VOLUME 9 ISSUE NO. 5 — SEPTEMBER/OCTOBER 2023

MERIT SHOP CONTRACTOR WISCONSIN

ORGANIZATIONAL CULTURE
IT'S THE FOUNDATION OF SUCCESS

TURNING UP THE HEAT:
WHAT YOU NEED TO KNOW ABOUT THE HOT UNION SUMMER

PROS AND CONS OF AN EMPLOYEE HANDBOOK

PRACTICAL TIPS
FOR FMLA AND ADA

HUMAN RESOURCES

GET THE MOST OUT OF YOUR TEAM

MERIT SHOP FOR EVERYONE
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Associated Builders and Contractors
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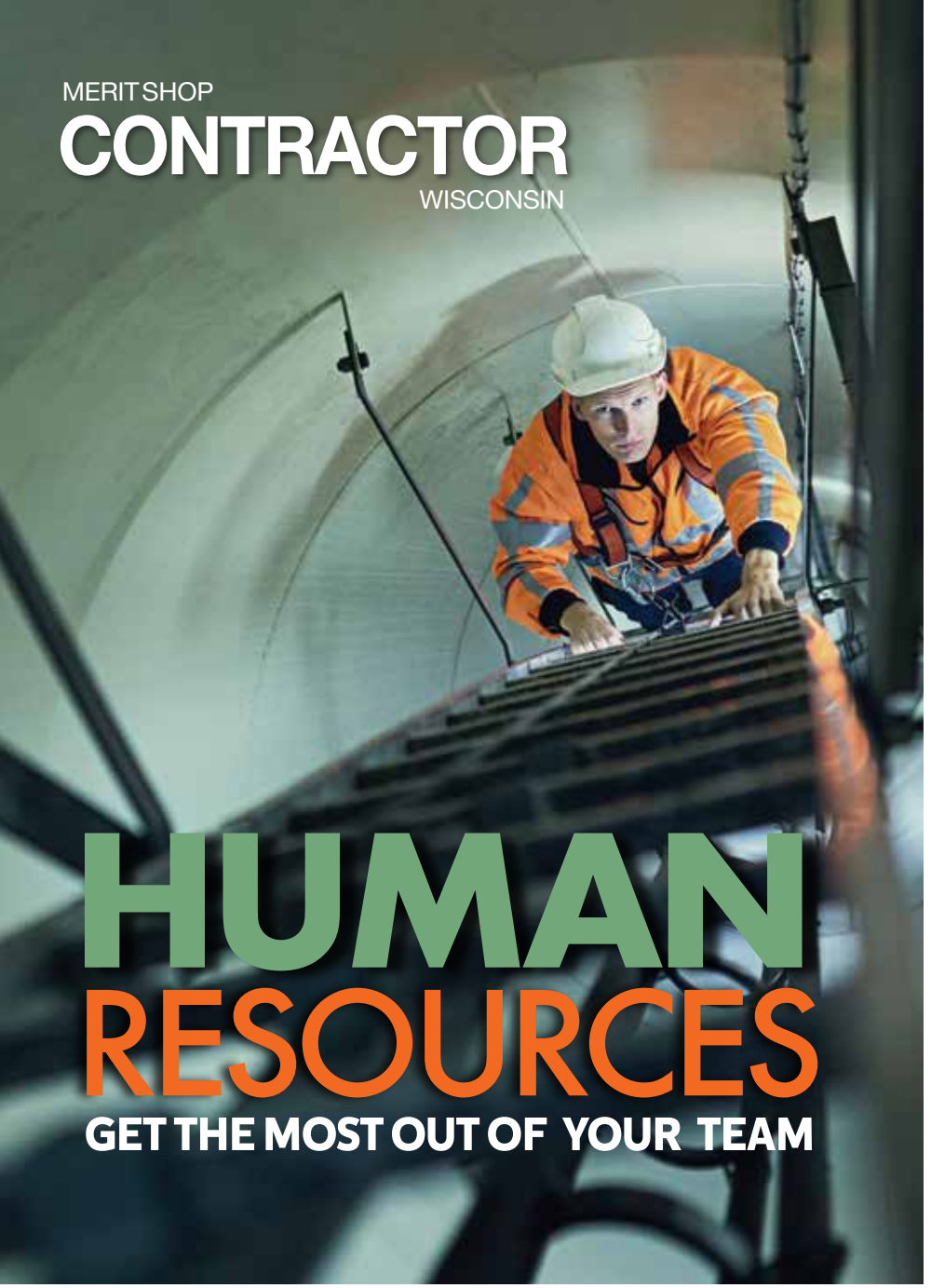

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ABC Wisconsin
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Managing Editor: Kyle Schwarm
Associate Editor: Chrissy Long
Art Director: Jayne Laste Design Solutions LLC

For membership information, contact Laura Gilbertson at ABC of Wisconsin (608) 244-5883 or fax (608) 244-2401

Postmaster, send address changes to:
ABC of Wisconsin, 5330 Wall St.,
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MERIT SHOP
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FROM OUR PRESIDENT

Merit shop for everyone

WE ARE CONSTANTLY SEARCHING FOR PROGRAMS AND SERVICES THAT ADD MEMBER VALUE. Any new service must be focused on helping our members succeed. Such is the case with our newest resource, the Construction Inclusion Committee.

I know what you are thinking. However, terms are often co-opted and said to mean something else, but inclusion has always been a core principle of ABC. We have always been about creating an environment where companies and individuals have the right to compete and an opportunity to succeed. ABC was founded so merit contractors could simply be included in the construction industry; a concept that was vigorously opposed by those seeking a monopoly on the work. This is the driving force behind the merit shop philosophy and will be the focus of our chapter's inclusion initiatives.

ABC of Wisconsin is interested in inclusion and diversity to grow the construction workforce. To win the "war for talent," companies must understand the importance of recruiting from many different demographics. The Construction Inclusion Committee aims to provide members with the tools they will need to overcome the challenges or roadblocks that may arise as they look to expand recruitment efforts.

The goal of the committee, therefore, is to create and champion conditions where individuals and organizations are limited only by their own potential.

With the principles of free enterprise and open competition as its foundation, the Construction Inclusion Committee will focus on helping members meet and train a diverse workforce, grow our diverse membership, create real and meaningful community partnerships, and help ABC of Wisconsin members be successful in business. Afterall, helping members be successful is the motivation behind any new service we offer.

If you are interested in joining the Construction Inclusion Committee, be sure to contact our office.

— John Meilke

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BECAUSE CULTURE IS EVER-CHANGING AND **INVOLVES SO MANY** A COMPANY TRULY IS, IT IS AND **SHOULD ALWAYS BE AN AREA O**

ORGANIZA CULTURE

IT'S THE FOUNDATION OF SUCCESS IN THE CONSTRUCTION INDUSTRY

By Dave Schwallier – Director of Consulting, Lift Consulting, LLC

In the dynamic and complex realm of the construction industry, success hinges not only on technical expertise, efficient processes, and adequate labor but also on the intangible aspects that guide organizational behavior and decision-making. Organizational culture, often referred to as the collective personality of a company, plays a paramount role in shaping the construction industry's trajectory. This article explores the multifaceted significance of organizational culture in the construction sector, delving into its impact on productivity, safety, innovation, employee engagement, and long-term success.

Over the years, some have said that culture is just a buzzword and a fad that won't be such a focus a few years down the road. But here we are — almost 25 years after Google started putting ping-pong tables, electric scooters, and free food in their offices, promoting their "startup culture," … and organizations are still striving to develop a healthy, attractive culture and maintain it. The truth is that because culture is ever-changing and involves so many aspects of what a company truly is, it is and should always be an area of focus.

❶ Fostering a productive work environment

Organizational culture serves as the foundation upon which a productive work environment is built. A positive culture can significantly impact efficiency in the construction industry, where project timelines are

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OF FOCUS.

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tight, and resources are finite. A culture that promotes open communication, collaboration, and accountability can reduce silos, streamline decision-making processes, and encourage employees to work cohesively towards shared goals. Employees who feel connected and motivated are more likely to invest their energy and skills into their tasks, leading to improved project outcomes.

When organizations are unproductive, it is often a result of communication lapses. Sometimes it's a lack of clarity, and assumptions are made. The outcomes are mistakes, projects over budget, completing the same work twice, etc. Other times it's an avoidance of conflict, fear of providing feedback, or speaking up when someone sees something wrong. This produces a lack of trust and sometimes residual resentment, in addition to already described outcomes. For example, if someone sees an error and doesn't speak up about it because they fear the ramifications from the person they would tell (or tell on,) this can cause significant problems… yet it happens all the time. Why? It's from a lack of trust and a fear of conflict.

Most organizations tend to spend less time on effective communication and building trust (amongst all staff). Research shows that construction and contractor organizations tend to do it even less.

❷ Enhancing safety practices

Safety is paramount in construction, an industry fraught with potential hazards. A robust organizational culture that prioritizes safety can create a workforce deeply committed to adhering to safety protocols. When employees believe that their well-being is valued and that safety is non-negotiable, they are more likely to take personal responsibility for their actions, remain vigilant, and actively contribute to maintaining a safe work environment. This culture of safety not only reduces accidents and injuries but also mitigates legal and financial risks for construction companies.

Improving safety comes with training. But it also comes with clear expectations and accountability. If employees are used to "letting this slide," it's not necessarily due to a lack of safety training. It's an avoidance of leaders from inspecting what they expect and ensuring behavior is changed when expectations aren't met.

❸ Cultivating innovation

Innovation is a driving force behind growth and competitive advantage. That said, depending on their role, we certainly don't want some staff members to innovate. Instead, we want them to follow the process and protocol. A progressive organizational culture in the construction industry encourages select employees to think outside the box, propose novel solutions, and challenge traditional methods. When risk-taking and experimentation (amongst these select team members) are encouraged, employees are empowered

SUCCESSFUL **ORGANIZATIONS:**

❶ Foster a productive work environment

❷ Enhance safety practices

❸ Cultivate innovation

❹ Boost employee engagement and retention

❺ Enable effective change management

❻ Build strong client relationships

❼ Nurture leadership and accountability

❽ Align with industry trends

LEADERS WHO **EMBODY THE COMPANY'S VALUES** AND EXPECTATIONS **SET A POSITIVE EXAMPLE** FOR THEIR TEAMS, FOSTERING AN ENVIRONMENT OF **TRUST AND RESPECT**

to develop innovative approaches to complex problems. An organization that embraces innovation adapts to changing industry trends, adopts advanced technologies, and remains at the forefront of construction practices.

Although navigating or implementing innovative ideas should be left to those who can safely assess risk and implement them, we should most certainly be seeking to accept some creative ideas from others. A project estimator could have a million-dollar idea for a new technology or process to assess costs more accurately!

❹ Boosting employee engagement and retention

High turnover rates can be detrimental to construction projects, leading to disruptions, increased costs, and loss of institutional knowledge. A solid organizational culture plays a pivotal role in employee engagement and retention. When employees feel a sense of belonging, job satisfaction, and alignment with the company's values, they are more likely to stay committed to their roles. A culture that promotes professional growth recognizes achievements, and offers opportunities for advancement create a loyal and motivated workforce.

With the challenging labor market, we live in (and will likely continue to live in), this is more critical now than ever! Some organizations focus their attention on compensation and benefits, including sign-on or stay bonuses. However, ignoring what organically keeps employees engaged and retained often means that they'll jump ship as soon as they are offered higher compensation or better benefits. Compensation may draw people in, but it likely won't keep them!

❺ Enabling effective change management

The construction industry is not immune to changes in project scope, technology, or regulations. We've certainly seen a significant amount of change through the COVID-19 pandemic, including supply chain delays, cost increases, labor shortages, and more. An adaptable organizational culture is crucial for effective change management. When employees are accustomed to a culture that values flexibility and continuous learning, they are more open to embracing changes rather than resisting them. An organization with a culture of resilience can navigate challenges more effectively, ensuring that changes are implemented smoothly and with minimal disruption.

Effective change management can't be taught in training or an online class. It's something that consistently takes practice. We can have the change process down, but if we can't effectively communicate with our cross-function peers and our teams, change initiatives are often unsuccessful.

❻ Building strong client relationships

Successful construction projects rely on strong client relationships built on trust, clear communication, and consistent delivery. An organizational culture that emphasizes client satisfaction as a top priority can set a construction company apart in a competitive market. When employees are aligned with the company's commitment to excellence and client-centric values, they go the extra mile to understand and meet client expectations. This, in turn, leads to positive word-of-mouth referrals and repeat business, contributing to long-term success.

This goes back to clear expectations and accountability. Setting the right expectations with our customers and then honoring those commitments. We can't be perfect, however. Sometimes we must correct our mistakes, learn from them, and do our best to avoid repeating them twice. We've got to be willing to hold ourselves and others in our organizations accountable, even if our clients aren't going to do so.

❼ Nurturing leadership and accountability

Leadership is essential at every level of a construction organization, from the executive team to project managers and supervisors. A healthy organizational culture nurtures effective leadership by promoting integrity, accountability, and ethical decision-making. Leaders who embody the company's values and expectations set a positive example for their teams, fostering an environment of trust and respect. This, in turn, empowers employees to take ownership of their tasks and responsibilities, driving overall project success.

Leaders modeling the proper behavior are critical to a healthy culture. In many organizations, leaders' actions override their words. This significantly erodes employee trust, and people stop believing what is being shared and promoted or that the decisions being made are the right ones.

❽ Aligning with industry trends

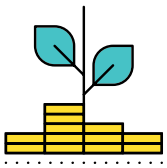
The construction industry is experiencing a paradigm shift with the integration of digital technologies, sustainable practices, and a heightened focus on environmental impact.

An adaptable organizational culture allows companies to align with these evolving trends. By encouraging continuous learning and staying open to new ideas, construction firms can effectively implement advancements that enhance efficiency, reduce environmental footprints, and meet changing regulations.

We shouldn't focus so much on beating our competition or other industry firms. We should learn from them. We should identify a different competitive advantage to get a leg up (like teamwork or communication).

The construction industry's reliance on technical skills and logistical expertise is undeniable, but the role of organizational culture cannot be understated. A well-defined and nurtured culture impacts every facet of construction operations, from productivity and safety to innovation and client relationships. As the industry continues to evolve, construction companies must recognize that a strong organizational culture is the bedrock upon which they can build a thriving, resilient, and forward-looking future. Construction organizations can navigate challenges and seize opportunities confidently by fostering a culture that empowers employees, prioritizes safety, embraces innovation, and promotes collaboration.

This is all easier said than done, of course. It takes planning, effort, and investment of time, resources, and often money, for an organization to enhance its culture. However, if we have the end in mind, we should think about the worth … and not just the cost.



A CULTURE THAT **PROMOTES PROFESSIONAL GROWTH,** RECOGNIZES ACHIEVEMENTS, AND **OFFERS OPPORTUNITIES FOR ADVANCEMENT** CREATE A LOYAL AND MOTIVATED WORKFORCE.

TURNING UP THE HEAT

WHAT YOU NEED TO KNOW ABOUT THE HOT UNION SUMMER AND THE REINVIGORATED LABOR MOVEMENT

By Dan Barker – Attorney, Jackson Lewis

At this time last year, I wrote an article for the *Merit Shop Contractor* titled "The Union Surge." It focused on the dramatic increase in union election petitions during 2021 and 2022. A year later and eight months into 2023, the labor movement continues to pick up momentum. In an effort to draw attention to themselves (which they relish beyond belief), many union activists branded the Summer of 2023 as "The Hot Union Summer." Buoyed by a pro-union NLRB, the Hot Union Summer involves a sustained focus on strikes and threatened labor unrest. This article addresses both the renewed focus on strikes as well as two important decisions from the NLRB relevant to all employers.

UNIONS ARE ONCE AGAIN **TAKING ADVANTAGE OF BOTH MAINSTREAM AND SOCIAL MEDIA** TO BUILD THEIR MOVEMENT.

The summer of strikes

The Summer of 2023 has been a summer of well-publicized strikes. Screenwriters and Actors on strike, the Teamsters made a big show of threatening UPS with a strike, and now, the UAW has overwhelmingly authorized possible strikes against the automakers.

This renewed focus on strikes and threatened work stoppages is 100% strategic. Burdened by the continuing effects of high inflation caused by unchecked government spending, workers need significant pay increases to keep pace. At the same time, the tight labor market provides unions with the ability to reassure members that they will not be permanently replaced in the event of a strike since it is difficult for employers to find replacements. Further, striking employees who want to work someplace else during a strike to maintain some of their pre-strike income will not have a problem getting work. In other words, the unions are using market conditions to their advantage.

Whether the actual number of work stoppages in 2023 surpasses historical averages remains to be seen. But what we do know is that the unions are once again taking advantage of both mainstream and social media to build their movement.

Likely the highest profile labor issue during 2023 has been the Teamsters' high-profile threat to strike UPS. That contract settled without a strike but not without plenty of "practice picketing" and demonstrations by the Teamsters. When the dust settled, Sean O'Brien, the Teamsters' President hailed the new contract as "historic" and "the most lucrative contract in labor history." While many question those claims, the takeaway is that the Teamsters have the press believing it.

At the same time, however, while the so-called Teamsters' UPS "victory" received a lot of press this summer, few people paid much attention to the Teamsters' biggest loss which came just a few days later. The Teamsters threatened a strike against Yellow Freight, but it didn't work out very well for the Teamsters. Yellow Freight ended up filing for bankruptcy. The ensuing fallout left over 20,000 Teamsters looking for work. Discussing the Yellow Freight situation, NPR reported, "A strike threat delivered the final blow to cash-poor Yellow" [because] "the threat of a walkout that could disrupt operations prompted a wave of Yellow customers to bolt."

In fact, the Teamsters' strike threat against Yellow was everything that a strike threat is supposed to be: A threat to damage or destroy a business if the employer doesn't do what the union wants. For the Teamsters at Yellow, it certainly worked; albeit a little too well.

EMPLOYERS WHO WANT TO REMAIN **UNION-FREE** NEED TO UNDERSTAND UNION ISSUES AND BE EQUIPPED TO **COMMUNICATE LAWFULLY** ABOUT THEM.

That one had to be a costly one for the Teamsters too. If those 20,000 members had been paying $75 a month in union dues, that's over $18 million in lost dues revenue in a year. Over a three-year contract that's more than $54 million. Ouch.

Setting aside that financial sting, what the Teamsters did with Yellow presents a good case study of how strikes and strike threats can play out. In the lead-up to a threatened strike, the union usually portrays the targeted employer and its management as the devil incarnate. They lambaste management, talk tough, call for boycotts and do everything that they can to shut down the company. For employees that might not support the union, the union calls them out as scabs and other vile names. The entire gambit is based on creating fear through intimidation. If successful, a credible strike threat hurts the business, drives away customers and creates interpersonal tension with employees who don't support the union.

But what happens if a deal is reached to avert a strike? Do customers magically return once the union gives the "all clear" signal? Not necessarily. I'd venture to guess that sophisticated corporate customers prefer to deal with companies that are reliable and not subject to business interruptions at the whims of hothead union leaders. With unions still representing far less than 10% of the private sector workforce, it's usually not hard to find a non-union competitor to do business with in the future. This makes me wonder if the "Hot Union Summer" may have some blowback in the marketplace as business customers seek out suppliers that are not subject to strikes.

While critical thinkers and faithful merit contractor readers know that there's often more behind these strikes and threats gaining media attention this summer, does that mean that there is nothing to be concerned about and we can ignore all the bluster? The answer, for many reasons, is "No." There is a lot to keep in mind when it comes to unions.

Here's why: Media attention and one-sided publicity often creates unrealistic expectations. For non-union contractors, union organizers are likely to use the glowing media attention as

a way to recruit new members. Of course, organizers will never give employees a balanced view of what choosing union representation really means. For example, they likely won't tell employees about the fact that most union bylaws contain provisions that allow the union to fine members who want to work and cross a picket line. There's a lot to know about unions and it is often up to employers to provide a balanced view of what joining a union really means. This means that employers who want to remain union-free need to understand union issues and be equipped to communicate lawfully about them.

For unionized employers, unrealistic expectations growing out of the Hot Union Summer have the potential to prolong negotiations and create the risk of unnecessary strikes by Sean O'Brien wannabes. All too often, union bargaining committees believe what they read in the news headlines and inflate their bargaining expectations accordingly. At that point, union representatives cannot effectively rein-in these inflated expectations. This effect is real, and it has made labor negotiations more difficult in 2023 than in other years.

Given all this disruption that unions have been raining down on their targets in the last few months, readers may be asking themselves how, as a merit shop contractor, they can stay ahead of the curve and become insulated from union pressures. The answer lies in creating and growing a culture based on respect and appreciation for employees and the work they do. My article from earlier this summer on the U.S. Supreme Court's decision in the Glacier Northwest case emphasized this point, and I can't stress it enough. Time and effort spent building an inclusive, caring and thriving culture now will help prevent issues down the road.

Recent, notable NLRB decisions

In addition to these cultural issues, merit shop employers should ensure that they stay updated on the latest labor relations news from Washington and the NLRB to ensure that they remain compliant. In this regard, part of the Hot Union Summer has been marked by several union-friendly NLRB decisions that are shaking up the labor world. Here are two of them:

Increased NLRB scrutiny on handbook rules

In July, the NLRB issued a decision stating that it would strictly scrutinize employer handbooks and policies. The NLRB has said that employer rules will now be found to be presumptively illegal if they have a "reasonable tendency" to chill employees from exercising their organizing rights or otherwise have a coercive meaning. The NLRB now puts the burden on employers to prove that "legitimate and substantial business interests cannot be accomplished with a more narrowly tailored rule." This new decision is a change from a decision by the Trump-NLRB in which the Board applied a lesser standard and said that it would not strain to find rules overly broad.

What this decision means for merit shop employers is that the NLRB may find that seemingly innocuous and well-meaning rules, like rules requiring employees to treat others with respect and civility, may now be illegal under the NLRB's new standard. Why? Because the NLRB has said that employee organizing and protected concerted activity can involve strong feelings and sometimes might involve disrespectful conduct (like we see in strikes). According to the NLRB, disrespectful conduct can be protected, and rules that prohibit it may break the law. The takeaway for merit shop contractors is that they should review their handbooks to weed out a host of potentially problematic rules.

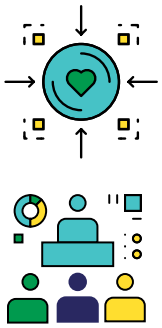
Increased protections for disrespectful/abusive conduct

While we're talking about disrespectful conduct, the NLRB issued a decision touching on that too. When an employee engages in abusive conduct while engaging in protected activity, the NLRB has said that it is not enough for the employer to prove that it would have fired or disciplined any other employee for that same conduct. Instead, the NLRB will examine the specific circumstances of the situation to decide, for itself, whether the conduct crosses the line into unprotected activity. The takeaway on this one is that if an employee engages in abusive conduct while engaged in protected activity, what may seem like a no-brainer to most employers may very likely be found to be protected by the NLRB. For example, swearing at management while demanding a raise on behalf of themselves and their coworkers and calling a supervisor a crooked SOB could be found to be protected.

As always, the key for merit shop employers is identifying potential issues and thinking through them carefully before making decisions. No knee jerk reactions! These most recent developments from the NLRB require employers to be more diligent than ever as the NLRB continues to expand the limits of protected activity. Keep that in mind and don't be afraid to get some qualified advice before making a disciplinary decision.

Concluding thoughts

Ultimately, no one wants to go through a strike or labor issues if they can be avoided. But when these issues arise, unions are great at playing on an employer's fear. When people are scared, they tend to make impulsive reactions; and those impulsive reactions are usually illegal. Only by removing fear from the equation can employers prepare themselves to address these union tactics. Employers can remove the fear by taking the time to understand how unions, organizing, negotiations and strikes work. Most importantly, they can learn how to stay on the right side of the law. Once the fear is removed, sophisticated, forward-thinking employers can focus on developing a strategic, thoughtful approach to their labor relations.



I CAN'T STRESS IT ENOUGH. TIME AND EFFORT SPENT BUILDING AN INCLUSIVE, CARING AND THRIVING CULTURE NOW **WILL HELP PREVENT ISSUES DOWN THE ROAD.**

PROS + CONS OF AN EMPLOYEE HANDBOOK

By Douglas E. Witte – Attorney, Boardman Clark

There is no legal requirement that an employer have an employee handbook. However, a handbook can be a good method for communicating with your employees regarding your policies, expectations, and culture.

On the other hand, a poorly drafted employee handbook could lead to creating an inadvertent contract of employment or infringe upon employee rights.

How do you decide what you should do, and what types of things should be included or avoided?

Benefits of employee handbooks

An employee handbook can be a useful tool in introducing new employees, and existing employees, to the culture, mission, and values of the company. An introduction section can set the standard for the employment relationship in general and serve as a reminder for existing employees. It can help set your organization apart from others, provide some history of the company, and let employees know what the company is passionate about.

A well-written employee handbook communicates to employees what is expected of them. It sets forth the company's policies and procedures. It should advise employees whom

they should contact when they have a question about any specific policies in the handbook. The employee handbook should also communicate to employees their general responsibilities regarding attendance, safety, timekeeping, and other issues.

Employee handbooks are important for educating employees about what they can expect from management such as hours of work and timekeeping requirements. It is also a good tool to help achieve consistency with respect to enforcement of policies. Employees get disgruntled when they think other employees are being treated more favorably than they are. This is especially true if someone is in a protected class and thinks they are being treated worse than others.

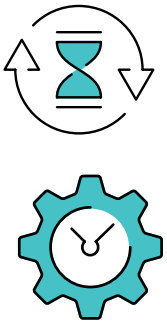
The employee handbook is a key component of ensuring the company policies are clearly and consistently communicated and enforced. If a policy is not clear and followed, you may as well not have a policy at all. The handbook should accurately communicate your company's policies regarding employment, conduct, behavior, compensation, etc. This is equally important for supervisors and managers. They can refer to the handbook when answering questions or making decisions regarding company policies to ensure that their answers and actions are consistent with the company's policies and practices.

A handbook can be useful in highlighting benefits you offer and making sure employees know about them. Many employees don't know for sure whether their company offers certain benefits or how they are paid. For example, if you have a vacation policy, the handbook should spell out how employees become eligible and how they can use their vacation. Make sure what you put in the handbook is actually what you do in practice and make sure the language is not vague. If an employee does not understand a policy or rule, it is hard for them to follow it. It is not uncommon, when reviewing handbooks, to ask questions or rewrite a vacation policy only to have the company say "well, that is not how we do it."

You can highlight other benefits such as holidays, 401K or retirement plans, health insurance, tool programs, or any other benefits that you might offer. A strong package of benefits can help you retain your employees and help you attract new employees in today's competitive market. However, make sure that if you summarize benefits you do so accurately and put a disclaimer in your handbook that if there is a conflict between any policy and the handbook, the terms of the policy govern.

A handbook can also assist you in complying with federal and state laws. Certain state and federal laws require you to have certain employment policies in writing and distribute them to employees. A handbook is a useful way to consolidate those policies instead of having a piecemeal approach. For example, companies with 50 or more employees must have a family and medical leave policy (FMLA) and it must be communicated in writing to employees. If you have a handbook, it is required to be in that handbook.

Likewise, certain policies can help employers defend against employee claims. For example, anti-harassment policies are an important element in defending sexual harassment claims or other claims. Some government contracts require the company to have a written anti-harassment policy. In addition, having a strong equal employment opportunity statement is a first step in defending against discrimination cases. Employers who face a lawsuit or claim from a current or former employee can utilize a handbook in showing a third-party investigator that the company exercised reasonable care towards employees. This can set the tone for a favorable outcome.



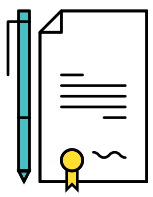
Finally, your handbook should be a way of communicating to employees who they can obtain workplace-related assistance from and how to get answers to other questions they may have. You want to make sure they feel comfortable turning to somebody inside the company rather than someone outside the company like the Department of Labor, EEOC, or a union.

Potential dangers with employee handbooks

The biggest danger a company runs in having an employee handbook is that they could create a binding contract of employment with employees. While many employers in Wisconsin know that Wisconsin is "an employment at-will" state, this is not an absolute principle. Therefore, an important disclaimer in the handbook that it is not creating a contract of employment is important.

Generally, if you create a contract of employment you may need "just cause" for any adverse employment actions you take and to terminate that employment. Therefore, when drafting a handbook, you need to be careful not to use language that suggests this is a contract or that employment is permanent, that there is any sort of "probation" period, or that the employer needs "cause" or "just cause" to take any action.

In addition, you should avoid any promises or suggestions of employment security. Do not use the word "permanent." Do not state you will use seniority to govern any employment decisions, like layoffs. Be careful to avoid



THE BIGGEST DANGER A COMPANY RUNS IN HAVING AN **EMPLOYEE HANDBOOK** IS THAT THEY COULD CREATE A **BINDING CONTRACT** OF EMPLOYMENT WITH **EMPLOYEES.**

IMPORTANTLY, YOU SHOULD NOT HAVE ANY "**SIGNED AGREEMENT**" WHERE AN EMPLOYEE IS "AGREEING" TO ABIDE BY THE **TERMS AND CONDITIONS OF THE HANDBOOK**.

suggesting you will agree to follow progressive discipline or that you will follow a grievance procedure. While using progressive discipline is generally a good HR practice, you should make sure you retain the discretion to discharge at any time. Remember, there is a difference between following good business practices and having people claim you have a contract and legally challenge your decisions because they claim they have a contract.

Importantly, you should not have any "signed agreement" where an employee is "agreeing" to abide by the terms and conditions of the handbook. You can have a signed acknowledgement that they received the handbook, but this needs to be clear in any document.

NLRB closely scrutinizes employer rules

Over the last 20 years, the National Labor Relations Board (NLRB) has taken an increased interest in employer rules and policies (including those in handbooks), which may infringe on employees' Section 7 rights under the National Labor Relations Act to engage in protected concerted activity or discuss or take action regarding their terms and conditions of employment. Recently the NLRB dramatically changed the standard that it had been using to evaluate workplace rules and it is now much more difficult for employers to have rules that may limit or restrict certain conduct. For example, many employers include policies regarding "workplace civility." These policies typically require employees to positively engage with co-workers or may prohibit things like "false, vicious, profane, or malicious statements toward or concerning the company or any of its employees." Such policies may violate the NLRB's new standard.

A policy stating that employees are expected to "behave in a professional manner that promotes efficiency, productivity, cooperation, and to maintain a positive work environment by communicating in a manner that is conducive to effective working relationships with internal and external customers, clients, co-workers, and management" is also likely unlawful.

In August 2023, in Stericycle, Inc., the NLRB adopted a new burden-shifting framework for evaluating the legality of workplace rules. Under the first step in the analysis, the NLRB will determine whether the challenged rule "has a reasonable tendency to chill employees from exercising their Section 7 rights," regardless of whether a different, noncoercive interpretation would also be a reasonable way to read the rule. Furthermore, "[i]n doing so, the [NLRB] will interpret the rule from the perspective of the reasonable employee who is economically dependent on her employer and thus inclined to interpret an ambiguous rule to prohibit protected activity she would otherwise engage in."

If this initial showing is made, the rule will be held presumptively unlawful. The burden then shifts to the employer to show that the workplace rule legitimately advances substantial business needs which cannot be satisfied by adopting a narrower rule. Thus, overbroad rules which prohibit more conduct than is necessary to protect a legitimate interest will not survive NLRB scrutiny.

Under the previous standard (in Boeing Co.), the NLRB looked at two key factors to determine the legality of facially neutral employer rules: (1) the nature and extent of the potential impact on employees' NLRA rights; and (2) an employer's legitimate justifications for the rule.

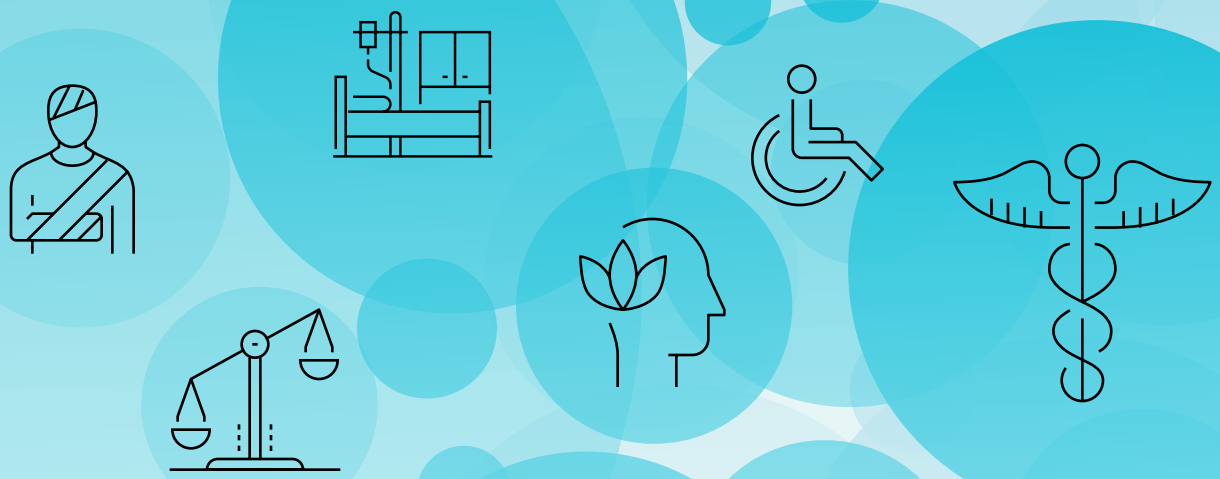
The NLRB, under the old Boeing Co. standard, also delineated some bright line categories for workplace rules. Under Category 1, rules that did not interfere with employees' NLRA rights or where the adverse impacts were outweighed by justifications associated with those rules were always lawful. Category 2 rules were sometimes lawful to maintain but warranted scrutiny in each case. Category 3 rules were always unlawful to maintain due to their impact on protected activity and could never be justified by an employer. While not always easy to tell which category a particular rule fell into, there were some areas of certainty established.

In its Stericycle decision, the NLRB criticized the previous standard for failing "to account for the economic dependency of employees on their employers … and also condon[ing] overbroad work rules by not requiring the party drafting the work rules — the employer — to narrowly tailor its rules to only promote its legitimate and substantial business interests while avoiding burdening employee rights."

This decision is a huge change and is intended to limit an employer's ability to adopt overbroad rules which chill employees' rights to discuss wages, hours, and other terms and conditions of employment. Essentially, an employer's interest in maintaining a work rule is no longer material to a determination of whether the rule is lawful. Importantly, this decision is retroactive and applies to existing workplace policies. The Board remanded the Stericycle case back to the ALJ to apply this new standard without guidance as to the evidentiary standard an employer must meet and without guidance as to how a rule might be tailored to the employer's demonstrated legitimate interest. Therefore, employers should be proactive and conduct periodic reviews of their handbooks and workplace policies with an eye toward the Board's new standard to ensure compliance. This is no small task, given the "case-by-case" approach mandated by this NLRB decision.

Conclusion

An employee handbook can be a great tool if used correctly. It is a great opportunity to inform your existing and new employees of your culture, your benefits, and why you should be an employee of choice. However, it also can be a dangerous tool if not drafted carefully. Employers who wish to learn more about handbooks can attend a session on this topic at the ABC HR and Accounting Conference held on October 26, 2023.



PRACTICAL TIPS

FOR MANAGING EMPLOYEES ON LEAVE UNDER THE FMLA + ADA

By Mark Johnson – Attorney, Ogletree Deakins

Managing an employee on a medical leave of absence for the employee's own medical condition can require the coordination of leave rights under company policies, as well as federal, state and local laws. All too often, an employee commences a medical leave not to be heard from again for months or longer. Suddenly, the company needs to replace the employee; but the employee may retain the right to return to his or her position. This article provides practical tips for employers for managing medical leaves under the FMLA and ADA with the goal of hastening an employee's return to work or, if that is not possible, separating the employee from employment after the employer has satisfied its legal obligation to the employee.

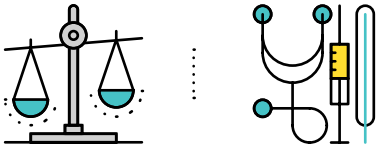
MEDICAL LEAVES UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA) AND AMERICANS WITH DISABILITIES ACT (ADA)

An Employee's Medical Leave Rights Under The FMLA

Under the Family and Medical Leave Act of 1993 (FMLA), eligible employees of covered employers (employers with 50 or more employees) are entitled to 12 weeks (or 26 weeks for injuries sustained in active duty) of unpaid leave each year for a "serious health condition" that makes the employee unable to perform his or her job. Except in the cases of "key employees," when an employee returns from FMLA leave, the employee must be restored to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must have the same pay, benefits and working conditions, including privileges, perquisites, and status.

An Employee's Medical Leave Rights Under The ADA

The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in employment and requires that covered employers (employers with 15 or more employees) provide reasonable accommodations to applicants and employees with disabilities that require such accommodations due to their disabilities. A reasonable



EMPLOYERS SHOULD DEVELOP POLICIES AND PROCEDURES FOR MANAGING THE **LEGAL, MEDICAL AND PRACTICAL ISSUES** THAT CAN ARISE TO ENSURE THEY COMPLY WITH THE **FMLA, ADA** AND OTHER APPLICABLE LAWS.

accommodation is, generally, "any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." That can include making modifications to existing leave policies and providing leave when needed for a disability, even where an employer does not offer leave to other employees.

Granting leave as a reasonable accommodation

Leave as a reasonable accommodation is consistent with the purpose of the ADA when it enables an employee to return to work following the period of leave. Requests for leave related to disability often fall under existing employer policies. In those cases, the employer's obligation begins with providing persons with disabilities access to those policies on equal terms as similarly situated individuals. However, that is not the end of an employer's obligation under the ADA. An employer must consider providing unpaid leave to an employee with a disability as a reasonable accommodation if the employee requires it, and so long as it does not create an undue hardship for the employer. That is the case even when:

- the employer does not offer leave as an employee benefit;
- the employee is not eligible for leave under the employer's policy; or
- the employee has exhausted the leave the employer provides as a benefit (including leave exhausted under a workers' compensation program, or the FMLA or similar state or local laws).

The ADA does not require an employer to provide paid leave beyond what it provides as part of its paid leave policy. Also, an employer can deny requests for leave when it can show that providing the accommodation would impose an undue hardship on its operations or finances.

Leave and the interactive process, generally

As a general rule, the individual with a disability – who has the most knowledge about the need for reasonable accommodation – must inform the employer that he or she needs an accommodation. When an employee requests leave, or additional leave, for a medical condition, the employer must treat the request as one for a reasonable accommodation under the ADA. The employer should then promptly engage in an "interactive process" with the employee; a process designed to enable the employer to obtain relevant information to determine the feasibility of providing the leave as a reasonable accommodation without causing an undue hardship.

The information required by the employer will vary, depending on the circumstances. Sometimes the disability may be obvious; in other situations, the employer may need additional information to confirm that the condition is a disability under the ADA. However, most of the focus will be on the following issues:

- the specific reason(s) the employee needs leave;
- whether the leave will be a block of time; and
- when the need for leave will end.

Depending on the information the employee provides, the employer should consider whether the leave would cause an undue hardship.

An employer may obtain information from the employee's health care provider (with the employee's permission) to confirm or to elaborate on information that the employee has provided. Employers may also ask the health care provider to respond to questions designed to enable the employer to understand the need for leave, the amount and type of leave required, and whether reasonable accommodations other than (or in addition to) leave may be effective for the employee (perhaps resulting in the need for less leave). Information from the health care provider may also assist the employer in determining whether the leave would pose an undue hardship.

The interactive process may continue even after an initial request for leave has been granted, particularly if the employee's request did not specify an exact or fairly-specific return date, or when the employee requires additional leave beyond that which was originally granted.

Example: An employee with a disability is granted three months of leave by an employer. Near the end of the three-month leave, the employee requests an additional 30 days of leave. In this situation, the employer can request information from the employee or the employee's health care provider about the need for the 30 additional days and the likelihood that the employee will be able to return to work, with or without reasonable accommodation, if the extension is granted.

However, an employer that has granted leave with a fixed return date may not ask the employee to provide periodic updates, although it may reach out to an employee on extended leave to check on the employee's progress.

Example: An employee with a disability is granted three months of leave to recover from a surgery. After one month, the employer phones the employee and asks how the employee is doing and whether there is anything the employee needs from the employer to

help the employee recover and return to work. That is an acceptable request for information. Additionally, a week prior to the end of the employee's leave, the employer again reaches out to the employee to ask whether the employee is able to return to work at the end of leave and if any additional accommodations are required. This is also an acceptable request for information.

The ADA requires that employers make exceptions to their policies, including leave policies, in order to provide a reasonable accommodation. Although employers are allowed to have leave policies that establish the maximum amount of leave an employer will provide or permit, they may have to grant leave beyond this amount as a reasonable accommodation to employees who require it because of a disability, unless the employer can show that doing so will cause an undue hardship.

Employees on leave for a disability may request reasonable accommodation in order to return to work. The request may be made by the employee, or it may be made in a doctor's note releasing the employee to return to work with certain restrictions.

An employer will violate the ADA if it requires an employee with a disability to have no medical restrictions – that is, be "100%" healed or recovered – if the employee can perform his or her job with or without reasonable accommodation, unless the employer can show providing the needed accommodations would cause an undue hardship. Similarly, an employer will violate the ADA if it claims an employee with medical restrictions poses a safety risk, but it cannot show that the individual is a "direct threat." If an employee's disability poses a direct threat of substantial harm to self or coworkers, an employer must consider whether reasonable accommodation will eliminate or diminish the direct threat.

If an employee returns from a leave of absence with restrictions from his or her doctor, the employer may ask why the restrictions are required and how long they may be needed; and it may explore with the employee and his doctor (or other health care professional) possible accommodations that will enable the employee to perform the essential functions of the job consistent with the doctor's recommended restrictions. In some situations, there may be more than one way to meet a medical restriction. An employee is not entitled to his or her choice of accommodation.

If necessary, an employer should initiate the interactive process upon receiving a request for reasonable accommodation from an employee on leave for a disability who wants to return to work (or after receiving a doctor's note outlining work restrictions).

In some situations, the requested reasonable accommodation will be reassignment to a new job because the disability prevents the employee from performing one or more essential functions of the current job, even with a reasonable accommodation, or because any accommodation in the current job would result in undue hardship. The EEOC takes the position that if reassignment is required, an employer must place the employee in a vacant position for which he is qualified, without requiring the employee to compete with other applicants for open positions. Reassignment does not include promotion, and generally an employer does not have to place someone in a vacant position as a reasonable accommodation when another employee is entitled to the position under a uniformly-applied seniority system.

Undue Hardship

When assessing whether to grant leave as a reasonable accommodation, an employer may consider whether the leave would cause an undue hardship. If it would, the employer does not have to grant the leave. Determination of whether providing leave would result in undue hardship may involve consideration of the following:

- the amount and/or length of leave required;
- the frequency of the leave;
- whether there is any flexibility with respect to the days on which leave is taken;
- whether the need for intermittent leave on specific dates is predictable or unpredictable;
- the impact of the employee's absence on coworkers and on whether specific job duties are being performed in an appropriate and timely manner; and
- the impact on the employer's operations and its ability to serve customers/clients appropriately and in a timely manner, which takes into account, for example, the size of the employer.

In many instances, an employee (or the employee's doctor) can provide a definitive date on which the employee can return to work (for example, October 1). In some instances, only an approximate date (for example, "sometime during the end of September" or "around October 1") or range of dates (for example, between September 1 and September 30) can be provided. Sometimes, a projected return date or even a range of return dates may need to be modified in light of changed circumstances, such as when an employee's recovery from surgery takes longer than expected. None of these situations will necessarily result in undue hardship, but instead must be evaluated on a case-by-case basis. However, indefinite leave – meaning that an employee cannot say whether or when she will be able to return to work at all – is not a reasonable accommodation.

In assessing undue hardship on an initial request for leave as a reasonable accommodation or a request for leave beyond that which was originally granted, the employer may take into account leave already taken, whether pursuant to a workers' compensation program, the FMLA (or similar state or local leave law), an employer's leave program, or leave provided as a reasonable accommodation.

Leave as a reasonable accommodation includes the right to return to the employee's original position. However, if an employer determines that holding open the job will cause an undue hardship, then it must consider whether there are alternatives that permit the employee to complete the leave and return to work.

Conclusion

Managing employees who seek and take leaves of absences for medical reasons can be challenging. Employers should develop policies and procedures for managing the legal, medical and practical issues that can arise to ensure they comply with the FMLA, ADA and other applicable laws.

Endnote

Employees have similar and in some cases broader rights under Wisconsin state law that are beyond the scope of this article.

EMPLOYEE RECORDS

CONSIDERATIONS AND CAUTIONS ON THE COMPLEXITIES OF RECORDS POLICIES

Bob Gregg – Attorney, Boardman Clark

Employment records can be a complex issue. There are dozens of federal and state laws on keeping records, with each having different timeframes and rules on maintenance or production of the records. It is impossible to cover all those laws and their details in one article. However, there are a few basic overall issues for consideration.

Records Retention Policies are better described as "Records Destruction Policies" because the principal goal is to set a date when records can safely be discarded without fear of being fined or incurring other financial or adverse consequences.

What is an employment record?

With growing technology, there is no paper "personnel file" in a file drawer anymore. Employment records are generated and kept in a growing variety of forms and places. Just trying to identify and keep track of them can be a challenge. An employment record is:

• Anything the employer or its system or its people create and retain anywhere in any form (paper, electronic, video, emails, texts, etc.).

o Even if you did not know it was being created.

o Even if you did not know it was retained.

A major problem is often not the keeping of the required records. Rather, it is the creating and keeping unnecessary items which can create issues and liabilities.

Beware of the "underground" records

Often there are a number of items which qualify as employment records of which Human Resources is completely unaware. These can be the things which may create problems and liabilities when they do come to light. (For example, once a lawsuit is filed and during discovery you start running computer searches or review other "informal" files.)

Department managers and work unit supervisors frequently create their "own" files, notes, and loose documents, or "keep book" on employees. They often spin out their own protocols, policies, and memos which may actually contradict the company's official policies and procedures. It is important to become aware of this other realm of "records," and educate and train managers about what constitutes a "record," and the importance of coordinating with HR before they do so.

You must also retain records of those who never became employees

The U.S. Equal Employment Opportunity Commission (EEOC) regulations require retention of advertising, job openings, applications, testing, interview notes and hiring documents for one year after creation of the document or after the hiring decision was made or one year after date of termination. This means you may never have created a personnel file for applicants, but you must have a system of retaining documents associated with filling each job opening and hire (even if you don't end up hiring someone). The EEOC's requirements includes retention of documents concerning layoffs, discharges, and other adverse action. For federal contractors, these timelines are frequently extended to two years and include your Affirmative Action (AA) plans and records.

Retention

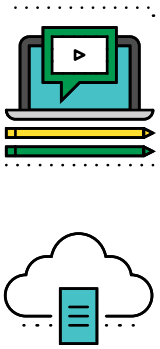
The EEOC one-year requirement is short. Different laws can require retention for two to 12 years, or longer.

• Form I-9 requires the form and supporting documents must be kept for three years following the employee's hire date or one year following termination – whichever is longer.

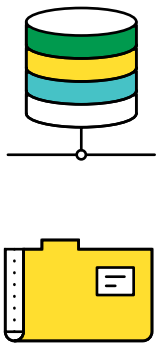
• Payroll tax and benefit records should normally be kept for at least four years following the filing year.

• However, ERISA may require the same payroll and tax records be kept for the length of employment plus six years. (So, following one law does not meet the requirements of the others).

• The FLSA and FMLA require retention for "at least" two years but have a three-year statute of limitations. So, deleting records at year two exposes one to great liability if sued at year three.



A MAJOR PROBLEM IS OFTEN **NOT THE KEEPING OF THE REQUIRED RECORDS**. RATHER, IT IS THE CREATING AND KEEPING **UNNECESSARY ITEMS** WHICH CAN CREATE ISSUES AND LIABILITIES.



• All medical evaluations and accommodation requests must be kept for one year or "until final disposition of a charge" of a complaint is made. Since discrimination cases "compare" the complainant with all other similar employees, one must keep the records of all other possible similar employees until the case is over.

The regulations set a minimum time of retention. Always look at the longest statute of limitations before deleting any record.

Employers who want to have a single rule to abide by should keep employment records for an absolute minimum of three years but six years is probably better. As noted above, there are some laws which have 12 year or longer statutes of limitations and some which have no limits.

Once an employee leaves your employment, the need for any paper file becomes less useful and many employers convert any personnel file completely to an electronic format. This is permissible but you might want to wait a year before converting paper records because that is the period of time when most employment claims are filed. Converting files cuts down on the need for physical storage space (but increases your electronic storage need).

Confidentiality

Several laws require certain records – from I-9s, to personal identity data, to all medical information, to be kept in a separate more secure manner. So, identify these items and treat them specially. They should be in their own locked separate files (paper or password protected computer files) where access is limited to individuals who only have a need to know.

Records are not just paper or electronic. The information is also in the supervisors' heads. Opening one's mouth is the same as opening the file. It can violate the laws if done in the wrong place and manner. For example, telling an employee that a co-worker is out because of a certain medical condition or procedure would likely violate the ADA. Employees can self-disclose why they are absent, but an employer should not do it for them. So, give confidentiality training to supervisors on what, where, when, and to whom they can and cannot talk about employment information.

Access

All records must be readily accessible by the various agencies which enforce the laws. Each agency has different rules on this and a different mix of records they may audit. An electronic storage system can keep track and allow easier retrieval of records in the way each agency requires. Any HRIS system "must index, store, preserve, retrieve, and reproduce the books and records in legible format. All storage systems must provide

an accurate record of your data that is accessible … and is the same as original hard copy books and records." [IRS Publication 583]. If utilized appropriately, an HRIS can help employers streamline the recordkeeping process, significantly increasing their levels of compliance.

Be aware that paper copies showing original ink signatures of some documents may still be important to retain. Courts have sided with plaintiffs who claimed the electronic signatures or copies were invalid and were technological "fakes." So, if you use electronic signatures, make sure it is a valid verifiable system.

Employees also have a right to request to see or copy their records. In Wisconsin, there is a specific law (section 103.13 Wis. Stats.) which specifies a variety of records employees (and former employees) have access to at least two times per year, and they must be produced within seven days.

If sued (or notified of possible suit or government audit), you must also impose a litigation hold, and freeze any destruction of all records, (sometimes of everyone) until the case or audit is finished. This means informing all individuals to stop any destruction of records that might be relevant. This also means disabling any "permanent delete" or "automatic delete" functions of any software you might use. There are serious and very expensive consequences for not doing so. If you fail to retain certain documents, a court or agency could make an "inference" that the document was not going to be favorable for you, which could put you at greater risk.

With the advent of electronic records, your retention is probably broader than you think. If a document has been created, assume that a copy of it exists somewhere. It may have been deleted from where it is supposed to be stored, but it could have been attached to an email or saved in more than one location. If the document was created electronically, it can likely be retrieved (even if deleted).

Elements of a System

An organized record system is necessary.

- Identify each specific item of information covered by the laws.
- Identify how many and which laws apply to that specific item.
- Identify how that item is cataloged and stored for retrieval.
- Identify the longest statute of limitations which applies to that particular item.
- Retain for at least that long.

Everybody wants an easy foolproof system for keeping and destroying records. The truth is there is not a simple answer to many records issues. It takes work and vigilance to make sure your records retention system is comprehensive and is in compliance. Even if you have no "formal" written system you have a system by default, which can be risky.

For more detailed information on this topic, request the articles Record Retention and/or Sanctions for Violating the Duty to Preserve by Boardman Clark.

EVENT REMINDERS

ABC Wisconsin
Associated Builders and Contractors

- **NETWORKING SOCIAL**
  Beloit, Sept. 21
- **LEAD WITH IMPACT**
  Online, Begins Sept. 26
- **HR FUNDAMENTALS WEB SERIES: UNDERSTANDING DOCUMENT RETENTION**
  Online, Sept. 28
- **10-HOUR OSHA CONSTRUCTION SAFETY & HEALTH OUTREACH**
  Eau Claire, Sept. 29 & Oct. 6
- **MAKING CONNECTIONS: FROM AWKWARD TO AWESOME NETWORKING**
  Cottage Grove, Oct. 3
- **CONTRACTOR SHOWCASE**
  Cottage Grove, Oct. 3
- **PLAN & SPEC. READING**
  Green Bay, Oct. 5 & 6
- **CONSTRUCTION ESTIMATING PRINCIPLES & APPLICATION**
  Online, Oct. 5
- **NETWORKING SOCIAL**
  Fond du Lac, Oct. 5
- **FIRST AID/CPR TRAINING**
  Marshfield, Oct. 9
- **10-HOUR OSHA CONSTRUCTION SAFETY & HEALTH OUTREACH**
  Wausau, Oct. 10 & Nov. 7
- **RISING LEADER**
  Madison & Wis. Dells, Begins Oct. 11
- **BLUE BEAM BASELINE BASICS**
  Online, Oct. 12
- **FOUR FINANCIAL DISASTERS TO AVOID**
  Madison, Oct. 13
- **BLUE BEAM BASELINE BASICS**
  Online, Oct. 17
- **CONSTRUCTION INCLUSION PANEL & NETWORKING SOCIAL**
  Pewaukee, Oct. 18
- **QUALIFIED RIGGER & CRANE SIGNAL PERSON TRAINING**
  Wausau, Oct. 19
- **NEC ELECTRICAL EXAM PREP**
  Madison, Oct. 19
- **FA/CPR TRAINING**
  West Bend, Oct. 20
- **FA/CPR TRAINING**
  Green Bay, Oct. 23
- **FA/CPR TRAINING**
  Milwaukee, Oct. 24
- **HR & ACCOUNTING CONFERENCE**
  Wis. Dells, Oct. 25-26

NEW MEMBERS

For membership information contact Bill Stranberg, Membership Director, Associated Builders and Contractors of Wisconsin 608-244-5883

JULY 2023

• Badger State Irrigation, LLC
Marc Addis
N6775 5th Ave.
Plainfield, WI 53185
715-335-8300
Description: Contractor Member
Sponsor: Mitch Altmann, Altmann Construction Co., Inc.
Beam Club Members-to-Date: 4

• BCP Plumbing, LLC
Jessica Pfarr
8234 E. County Road MM
Janesville, WI 53546
608-290-0364
Description: Contractor Member
Sponsor: Dave Murphy, PDC – Electrical Contractors
Beam Club Members-to-Date: 25

• Brown & Brown
Jimmy Swift
1200 N. Mayfair Road., Ste. 100
Milwaukee, WI 53226
414-373-0707
Description: Associate Member
Sponsor: Jack Vogel, Hill's Wiring
Beam Club Members-to-Date: 15

• Epic Systems Corporation
Lacey Miron
1979 Milky Way
Verona, WI 53593
608-271-9000
Description: Associate Member
Sponsor: Amber Anderson, Aerotek
Beam Club Members-to-Date: 10

• IM Electric, LLC
Isaac Markus
11627 Pinecrest Drive
Arbor Vitae, WI 54568
715-892-5295
Description: Contractor Member
Sponsor: Chris Mlejnek, Northwest Builders, Inc.
Beam Club Members-to-Date: 10

• LumberFi, Inc.
Lou Perez
12510 Larchmont Ave.
Saratoga, CA 95070
224-545-2548
Description: Associate Member
Sponsor: Roger Thimm, Wondra Construction, Inc.
Beam Club Members-to-Date: 25.5

• Rampart Safety Solutions
Kevin Van Rossum
20510 Watertown Court
Waukesha, WI 53186
262-202-8292
Description: Supplier Member
Sponsor: Jess Cannizzaro, Milestone Plumbing, Inc.
Beam Club Members-to-Date: 12

• Richland Home Power, Inc.
Jeramie Pluemer
463 N. Jefferson St.
Richland Center, WI 53581
608-475-2987
Description: Contractor Member
Sponsor: Kyle Kraemer, Kraemer Brothers
Beam Club Members-to-Date: 5

• Van Horn Fleet and Commercial
Nick Landgraf
3003 Eastern Ave.
Plymouth, WI 53073
920-207-1251
Description: Supplier Member
Sponsor: Gerry Krebsbach, K-W Electric, Inc.
Beam Club Members-to-Date: 33

AUGUST 2023

• Alabaster Enterprises, Inc., Dba Viking Plumbing, Inc.
Matt Littau
1369 Port Washington Road, #106
Grafton, WI 53024
262-933-2185
Description: Contractor
Sponsor: John Jrolf, Giraffe Electric II, Inc.
Beam Club Members-to-Date: 34.5

• BIM Technology Management
Ross Younger
10437 W. Innovation Drive, Suite 200
Milwaukee, WI 53226
920-277-5243
Description: Associate
Sponsor: Jessie Cannizzaro, Milestone Plumbing, Inc.
Beam Club Members-to-Date: 13

• C J Kavon Company, LLC
Chad Kavon
2194 Erb Road
Verona, WI 53593
608-333-2183
Description: Contractor
Sponsor: Patrick Baldwin, Advanced Building Corporation
Beam Club Members-to-Date: 2

• Commercial Plumbing Specialist
Rebecca Van Ess
W5544 County Road R
Watertown, WI 53098
920-397-6892
Description: Contractor
Sponsor: Casey Malesevich, Sure-Fire, Inc.
Beam Club Members-to-Date: 13

• JT Engineering, Inc.
Dylan Douglas
281 W. Netherwood Road, Suite 1
Oregon, WI 53575
608-216-3304
Description: Associate
Sponsor: Dan Bertler, Supreme Structures, Inc.
Beam Club Members-to-Date: 59

• Maribel Heating & Plumbing, LLC
John Orlopp
P.O. Box 38
Kellnersville, WI 54215
920-863-2921
Description: Contractor
Sponsor: Stuart Johnson, A.C.E. Building Service, Inc.
Beam Club Members-to-Date: 5

• Mike Koenig Construction Co., Inc.
Donna Tewelis
3502 Behrens Parkway
Sheboygan, WI 53081
920-457-0923
Description: Contractor
Sponsor: Moshe Mahoney, Absolute Concrete, LLC
Beam Club Members-to-Date: 1d

• Staffworks Group
Mike Wasley
1700 Harmon Road, Suite 2
Auburn Hills, MI 48326
262-655-4907
Description: Associate
Sponsor: Jeff Disher, Disher Electric
Beam Club Members-to-Date: 8

• Trending Now Promotions
Kari Beam
1120 Uniek Drive
Waunakee, WI 53597
608-849-3300
Description: Associate
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