

# Highway Happenings

Fall 2016



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."

## 2017 State Convention

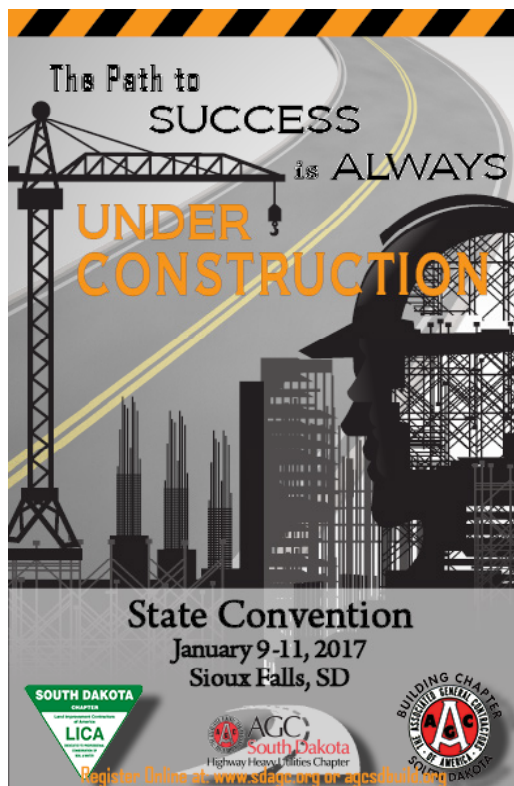
### The Path to SUCCESS is ALWAYS UNDER CONSTRUCTION

The 2017 State Convention will be held January 9 - 11, 2017 at the Downtown Holiday Inn in Sioux Falls! The planning committee has been busy working on another successful event; the theme has been chosen as "The Path to Success is Always Under Construction!" The event is already taking shape with keynote speaker Jeff Bauman booked. Jeff is a survivor of the Boston Marathon bombings, and was crucial in identifying the bombing suspects with the FBI. His real life story will be portrayed in a 2017 motion picture movie! Other noteworthy speakers include; Howard Kellman, Captain John Broers, Sheila Stanley & Lon Clemensen.

Monday night will be the "AGC Olympic game night" in conjunction with the College Championship football game on the big screen. The Tuesday evening Awards & Installation of Officers banquet will take place at the Washington Pavilion and will feature three comedians that are sure to get the crowd laughing! Full event programs & registration forms will be mailed (and available online) right after Thanksgiving. You'll also be able to register online at [www.sdagc.org](http://www.sdagc.org)! But in the mean time, exhibitor booth space is still available and sponsors are needed. Sponsorship forms are available as an insert or available on our website.

The safety team will be bringing you a pre-convention safety training and executive level safety seminar on Monday, January 9th. The safety training will be a separate registration form that is included as an insert.

This Convention is one you do not want to miss!! If you have any questions, please call the office at 605-224-8689.



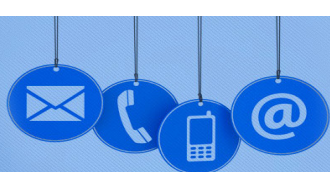
#### Don't Miss...

##### WHAT'S INSIDE:

- Welcome New Members!
- 2016 Awards - Last Chance!
- AGC Cares
- AGC Legal Brief
- SDDOT/AGC Meeting
- Event Photos
- Call for Board Members
- Membership Scrapbook
- Training Trailers Update
- Jobs Bank Recap
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- CLC Hunt
- Safety Summit Recap
- Construction Leaders
- CFMA Meeting
- Election Recap
- Legislative Day
- Chapter of the Year
- Construction Awareness Days
- Hall of Honor
- Ballot Measure Briefing

##### ENCLOSED:

- Convention Sponsorship Form
- Pre-Convention Safety Training
- 2017 Advertising Opportunities



## CONTACT US

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**Purpose Statement:**  
"To be the voice that promotes  
and represents the construction industry."

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57702

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# From the President:

## *Dean Herll, BX-CC*



My fellow AGC Members:

With the end of our construction season upon us, we have been blessed with great weather to help finish strong. It looks like when it turns from Indian Summer/Fall to Winter it is going to be quick.

The convention committee has been working hard to provide an entertaining, educational and enjoyable experience. There is definitely something for everyone, so make sure to save the date of January 9th – 11th to attend in Sioux Falls at the Downtown Holiday Inn.

Along with the convention comes recognizing and celebrating all the hard work our members put in. The submission date for Build SD, Golden Hard Hat, Good Citizen and Young Construction Professional Awards are due December 2nd. This is our opportunity to showcase how well we perform on construction projects, both large and small. We also have the opportunity to recognize individual employees for their dedication, hard work and investment in our industry in the other three awards. If you don't take the time to submit, then your employees won't be able to show their pride on what they do every day. Be PROUD of what you do!

The AGC staff and members have been working behind the scenes on the strategic plan that was developed a year ago. Some items have had good progress, while others will get a boost during the winter months. We will be meeting again in December to get more members involved to achieve our goals.

The AGC and SDDOT will meet on December 8th & 9th to go over several topics of interest to both parties. There has been really good progress made on several items over the last year. Steve Wagner has kept both sides working together and we will all meet in February to inform every one of the details.

The committees are the life blood of our Association. They are always busy working on the issues behind the scenes which benefit everyone. Please get involved, or get someone in your company involved in the process. Every company has somebody that can effect change, so help them along in our future. Many hands make light work.

I truly hope that your year has been what you expected. I especially hope that it was safe, profitable and enjoyable. Thank you for being involved in "The Construction Association of Choice" and I hope your upcoming year is better than the last.

Dean Herll



**Dean Herll**  
**2016 AGC of SD HHU**  
**President**  
**BX-Civil & Construction**  
**Dell Rapids, SD**

#### 2016 CHAPTER OFFICERS

**President - Dean Herll, Dell Rapids**  
**Senior VP - John Morris, Pierre**  
**VP - Jared Gusso, Sioux Falls**  
**Sec./Treas. - Cindy Monnin, Sioux Falls**  
**Past Pres.- Patty Nohr, Sioux Falls**

#### 2016 DIRECTORS

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**Tim Davis ..... Huron**  
**Tim Foerster..... Rapid City**  
**Harold Goeden..... Sioux Falls**  
**Wayne Lloyd..... Flandreau**  
**John Shoemaker ..... Webster**  
**Todd Waldera..... Spencer**  
**Kyle Jensen ..... Mobridge**

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**Kari Karst ..... Dell Rapids**  
**Dave Fleck ..... Sioux Falls**

#### LIFE NATIONAL GOVERNORS

**Gary Johnson .....Ft. Pierre**  
**Merle Davis ..... Dell Rapids**  
**Tom Graves ..... Sioux Falls**  
**Lynn Kading ..... Rapid City**  
**Mark Knight ..... Aberdeen**

#### ASSOCIATE DIVISION OFFICERS

**President - Craig Lauritzen, Sioux Falls**  
**VP - Rick Langguth, Rapid City**  
**Sec./Treas - Casey Dolney, Rapid City**

# AGC MEMBER DISCOUNTS

**As a Member of the AGC of SD, you can participate in these highly valued benefits:**

## 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.



## 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](mailto: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](mailto:sales@deltadental.com).



## BUDGET RENTAL CAR

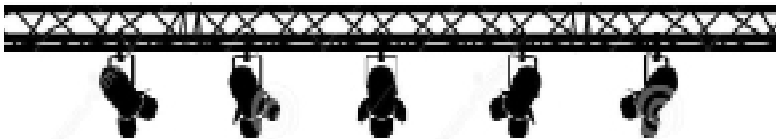
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# AGC of SD "IN THE NEWS"

This section of the bulletin highlights AGC of SD 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.

- July/August 2016 AGC Constructor Magazine: **Mark Knight of Knight Construction Services** pictured and featured in article titled "A Look at How AGC Members Keep the Father of Waters and a Lot of Economic Activity Flowing".
- August 1, 2016 Argus Leader: **Teagan Molden of Howalt-McDowell Insurance** pictured and featured in article titled "Internship Leads to Job Opportunity for New Graduate". 
- August 3-9, 2016 Sioux Falls Business Journal: **Gage Brothers Concrete Products** mentioned in "Business in Brief" section. 
- August 17-23, 2016 Sioux Falls Business Journal: **AGC of SD, Highway-Highway-Utilities Chapter** mentioned in "Corporate Good Deeds" section. 
- September 6, 2016 Argus Leader: **The First National Bank in Sioux Falls** featured in article titled "The First National Bank to Open East-side Branch in Sioux Falls". 
- September 22, 2016 Argus Leader: **Chris Ekstrum of The First National Bank in Sioux Falls** quoted in article titled "Zeal Launches Accelerator Fund with Grant". 
- September/October 2016 AGC Constructor Magazine: **Mark Knight of Knight Construction Services** pictured and featured in article titled "President's Message"
- October 5, 2016 Capitol Journal: **AGC's Construction Awareness Days** event mentioned in the Capitol Journal.
- October 5-11, 2016 Sioux Falls Business Journal: **AGC of SD, Highway-Highway-Utilities Chapter** mentioned in "Corporate Good Deeds" section.

- October 7, 2016 Argus Leader: **Journey Group** mentioned in article titled "USF to Break Ground on Benedetto Hall". 
- October 7, 2016 Argus Leader: **Stu Moser of Journey Group and Amy Parlet & Todd Wiebenga of BX Civil & Construction** mentioned in "Business Briefs" section.   

- October 11, 2016 KELOLAND News: **Dustin Baertsch, AGC Workforce Development Coordinator** featured on the 6:00pm & 10:00pm newscasts. 
- October 11, 2016 Argus-Leader Online: **AGC's Construction Awareness Days** featured in the "Construction gif's" section.
- October 12 2016 Argus Leader: **Dustin Baertsch, AGC Workforce Development Coordinator** quoted in article titled "S.F. Group Hosts Construction Awareness Days".
- October 18, 2016 Black Hills Fox News - **Dustin Baertsch, AGC Workforce Development Coordinator** featured on the 6:00pm & 9:00pm newscasts. 
- October 18, 2016 AGC of America's SmartBrief: **AGC's Construction Awareness Days** mentioned in an article titled "South Dakota AGC exposes students to careers in construction."
- Fall/Winter 2016 Children's Home Society, The Children's Friend: **Construction Industry Center** mentioned in article titled "Golfers Raise Some Green on the Greens". 
- Fall/Winter 2016 Children's Home Society, The Children's Friend: **Myrl & Roy's Paving** mentioned in article titled "Artists, Bikers and Bidders: Our Fundraising Friends". 

# MEMBER NEWS CORNER

## Welcome New Members!!

### Dakota Coatings Co./Huber Co. Inc

Les Huber  
1280 Woodridge Drive  
Rapid City, SD 57709  
605-209-8170

[www.dakcoatco.com](http://www.dakcoatco.com)

[les@dakcoatco.com](mailto:les@dakcoatco.com)



### Haarsma Construction

Travis Haarsma  
PO Box 85581  
Sioux Falls, SD 57118  
605-376-9911

[thaarsma@msn.com](mailto:thaarsma@msn.com)

### Hilpipe Auction Co.

Merv Hilpipe  
2862 Wagner Rd.  
Waterloo, IA 50703  
319-235-6007

[merv@hilpipe.com](mailto:merv@hilpipe.com)

<http://www.hilpipe.com/>



### MEG Corp

Lisa Pedderson  
13800 24th Avenue North Suite 300  
Plymouth, MN 55441  
952-473-0044

[lisa@megcorpnmn.com](mailto:lisa@megcorpnmn.com)

[www.megcorpnmn.com](http://www.megcorpnmn.com)



## Condolences

With deepest regrets we advise you of the death of Kevin Schievelbein, age 55, of Sioux Falls. Kevin passed away Monday, September 5, 2016 in Omaha, NE. Kevin was the owner of Construction Signing Corporation.

## WISHING YOU & YOUR FAMILIES THE BEST THIS HOLIDAY SEASON!



# CALENDAR OF EVENTS

Nov. 24-25, 2016	Thanksgiving Holiday - AGC Office Closed
Dec. 5-6, 2016	AGC of ND Annual Convention - Bismarck
December 7, 2016	SDDOT EBS Letting
December 8, 2016	AGC/SDDOT Fall Meeting - Pierre
December 12, 2016	Public Relations Comm Mtg - Sioux Falls
December 14, 2016	SDDOT EBS Letting
December 15, 2016	SDACPA Annual Workshop - Sioux Falls
December 19, 2016	AGC Board & Strategic Planning Mtg. Chamberlain
December 20, 2016	Associate Division Board Conference Call
December 26, 2016	Christmas Holiday - AGC Office Closed
January 2, 2017	New Year's Day Holiday - AGC Office
January 9-11, 2017	2016 State Convention - Sioux Falls
January 10, 2017	1st Day of Legislative Session - Pierre
January 11, 2017	Safety Comm. & MSHA Alliance Conf. Call
January 18, 2017	SDDOT EBS Letting
February 1, 2017	SDDOT EBS Letting
February 18, 2017	SDDOT EBS Letting
Feb. 21-22, 2017	AGC/SDDOT Annual Meeting Chamberlain
February 27, 2017	AGC Annual Legislative Day & Dinner Pierre

## SAVE THE DATES

January 15-17, 2018	AGC/LICA State Convention - Deadwood
January 30, 2018	AGC Annual Legislative Day - Pierre

## Join the Social Media Revolution!



Facebook.com/SDAGC  
Facebook.com/AGCofA  
Twitter: @AGCofSD  
Twitter: @AGCofA  
You Tube : AGCofSD  
You Tube: AGCofAmerica





## 2017 Director Openings

While all of you are busy wrapping-up the 2016 construction season, the AGC is busy preparing for 2017. This means it's time to fill our 2017 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. As 2017 nears, please make a commitment to remain or become more active in the AGC!



## 2017 Membership Renewal & Directory Update

Your 2017 AGC membership renewal information has been mailed! Please complete the membership form and submit payment in a timely fashion. The Membership directory update will also be mailed soon. New this year, is updating your profile online through Naylor! No more paper versions will be accepted. In addition, anytime your membership information changes, please log on to our website and update your information right then! We don't want your information printed incorrectly!

Consider placing an ad in the 2017 directory - this is a great opportunity to advertise your business for a minimal rate. The AGC has partnered again with Naylor to bring you a bigger, better and more professional directory. View the ad packages available through Naylor at this link: <http://www.naylornetwork.com/webkits/PDFs/dakr.pdf>

## 2016 Chapter Awards Program - LAST CHANCE!

Members are encouraged to submit nominations for the 2016 AGC of South Dakota Awards (Build South Dakota, Golden Hard Hat, Good Citizen.) In addition, an all new award has been added this year, the Young Construction Professional Award! These awards recognize both individual and company achievements. Nominations are strongly encouraged and may be submitted by any member firm. Awards will be presented at the 2017 State Convention on Tuesday, January 10th at the Washington Pavilion in Sioux Falls and again at the Spring Membership Meetings. Nomination forms are available on the AGC website [www.sdagc.org](http://www.sdagc.org). Nominations are due no later than December 2, 2016.



## Legislative Day & Dinner - Save the Date!

New this year, is an AGC "Legislative Day" followed by the Annual Legislative Dinner in Pierre, SD. Legislative Day & Dinner will be held on Monday, February 27th, 2017. This unique opportunity allows for members to see first-hand how our Legislature operates in Pierre. The AGC is looking for recommendations for groups to visit & meetings to attend during this event. If you have any suggestions, please call the AGC office at 605-224-8689. Please save the date now, you do not want miss the opportunity to get face-to-face with your Senators & Representatives!

## 2017 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](http://www.sdagc.org) and this quarterly bulletin! 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!

## New Member Recruitment

The AGC is always looking for new members to join our great association and we need member help! If you know of a company that would benefit from joining the AGC, please get in



contact with them or send their information to the AGC staff! Members are the life-line of our association and it is important that we continue to grow!

## RCMU Update

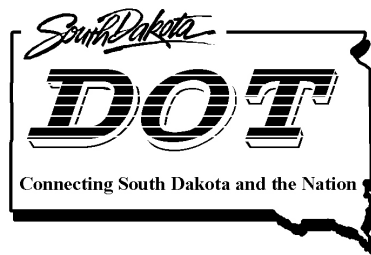
The Rapid City Municipal & Utilities committee has been active this fall hosting a meeting with Mayor Allender and other City staff. Many important topics were discussed including winter work, project scheduling and letting dates. Dale Tech has agreed to present the City's CIP to our group sometime before the New Year. More information will be available soon!

## CFMA December Meeting

The Siouxland Chapter of CFMA (Construction Financial Management Association) will be holding its next meeting on Wednesday, December 7, 2016 from 1:00 PM – 4:30 PM at CJ Callaway's in Sioux Falls, SD. The meeting kicks off with brief chapter committee updates, and then two speakers. CFMA's December meeting is open to members and guests free of charge! For additional information and to RSVP for this event please email [siouxland@cfma.org](mailto:siouxland@cfma.org).

## SDDOT/AGC Fall Meeting Rescheduled

AGC's fall meeting with SDDOT Area & Region Engineers, Operations Central Office and other key SDDOT staff was originally scheduled to be held November 17-18th. However, due to weather conditions, the meeting has been rescheduled and will now be held on December 8th & 9th in Pierre, SD. Those of you originally registered will need to re-register on our website.



AGC Contractor members are strongly encouraged to attend and "get your hands-dirty" working on various issues. A lot of progress has been made with the SDDOT/AGC relationship thanks in part to meetings like this. Please register today for this great event at [www.sdagc.org](http://www.sdagc.org).

## SDDOT Bid Letting Date Change

Members please note that the SDDOT has moved the scheduled bid letting for December 21st ahead to December 14th! More information will be available soon at [www.sddot.com](http://www.sddot.com).



## SDDOT Annual Report

The SDDOT Annual Report is now available! A copy is included as an insert or can be found online at [www.sddot.com](http://www.sddot.com).

## SDDOT Hall of Honor

Dean Hyde from Pierre and Ronald Peterson from Wakonda have been chosen for induction into the South Dakota Transportation Hall of Honor for 2016.



The purpose of the Transportation Hall of Honor is to recognize those who have made a lasting, valuable or unique contribution to South Dakota's air, highway or rail transportation system. The South Dakota Transportation Hall of Honor dates back to 1972 and now includes 86 inductees. A banquet, hosted by the Transportation Hall of Honor Committee, was held in Dean's honor in July. Ronald was honored with a banquet in September. Congratulations Dean & Ronald!



## America's Top 12 Transportation Projects Competing For Final National Awards

The American Association of State Highway and Transportation Officials, AAA and the U.S. Chamber of Commerce announced in September the finalists in the 2016 America's Transportation Awards competition. Twelve projects from 10 state departments of transportation are now competing for the national Grand Prize and the People's Choice Award. The SDDOT & Heavy Constructor's Jackson Boulevard Phase II project was nominated in the "Best use of Innovation category." And although the project was not chosen as a winner, being a small project compared to the other projects, comes as quite an honor for our State! Congratulations Heavy Constructors, Inc & SDDOT!



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## AGC Legislative News

### 2016 Election: AGC/ CONPAC Worked to Shape Election Results

The 2016 election in South Dakota is in the books and AGC participated in shaping the outcome in a big way.



### Constitutional Amendments and Initiated Measures

There were ten Constitutional Amendments and Initiated Measures on the ballot this year, and AGC participated in three of them. **Constitutional Amendment R**, which will allow the South Dakota Legislature to establish a governance system for the technical institutes, was approved by voters. AGC was involved in passage of R, as technical institutes provide the basis of our valuable work force. AGC opposed **Initiated Measure 22**, which calls for publicly funded political campaigns and puts restrictions on contributions that PACS can give to candidates. IM 22 passed on election night. AGC and other groups are analyzing the impact of IM 22, and assessing any options to alleviate its impact legislatively. **Initiated Measure 23** was a threat to South Dakota's right-to-work laws and asked that employees pay union dues even if they are not union members. IM 23 was put on our ballot by out of state unions. AGC took the lead in defeating this measure, which was trounced 79.6% to 20.3%, sending a message to unions that South Dakota likes their right-to-work status just fine.

AGC also selected legislative candidates to receive campaign contributions through the **Contractors Political Action Committee, or CONPAC**.

CONPAC is one of South Dakota's more active, and effective, political action committees. In 2016, CONPAC worked to shape the makeup of the South Dakota legislature by providing 55 campaign contributions to business-friendly legislative candidates. CONPAC also provided funding for Constitutional Amendment R and Initiated Measure 23, ensuring passage of R and defeat of IM 23.



And CONPAC is already gearing up for the 2018 election cycle, which will feature a gubernatorial race in addition to constitutional officers, all legislative seats and whatever ballot measure may arise. Plans are underway for fundraising efforts and a CONPAC membership drive. When you contribute to CONPAC, you are a member and take part in contribution decisions and delivery of campaign contributions to candidates. Make plans now to join for the next election cycle. You can join at the AGC convention in January or email [info@sdagc.org](mailto:info@sdagc.org) for membership information.

### AGC Members are Informed Voters!

When AGC members prepare to vote, they look for the best information available. And they certainly received the inside scoop on the 2016 constitutional amendments and ballot



measures. AGC invited South Dakota's Attorney General Marty Jackley to provide insight on the amendments and measures. It is one of Attorney General Jackley's responsibilities to write the official ballot explanations for these amendments and measures, so AGC members got the best information available on their impact to the construction industry.

AGC thanks Attorney General Jackley for his insight and time, and also thanks all the members who attended this ballot measure briefing.

AGC also shared an analysis of Constitutional Amendment S, Initiated Measure 22 and Initiated Measure 23 with members. This piece allowed AGC members to be the best informed voters on these issues, and encouraged members to get out and vote on Election Day. Many members shared this piece with their employees at safety meetings, via in-house newsletters and email. Thanks to all of our members for sharing ballot measure information.



# AGC Legal Minute

by: Jason Smiley, AGC Legal Counsel



## Blowing the Whistle

The Occupational Health and Safety Administration ("OSHA") is charged with ensuring employee safety by prohibiting unsafe work practices. The regulations applicable to the construction industry are extensive.

In order to ensure that its

primary mission of protecting workers is not thwarted by employers, OSHA has authority to protect workers from retaliation under twenty-two federal laws that have come to be known as the whistle-blower protection statutes. With so many regulations, it should come as no surprise that whistle-blower complaints to OSHA are on the rise. Statistics released by OSHA show a steady increase in whistle-blower complaints from 2005 to 2015.

Retaliation can take many forms. It is essentially any adverse action that affects an employee who has engaged in protected activity. What constitutes protected activity is also extremely broad. Making a complaint to OSHA constitutes protected activity. Commencing an OSHA proceeding also constitutes protected activity. Testifying or preparing to testify in an OSHA proceeding is protected. Knowing the difference between action taken in retaliation and otherwise legitimate conduct by the employer can be difficult. This is particularly true when an employee is refusing to work due to allegedly unsafe conditions.

There is no express or implied right to walk off the job "because of potential unsafe conditions at the workplace." Ordinarily an employer may discipline employees "for refusing to perform normal job activities because of alleged safety or health hazards." On the other hand, an employee may not be disciplined for not performing tasks that may cause serious injury or death and if the employee has no reasonable alternative. The conditions must be such that a "reasonable person" would conclude there is a real danger and there is insufficient time to eliminate the danger through statutory enforcement channels. In addition, in such circumstances, the employee, where possible, must also have sought from his employer, and been unable to obtain, a correction of the dangerous condition.

All employers (and particularly construction industry employers) should become familiar with the applicable OSHA regulations. When safety issues do arise, serious consideration should be given to the issue, regardless of the source, and without retribution. Responding to a whistle-blower complaint to OSHA is far more burdensome and potentially expensive than correcting the safety issue in the first instance. Upon receipt of notification of a whistle-blower complaint by OSHA employers should seriously consider hiring the assistance of competent advisors to prepare a response.

For more information about this article, send me an e-mail at [jsmiley@gpna.com](mailto:jsmiley@gpna.com) or come see me speak on this topic during the 2017 State Convention in Sioux Falls in January.



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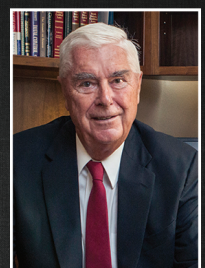
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Ron Schmidt  
[rschmidt@gpna.com](mailto:rschmidt@gpna.com)



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# THANK YOU FOR ATTENDING THE 2016 - CONSTRUCTION LEADERSHIP PHEASANT HUNT



48 members participated in the 2016 Construction Leadership Pheasant Hunt. The event was held November 4 & 5 in Pierre, SD. Hunters enjoyed a day of hunting in the fields followed by a social & dinner at Broken Arrow Farms. Thank you members for attending this great AGC event and a very special thank you to the sponsors who help make this event possible every year!



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# AGC Scrapbook

## SUMMER SOCIALS

The 2016 Summer Socials were held on August 10th at The District in Sioux Falls and August 18th at Murphy's in Rapid City. Thank you for participating & attending these great events. Over 75 members attended in Sioux Falls and 65 in Rapid City!



## FALL MEMBERSHIP MEETINGS

The 2016 Fall Membership Meetings were a huge success held on October 25th in Rapid City at the Ramkota Hotel and October 27th in Sioux Falls at the Downtown Holiday Inn. Attendee's were given a brief overview of the many AGC happening's and upcoming events. Thank you for attending these great events!





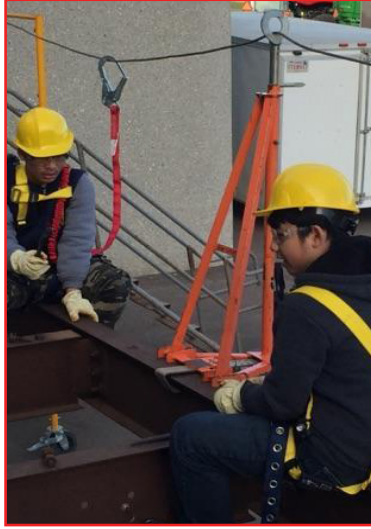
# AGC Construction Awareness Days



2016

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## AGC HHU Chapter Wins Small Chapter of the Year Award

During the annual Associated General Contractors of America National Chapter Leadership Conference on September 26 in Washington, D.C., the AGC of South Dakota, Highway-Heavy-Utilities Chapter, received the 2016 "Small Chapter of the Year" Award!

The AGC of America recognizes Chapters which have developed outstanding programs and excelled at achieving tangible accomplishments during the calendar year. Noteworthy HHU Chapter achievements include the passing of Senate Bill 1, Annual Jobs Bank Campaign, Scholarships, Workforce Development Training Trailers, AGC Charity Work "AGC Cares", Workzone Awareness Activities, Membership Growth and our Public Relations Campaigns.

*Thank you members for all of the time and commitment you put forth to make our Association #1!*



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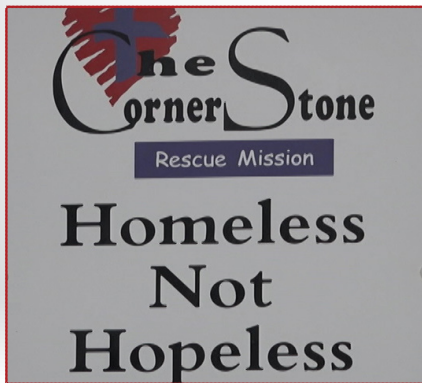
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# “AGC Cares” - PROJECT REQUESTS NEEDED

AGC Cares has been busy recently making contributions towards worthy causes. In August, donations were made to two companies who had many employees severely impacted by the Louisiana flooding. LA Scrap Metal & Vaughn Roofing were given contributions to distribute to their employee's who were hit the hardest. Both of these companies have personal ties to AGC member firms.

In addition, AGC Cares & members served lunch at the Cornerstone Rescue Mission in Rapid City. Project requests are still needed and requested! Please email [lindsay@sdagc.org](mailto:lindsay@sdagc.org) or call the office at 605-224-8689 to get involved or nominate a project!



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# WORKFORCE DEVELOPMENT

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## Construction Awareness Days SUCCESS

Thank you AGC members, sponsors and the many volunteers for making CAD 2016 a HUGE SUCCESS! Five Construction Awareness Day's events were held throughout the state. Locations included; the Oahe Speedway in Pierre, CTE Academy in Sioux Falls, Western Dakota Tech in Rapid City, Lake Area Tech in Watertown and MTI in Mitchell, SD. In total, over 600 high school students attended one of the AGC camps. Not only did the students get to learn about the construction related programs at the tech schools, they were immersed in all of the job opportunities members have available.



The best thing about these CAD's is how hands on the activities are. The students were able to operate heavy equipment, run through a carpentry skills course, pour concrete, and learn how to weld. That is just a handful of the many career opportunities the students were exposed to. Many of the students said that because of these camps, it has helped them realize what a career in construction would look like. Thank you to everyone involved in CAD 2016! See more event photos on page 13.

## South Dakota Proclaims October as "Careers in Construction Month"

The AGC along with Governor Dennis Daugaard, via an Executive Proclamation, proclaimed October 2016 as "Careers in Construction Month" across South Dakota! A key aspect of the AGC's on-going workforce development goal is to show students the rewarding career opportunities available in construction. AGC was pleased Governor Daugaard



felt that with the ever-growing need for skilled professionals in the construction industry, proclaiming October as Careers in Construction Month hopefully helped raise awareness in our state. The AGC helped promote "Careers in Construction Month" by hosting 4 of our 5 Construction Awareness Days events during this month. Careers in Construction month was started nationally by The National Center for Construction Education and Research (NCCER) and their Build Your Future initiative.

## West River HR Alliance Activities

On Tuesday, November 15th AGC held its third West River HR Alliance meetings this fall. It was a great session from James Marsh the Director of



Division of Labor and Management for the South Dakota Department of Labor and Regulation. And since it was a video presentation from Pierre our East River HR Alliance group was able to join in. The past two meetings covered new overtime regulations and how to handle an OSHA whistle-blower complaint. Having East & West River alliances help provide better services to our members on each side of the state. This concept seems to be going well and we look forward to offering more presentation opportunity's after the holidays. This is truly an AGC member HR alliance and we would love to see it grow. Please feel free to provide input and ideas for future presentations to Dustin Baertsch. You can contact him at [dustin@sdagc.org](mailto:dustin@sdagc.org) or 605-209-5861.

## Workforce Development Forum at the State Convention - Make Plans to Attend!

A Workforce Development Forum will be held on Wednesday, January 11th during the State Convention in Sioux Falls. MTI, STI and LATI representatives will be discussing how South Dakota's Technical Schools can further work with the industry to help fix the construction industry





# WORKFORCE DEVELOPMENT

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workforce shortage. This is definitely a session you don't want to miss. In addition, we have several other WFD sessions planned at this year's convention. One breakout session being held on Tuesday, the 10th from 11:30-12:30 will feature Tiffany Sanderson, SDCTE Director who will discuss Constructing the Talent Pipeline: Career & Technical Education (CTE). In addition, Jennifer Reecy, Executive Director of the South Dakota Leadership Academy will put on a session Tuesday, the 10th from 2:15-3:15pm. She will discuss how the Leadership Academy is building the character and competence of our future leaders! Get registered for the State Convention and make plans to attend these sessions!

## "Skills Dakota" Training Trailers

AGC's training simulators have had a busy few months. Not only were they at all of the Construction Awareness Day's they have been being used by AGC members, middle schools and most recently at a career fair at Central High School. At this fair students were able to explore all the career options that are out there along with available colleges. The Excavator simulator was a big draw. Not only do the students get to experience what it can be like to operate an Excavator. They are exposed to all the construction careers that are available along with where in South Dakota they could go to college to obtain those careers. Spreading information about our Build South Dakota website has paired well with these simulators. There are lots of plans for these simulators in the coming months, but if you have any ideas or suggestions on where our Sims can be used feel free to contact Dustin Baertsch or Michael O'Neal.



## BuildSouthDakota.com

It's a big challenge to recruit workers to the construction industry. Our workforce development website, [www.BuildSouthDakota.com](http://www.BuildSouthDakota.com), is designed to put accurate information in front of teachers, parents and students. The site



includes videos, web links and info about construction careers. The website will be ever evolving to keep the most relevant information at the finger tips of those considering careers in construction. The AGC of SD will be promoting the site more in the coming months; help us get the word out by sharing the website address with people you know. In addition, we are going to be pushing hard to get into each middle & high school as well as South Dakota's Technical schools and provide information to instructors & counselors on the [BuildSouthDakota.com](http://BuildSouthDakota.com) website. The site can help students map out one of the many careers in construction leading them in the direction they need for their career choice. Whether it is a 2-year or 4-year degree or on the job training, this website is the resource kids need!



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# SAFETY & TRAINING

## Pre-Convention Safety Training

Kick off the 2017 State Convention with a pre-convention safety training presented by Bob Emmerich of Safe-Con, LLC. Bob Emmerich is a Registered Professional Engineer and Certified Construction Health & Safety Technician, with over 32 years of construction, operations and safety management experience. Bob's practical approach and productive solutions to job site safety problems have made him a recognized expert in the field of safety management.



Mr. Emmerich will start the day with a four hour presentation aimed at anyone in your organization with safety responsibilities. This session will be valuable to anyone taking on safety responsibilities or as a refresher for those seasoned safety folks. Topics will include Safety leadership, supervisory safety responsibilities, site safety planning, multi-employer relationships, handling accidents, and tips for when OSHA comes knocking on your door.

After lunch, Mr. Emmerich will conduct a one-hour session aimed at executives. Topics will include true costs of accidents, owner's responsibility in safety management, and how accidents publicly affect company reputation, dealing with the media and the perceptions of your employees. See the enclosed registration form!

## Upcoming Safety Trainings in Aberdeen

- **OSHA 10hr Construction** - Dec. 8-9th - 8am - 4pm & 8am - 11:30am - Aberdeen/TBD
- **Forklift Training** - Dec. 9th - Noon-4pm - Aberdeen/TBD

## 2016-2017 Safety Training Calendar Announced

If you are looking for safety training for your employees, check out the best safety calendar on our website at [www.sdagc.org](http://www.sdagc.org)!

**Register  
Today**

## Upcoming Workforce Development Trainings

- Unit 1 | Leadership and Motivation  
Rapid City – Dec. 1st & 15th
- Unit 2 | Communication  
Rapid City – Dec. 2nd & 16th

## 2016-2017 Workforce Training Calendar Announced

If you are looking for workforce training for your employees, see the workforce calendar at [www.sdagc.org](http://www.sdagc.org)!

## Fall Safety Summit Sees Record Attendance!

The AGC Fall Safety Summit experienced 35 attendees for day one and was held October 20th and 21st in Sioux Falls. Thursday was highlighted by Sheila Stanley, Area Director, OSHA Sioux Falls Area Office. She passed along some interesting statistics to those in attendance.



Attendees learned that the Sioux Falls Area Office has been very busy with a limited staff so far. As of October 20, 2016, the Sioux Falls Area Office has conducted 97 inspections, with some assistance from Montana and North Dakota. Prior to that, the Bismarck Area Office in North Dakota jurisdiction included South Dakota. The Construction sector accounted for 49 of these inspections, 26 in the manufacturing sector and 22 all other sectors. The Sioux Falls Area office has handled 112 complaints, 27 of which resulted in on-site inspections. Sioux Falls OSHA office has handled 6 fatalities under its jurisdiction in the past year. Causes of these fatalities were attributed to fall, electrocution, explosion, fire, equipment operations, and forklift. The Sioux Falls office has also conducted inspections on 8 employer reported injuries. The Sioux Falls Area Office is in the process of opening their permanent office which will be located at 4404 South Technology Drive in Sioux Falls.

Following Sheila Stanley, Jon Puetz, Program Director for South Dakota State University's Engineering





Extension office informed the audience of the compliance assistance activities available through his office and provided ideas to add some spark to your in house training activities.

The Fall Safety Summit's Day 1 ended with a downtown jobsite visit to view a post tensioning concrete construction project.

Friday concluded with a Safety Committee meeting with 16 in attendance and MSHA Alliance meeting attended by 10. The training calendar was also



released during the event. The Safety Summit is a great chance to learn from and network with others in your boots!

## Highway Work Zone Safety Training Course

AGC offered a FREE Highway Work Zone Safety Training Course in Sioux Falls on September 29 & 30. This one-day training program is based on OSHA standards and best practices to answer the need for



quality training within the industry. The training was free because it was supported by a Susan Harwood Federal Grant. The course was well attended despite being offered in the heat of the season!

## Paul Lepthien Safety Award Nominations

Safety leadership exists at every level of an organization. From a new employee to a seasoned executive, company safety excellence involves everyone. For this reason nominees may be company executives, safety directors, construction employees or others involved in the promotion of safe and healthy construction projects. Contact Michael O'Neal for a nomination form at [michael@sdagc.org](mailto:michael@sdagc.org).



## MSHA Issues Safety Alert for Drill Operators

Mine Safety and Health Administration (MSHA) issued a drill entanglement safety alert due to the rotating

machinery exposure miner's face with risks of entanglement of clothing and body parts. The alert states the risk of entanglement in rotating machinery –



that is difficult to guard properly – is a real danger. Details: <https://www.msha.gov/news-media/press-releases/2016/08/11/us-mine-safety-agency-issues-safety-alert-drill-operators>

## MSHA Issues Blocking Against Motion Alert

Since September 16, 2015, the mining community has suffered three serious accidents involving mining equipment and machinery that have resulted in fatalities. Because of this, MSHA has issued a Safety Alert. Included in the alert are best practices to follow to prevent accidents, including conducting a Risk Assessment to evaluate pivot points and ask, "What can happen?" Details: <https://www.msha.gov/news-media/announcements/2016/09/19/safety-alert-best-practices-blocking-against-motion>

## OSHA delays enforcement of anti-retaliation provisions of injury and illness tracking rule until December 1.

OSHA has agreed to further delay enforcement of the anti-retaliation provisions in its injury and illness tracking rule until Dec. 1, 2016. The U.S. District Court for the Northern District of Texas requested the delay to allow additional time to consider a motion challenging the new provisions.

The anti-retaliation provisions were originally scheduled to begin Aug. 10, 2016, but were previously delayed until Nov. 10 to allow time for outreach to the regulated community. Under the rule, employers are required to inform workers of their right to report work-related injuries and illnesses without fear of retaliation; implement procedures for reporting injuries and illnesses that are reasonable and do not deter workers from reporting; and incorporate the existing statutory prohibition on retaliating against workers for reporting injuries and illnesses.

# SAFETY & TRAINING

## OSHA Issues Silica Fact Sheets

OSHA recently issued fact sheets to help employers reduce silica exposure. The fact sheets include the following: masonry saws, grinders, rotary hammers, rock drills, jackhammering, and tuck pointing /mortar removal. Check out the fact sheets here: [https://www.osha.gov/dsg/topics/silicacrystalline/control\\_measures\\_silica.html#factSheets](https://www.osha.gov/dsg/topics/silicacrystalline/control_measures_silica.html#factSheets)

## 2016 Top 10 OSHA Citations

1. Fall protection
2. Hazard communication
3. Scaffolds
4. Respiratory protection
5. Lockout/tagout
6. Powered industrial trucks
7. Ladders
8. Machine guarding
9. Electrical wiring
10. Electrical, general requirements



Motorists are reminded that snowplows travel at 25-30 mph or less when plowing or placing deicing chemicals. Drivers need to stay alert for the slow moving snowplows and stay a safe distance behind the plow. When conditions allow, snowplows will pull over periodically to let traffic pass. Please have patience and never pass a plow when visibility is poor. Remember that the snowplow is clearing the roadway in front of you so the best place to be is a safe distance behind it. Crews will update the [safetravelusa.com/sd](http://safetravelusa.com/sd) website three times a day: before 7 a.m., between 11 a.m. and 1 p.m., and between 4 and 7 p.m. More frequent updates will be made if conditions warrant. Road condition information can also be obtained by calling 511 or you can download the SDDOT511 app from iTunes and Google Play sites.

## Upcoming AGC of America Events

- **AGC Safety and Health Committee Meeting**  
Wednesday, January 25, 2017 to Friday, January 27, 2017 Fort Lauderdale FL - <http://meetings.agc.org/safety/>

## SD Company Named 1 of America's Safest Companies!

EHS Today announced it's list of America's 10 Safest Companies, with South Dakota Wheat Growers named as one of the ten. Additionally three others named are involved in heavy construction. EHS Today noted that one common theme of those named was: none of them are satisfied that they are at the end of their safety journey. There is no finish line when it comes to safety. Details: [http://ehstoday.com/americas-safest-companies-awards/ehs-today-presents-2016-americas-safest-companies-photo-gallery#slide-9-field\\_images-50261](http://ehstoday.com/americas-safest-companies-awards/ehs-today-presents-2016-americas-safest-companies-photo-gallery#slide-9-field_images-50261)

## SDDOT Winter Operations Reminder

With the first winter storm of the season now past us, the Department of Transportation wants to remind motorists that snowplow crews will be out working to keep roads clear for motorists, but that there are some things they can do to help keep themselves and snowplow drivers safe while traveling.



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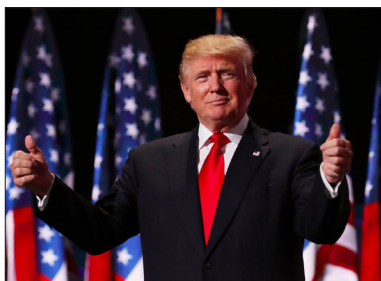
## 2016 Election Results: AGC PAC Successful in Electing Candidates Friendly to the Construction Industry

In the 2016 House and Senate elections, AGC PAC supported 26 candidates for Senate and 174 candidates for the House of Representatives. Of the 26 (23 Republican | 3 Democrat) Senate candidates, AGC PAC supported, 22 of them won election to the 115th Congress. The four AGC PAC-backed candidates who lost were Mark Kirk (R-Ill.), Kathy Szeliga (R-Md.), Sen. Joe Heck (R-Nev.) and Sen. Kelly Ayotte (R-N.H.). As of now, the AGC PAC success rating in the Senate is 85 percent. Of the 174 (156 Republican | 18 Democrat) House candidates who received AGC PAC support, 170 of them won election; one race (CA-49) is still outstanding. As of now, the AGC PAC success rating in the House is 98 percent.



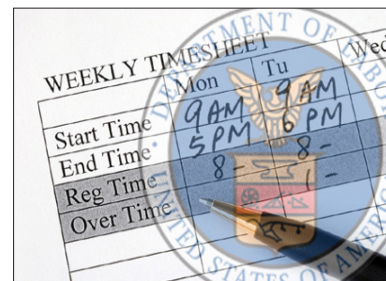
## AGC Analyzes Potential Impact of Trump Administration on Labor & Employment, Healthcare, Immigration and Workforce Policy

With the election over, AGC has begun looking towards 2017 and the potential impact a new Trump Administration will have on labor and employment, healthcare, immigration and workforce policy and its effects on the construction industry. AGC has put together an analysis of these policies and what we expect to see out of the new administration. The analysis can be found at: <http://newsmanager.commpartners.com/agcleg/downloads/Labor-Employment%20Analysis%20After%202016%20Election.pdf>



## DOL Rule Increases Salary Threshold for Overtime Rule - Effective Dec. 1, 2016

The Department of Labor's final rule increases the overtime coverage by over 100% and will cover over 4 million employees by the end of 2017. The rule increases the salary threshold from \$455 to \$913 per week for standard salaried employees, and \$100,000 to \$134,004 per year for highly compensated employees. The final rule comes into effect on December 1, 2016. Future automatic updates to these thresholds will occur every three years, beginning on January 1, 2020.



The final rule increases the salary and compensation levels for executive, administrative, and professional workers. Additionally, the final rule amends the salary basis test to allow employers to use nondiscretionary bonuses and incentive payments, such as commissions, to satisfy up to 10 percent of the new standard salary level.

## AGC Efforts Help Move OSHA to Modify Controversial Drug Testing Position

In the wake of an AGC meeting with the head of the U.S. Occupational Safety and Health Administration (OSHA) and an AGC-backed letter from dozens of members of Congress, OSHA



recently published new guidance to clarify its injury and illness record keeping and reporting rule. The guidance recalibrates the agency's position relating to post-incident drug testing in the context of employer discouragement of or retaliation for employee injury and illness reporting. Generally speaking, the new guidance is more likely than the agency's previous position to not overly restrict many construction companies' existing policies regarding employee post-incident drug testing. However, the agency notes that drug testing employees whose injury could not possibly have arisen from any particular incident, like muscular skeletal disorders (e.g., tendonitis), would likely violate the rule. Additionally, the agency further clarifies that OSHA will not issue citations under the rule for post-incident drug testing conducted in accordance with state workers' compensation laws—whether drug testing under the law is mandatory or voluntary.



## House Passes Career and Technical Education Bill, AGC Calls on Senate to Act

The U.S. House of Representatives passed the Strengthening Career and Technical Education for the 21st Century Act recently by an overwhelming vote of 405-5. The near unanimous vote shows the broad support for the bill, which reforms and reinvigorates the Carl D. Perkins Career and Technical Education Act (Perkins) to meet the current workforce needs through better program alignment, better reporting, increased work-based learning, promoting industry-recognized credentials and increased federal investment. The bill generally addresses AGC recommendations and AGC is calling on the U.S. Senate to swiftly consider the bill.



The Perkins bill authorizes funding for career and technical education programs, providing more than \$1 billion annually to high schools and post-secondary vocational training programs. The bill was last authorized over a decade ago, and it no longer addresses the skills gap in today's workforce. The legislation gives greater flexibility to states on how they spend their allotments, improves performance metrics and aligns the programs with other education and workforce training legislation: the Every Student Succeeds Act (ESSA) and the Workforce Innovation and Opportunity Act (WIOA). Similar to other education and workforce training programs, the success of the program rests on how it is ultimately implemented and how well employers collaborate and engage with educators in their local and state communities.

## Successful Highway & Transportation Construction Conference Addresses Cutting Edge Issues

AGC's 2016 Highway and Transportation Construction Conference addressed many of the cutting edge issues facing the industry in the short and long term from funding to new technologies. Happening just days before the 2016 National elections there was much discussion about the impact of the elections on the transportation infrastructure market and specifically funding. Former Transportation Secretary Mary Peters recalled how important it is for the next Transportation Secretary to make the case early within the new Administration for transportation investment to ensure it is an Administration priority. Past AGC President Doug Pruitt discussed the book he has written on the steps necessary to save Sundt Construction Company from bankruptcy when he became CEO. There were

## AGC of America SAVE THE DATES

**March 6- 9, 2017- AGC's Annual Convention**  
**Las Vegas, NV**

**February 26-28, 2018 - AGC's Annual**  
**Convention - New Orleans, LA**

lessons to be learned for all the contractors present. A speaker discussed the impact of autonomous cars on transportation infrastructure pointing out that widespread use may reduce the need for highway expansions thus impacting the future construction market.

## 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.



During the National & Chapter Leadership Conference in Washington, D.C., the AGC of South Dakota, HHU Chapter was awarded two PAC awards.



One for the "Most Dollars from a Chapter Board," and "Highest Chapter Board Average." For more information about AGC PAC, please contact David Ashinoff, Director of AGC PAC & Political Advocacy at [ashinoffd@agc.org](mailto:ashinoffd@agc.org) or (202) 547-5013.

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