

Jan. 21, Jan 28, Feb. 4, Feb 11 - 8:00am – 5:00pm Sioux Falls/TBD

Rigger/Signalperson Qualification

Dec. 14-16 - 8:00am – 5:00pm – Sioux Falls/AGC Training Center

Scaffold – Competent Person

Dec.15– 1:00pm – 5:00pm – Yankton/TBD

Jan. 19 – 1:00pm – 5:00pm – Brookings/TBD

Traffic Control Supervisor Classes

Jan 25-26, 8:00am – 5:00pm Sioux Falls/ DOT

Traffic Control Supervisor Recertification Exam

Dec 20 - 10:00am or 1:00pm CT Sioux Falls/AGC Training Center

Dec 20 10:00am or 1:00pm MT Rapid City/CIC

Traffic Control Supervisor (TCS)

Re-Certification Schedule Announced

Traffic Control Supervisor (TCS) Recertification is required within 4 years of course completion to maintain your TCS certification per the SDDOT. If you attended

and successfully completed the AGC of South Dakota TCS class back in 2018, you are due for the recertification test. Registration link will soon open for the recertification exam in the following locations and times:

Recertification Exam Locations & Times. \$25.00 Recertification Fee + \$30.00 for MUTCD (if you don't bring one.)

- December 20th - 10:00am or 1:00pm CT
Sioux Falls AGC of South Dakota Building Chapter,
7501 E Arrowhead Pkwy.
- December 20th - 10:00am or 1:00pm MT
Rapid City – Construction Industry Center (CIC),
2771 Plant Street

AGC's HEO Apprenticeship Classes Starting Soon!

AGC's Heavy Equipment Operator Apprenticeship classes will be starting up again soon. With the shrinking workforce, we understand you cannot wait 3 years to get employees

trained. With that in mind, the AGC Training Staff worked with the DOL to provide a faster way to get your workers trained and in the field. The staff has changed up the delivery of the classes to get all three years of classroom requirements completed over an 8-week time frame! AGC will also have online and self-paced options available for members across the state to allow for maximum participation and availability. Please contact michael@sdagc.org to learn how you can take advantage of this new training opportunity!

State Convention Safety Committee & MSHA Alliance Meetings Announced!

The AGC Safety Committee & MSHA Alliance will be meeting during the 2022 State Convention at



the Convention Center in Sioux Falls. The MSHA Alliance will be meeting from 6:00am - 7:00am CT on Friday, January 14th. Additionally, the Safety Committee meeting will also be held on Friday, January 14th from 7:00am - 8:00am CT prior to the post-convention Safety/HR sessions. Details will be sent out in an outlook calendar invite soon - but please save the dates today!

Post-Convention Safety Training

We have a great Post-Convention Safety training set for the 2022 Convention. With COVID wreaking havoc over the past 2 years, the mental health of your employees has never been more important to maintain a strong workforce. The Safety Committee has partnered with the HR Alliance to bring in Cal Beyer, Vice President of Workforce Risk & Worker Wellbeing at CSDZ. He will present on "Caring Culture in Construction – Improve Well Being & Addressing Mental Health. Cal has over 30 years of experience in safety, risk management and insurance for the construction and manufacturing industries so please plan on joining us in Sioux Falls for the 2022 Convention. See the enclosed insert and get registered today!

South Dakota Safety AGC Awards

We know you have outstanding people in your organizations that should be recognized for their

contributions to the safety of your companies. It is time we show them how much they mean to our organizations and the safety community. We have the Safe Driver Award, Outstanding Company Safety Award, and of course the Paul Lepthian Award given



to the most outstanding Safety personnel. Please make sure and take the time to submit for these AGC of South Dakota Safety Awards that will be given out during the AGC State Convention. The forms are available on our website at www.sdagc.org.



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LEGISLATIVE NEWS



Election Year is Near

In November of 2022, South Dakotans will elect all legislative seats, the governor, and all other statewide offices. CONPAC is planning now to elect business-friendly candidates to office. Once candidate petitions are filed in March 2022, CONPAC will compile a candidate list complete with voting records if applicable. That list will be shared with CONPAC members who will add their intel. Based on what we gather, campaign contributions will be set and CONPAC members will begin delivering campaign contributions around early July 2022. CONPAC is also watching the petition process regarding initiated measures and will discuss any that impact business in South Dakota. You need to be a part of CONPAC to ensure the construction industry continues to thrive. If you are not a member, contact info@sdagc.org.

Special Session on Redistricting – Know your District, Know your Legislators

States are required to redraw legislative districts every ten years, based on the most recent census data. South Dakota legislators met in special session in November to debate a variety of maps that would redraw legislative districts to fit federal census guidelines. After nearly three days, they passed a bill which was signed by Governor Noem. The new districts will be in effect for the 2022 elections. When available, AGC will share a link to the new districts so members can see if their district, and legislators, will change.

Legislative Summer Study Committees Concluded

Each year the legislature votes on topics to research through the use of summer studies or task forces. AGC spent the summer monitoring these legislative study committees:

Medical and Adult Use Marijuana – the committee agreed to draft 27 bills to tweak the medical and adult use marijuana measures passed by voters in 2020. AGC was gratified that the changes proposed are favorable to business owners. However, the only constant with the topic of marijuana is change. And this bill package will definitely change. AGC knows of at least 50 additional bills that will be introduced to further shape marijuana use in South Dakota. Marijuana will clearly take up much of the legislature's bandwidth. AGC will monitor all marijuana legislative activity closely to ensure the rights of business owners are protected.

Workforce Housing Needs – this committee explored

the need for affordable workforce housing and how to make building/financing these housing

projects more attractive. The committee will introduce a package of bills to accomplish this goal. AGC will analyze the bills when they are available and circulate them with the Legislative Committee for discussion and input.

COVID Liaison Committee/Appropriations – nearly \$1 billion in federal coronavirus relief funding will be available to boost infrastructure projects that will fund drinking water, sewage and other projects in South Dakota over the next five years.

The money is available because of the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (S. 3011). S. 3001 has passed the U. S. Senate by unanimous consent and now awaits action in the U. S. House. This act intends to amend ARPA and provide greater flexibility in how State and Local Fiscal Recovery Fund dollars may be spent. The total amount of money a state may spend on infrastructure projects would be 30 percent of its total allocation, which for South Dakota would be about \$292 million. For localities, the amount they may spend would be the greater of 30 percent of their total allocation or \$10 million. Thus, in South Dakota, counties would be able to spend about \$132 million (out of \$172 million) and metropolitan cities (Rapid City and Sioux Falls) would be able to spend \$20 million (out of \$38 million) on infrastructure. Funding for infrastructure projects would have to be obligated by December 31, 2024 and spent by September 30, 2026. States must use this funding to supplement, not supplant, other infrastructure spending.

2022 Legislative Session

The 97th Session of the South Dakota Legislature begins on January 11, 2022. AGC will again be represented during session to protect the interests of the construction industry. Legislation will begin to be introduced in December and will continue until February 3, 2022. All bills of interest to the construction industry will be analyzed and circulated for discussion and input by the Legislative Committee. In addition, AGC hosts weekly Zoom calls during session to further discuss bills and all that is happening at the Capitol. Join us for the first one on Tuesday, January 18, 2022, at 2:00 p.m. CT.

Vaccine Mandate – A Hobson’s Choice For Federal Contractors

On September 9, 2021, Executive Order 14042 (“EO”) was signed by the President of the United States. It requires federal contractors and subcontractors to comply with the guidance established by the Safer Federal Workforce Task Force. The Task Force provided Guidance on September 24, 2021, and updated Guidance on November 10, 2021 (“Guidance”). It contains many specific requirements regarding masking and social distancing, as well as an overall vaccine mandate for federal contractors and subcontractors. All covered contractor employees must be fully vaccinated by January 18, 2022.

There are two exemptions specifically mentioned. One is for medical conditions. The other is for a “sincerely held religious belief, practice, or observance.” Compliance with the exemption for medical conditions should be straight forward. Compliance with the exemption for religious beliefs is more complicated. The Guidance does not provide any assistance in that regard. The Guidance does not indicate how an employer would know if a belief is actually religious in nature or if it is sincerely held. The Guidance does not state whether an employer can or should request proof to support the claim of a religious exemption or what level of proof would be sufficient.

The Guidance is vague and it may conflict with other federal laws and regulations regarding religious discrimination. Religious discrimination is illegal under Title VII of the Civil Rights Act. Federal regulations define religion broadly. For example, a “religious practice” includes “moral or ethical beliefs as to what is right and wrong.” 29 CFR 1605.1. Given this broad standard, federal contractors are placed in the precarious position of choosing between compliance with the government’s vaccine mandate on the one hand and the risk of a civil rights lawsuit on the other. The EEOC has recently issued new guidance in an attempt to embolden federal contractors to challenge weak claims of religious exemption by employees, but that doesn’t insulate the employer from a lawsuit or the consequence of being incorrect.

Assuming an employer accepts a claim of exemption by an employee, there are more problems. The Guidance does not dictate the nature of the “reasonable accommodation” that must be made when an employee claims a religious exemption. It appears to be a case by case basis. Is it enough to require exempt employees to wear a mask and socially distance? Is periodic testing enough? Can unvaccinated employees continue working on the federal work site?

Given all the foregoing, lawsuits seem likely.



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AGC OF AMERICA NEWS

AGC-Backed Bipartisan Infrastructure Signed into Law

In mid-November, President Biden signed the AGC-backed Bipartisan Infrastructure Bill, also known as the Infrastructure Investment and Jobs Act (IIJA), into law. This was all possible thanks to the efforts by AGC and its members—sending nearly 100,000 messages to Congress—to push it over the top. The IIJA is the most significant infusion of investment in our infrastructure since the enactment of the Interstate Highway System in the mid-1950's. It provides market opportunities for transportation contractors, heavy contractors, building contractors and utility contractors. And, it demonstrates to our existing and future workforce that there is sustainable work in the years to come. AGC put together a summary and also a myth v. fact document that can be found at www.agc.org.

Get Involved in a AGCA Committee: Share your Expertise & Advance the Industry

AGC of America is supported by a number of volunteer groups that work to address industry issues, exchange information and ideas, and lead change within the construction industry. We rely on our volunteers to help advance the AGC mission. Complete the volunteer interest form in your AGC member profile for an opportunity to serve in one of AGC's many volunteer roles. Several committees are currently seeking new volunteers for terms beginning spring 2022.

AGCA Annual Construction Safety Excellence Awards - Now Accepting Applications

The 21st Annual Construction Safety Excellence Awards (CSEA) program is now accepting applications. These awards have been an ongoing and evolving effort by AGC of America to recognize companies who have developed and implemented excellent safety and loss prevention programs achieved through management commitment, employee training and participation, and program innovation. Forms are available on our website at www.sdagc.org and the deadline to submit is December 13th!

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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<http://convention.agc.org>

AGC of America SAVE THE DATES!!

Jan. 12-14, 2022
AGCA Construction Safety &
Health Conf
Glendale, AZ

Jan. 24-26, 2022
AGCA Surety Bonding & Risk
Mgmt. Conf.
Bonita Springs, FL

Mar. 28-31, 2022
AGC's Annual Convention
Grapevine, TX



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