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**NON-COMPETE
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**THE POWER OF
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**MAKE PEOPLE
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FROM OUR PRESIDENT

America at Work



RECENTLY, WE WERE ASKED TO HOST U.S.

DEPARTMENT OF LABOR Secretary Lori Chavez-DeRemer, as part of her “America at Work” tour. ABC member Keller, Inc. offered to share one of their projects with the secretary. The Wisconsin Veterinary Referral Center (WVRC) is a high-tech medical facility under construction in Mequon. Several additional members are working on this project, including J.T. Schmidt Plumbing, Inc. and Gillitzer Electric Services, Inc.

I enjoyed walking through the facility with her, led by Keller’s VP Nathan Laurent. Laurent explained the specialized work that was completed on the HVAC system, to ensure the air is clean and odors are eliminated for the surgical spaces. There was also advanced electrical work done to accommodate complex medical equipment, and additional insulation added to ensure quiet spaces.

The secretary was impressed by what she saw, and was quick to visit with many of the workers who were on site that day. She joked with one about the stilts he was using to work the ceiling, she talked with another electrical apprentice about his experience in ABC’s program, and took pictures with a drywall installer.

“It’s an exciting time- manufacturing and blue-collar building jobs are back!” she said. “My goal is to support all American workers. We want employees to have a choice in their work. I want you to be the best you can be and I want to assist however I can.”

I shared with her about our record-breaking apprenticeship enrollment (More than 2,600 apprentices train in our program!), and talked about the training and employer partnerships we have to make sure that every apprentice

receives the training they need. She responded favorably.

“We want to see all American workers have the ability to get the skills they want. Mortgage paying jobs. Provide for their families. Upskilling, reskilling and apprenticeship programs are all so important. I can see that ABC has done that,” she shared.

Laurent also talked about the advantages of cross-training employees in different trades, so that work can be completed efficiently and safely, and workers gain skills to make them more marketable.

It’s encouraging to know Secretary Chavez-DeRemer sees the benefits of our program, and respects the work our members are doing across Wisconsin. We look forward to continuing our training with excellence, and building a better future for the construction industry. And- we’ve invited her back to attend our Apprenticeship Skill Competition. We hope she will have time to come back to Wisconsin and see our apprentices demonstrate their skills!

This issue of the Merit Shop Contractor is focused on Human Resources. We know hiring, training and promoting employees is a labor-intensive process. We have resources here to address union challenges, support employees’ mental health needs and a member shares creative approaches to grow your teams. You’ll also see updates to the HR-related portions of the One Big Beautiful Bill, and advice on building a magnetic workforce. Take time to read through these resources, and consider attending our HR+ Business Administration conference in October. You’ll find we have a large network of experts, all prepared to help you improve and grow! 



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HAS DONE THAT."**

**SECRETARY LORI
CHAVEZ-DEREMER**

— Kelly Tourdot, President



IMPACT OF OBBBA

HOW THE
ONE BIG
BEAUTIFUL
BILL ACT
MAY AFFECT
EMPLOYERS

By Douglas E. Witte – Boardman Clark, LLP

On July 4, 2025, President Trump signed into law a bill generally referred to as the One Big Beautiful Bill Act (OBBBA). The OBBBA will impact numerous workplace and employment requirements and create some opportunities. This article will discuss some of those changes and issues, however, it is not intended to be an exhaustive discussion of possible employment law changes and benefits related to the OBBBA.

Employment-Related Tax Provisions

Perhaps the most widely discussed provisions affecting employment is the taxation of certain overtime and tips.

In the case of tips, an employee may deduct up to \$25,000. However, the deduction only applies to qualified tips which generally means cash tips received by an individual in an occupation that “customarily and regularly” receives

tips on or before December 31, 2024. The Department of Labor is supposed to produce a list of industries and jobs that are customarily and regularly receiving tips within 90 days of enactment but we do not expect construction to be on any such list. Because tips are not a common occurrence in the construction industry, we will not discuss that issue further here.

In the case of overtime, an employee may deduct up to \$12,500 if he or she is a single filer, and up to \$25,000 if he or she is a joint filer, with respect to federal income taxes. The deduction applies only to “qualified overtime,” which generally means overtime required under the federal Fair Labor Standards Act (FLSA). For employees whose adjusted gross income exceeds \$150,000 (\$300,000 for joint filers), the OBBBA's benefits are reduced by \$100 for each \$1,000 the taxpayer's income exceeds these thresholds. These deductions are tem-

porary and only for the tax years of 2025-2028 right now.

The overtime pay is still subject to existing payroll (FICA) and state income tax requirements. Therefore, employers must be aware of both federal and state law when determining the appropriate deductions from employee wages. The IRS is required to modify the procedures regarding wage withholding for taxable years beginning after December 31, 2025, to take into account these deductions. Employers will be required to report qualified overtime as a separate line item on an employee's Form W-2 starting in the 2026 tax year.

Employers will continue to withhold federal taxes from employees' overtime wages. When employees file their 2025 tax returns, however, employees who claim deductions for overtime wages will see a reduction in their taxable wages or a corresponding increase in their tax refunds.

All overtime wages over \$12,500 (\$25,000 for joint filers) are fully taxable. The OBBBA does not affect state tax laws. Therefore, employees will still owe state income taxes on all earned overtime. The OBBBA has no effect on social security or Medicare taxes.

The OBBBA's provisions also do not apply to overtime premiums required under state law or collective bargaining agreements. Therefore, employers who have employees working in other states may still need to pay overtime on daily overtime, but it may not count towards the 40 hours of weekly overtime under the federal FLSA.

One caution is that employers may try to reclassify employees who are currently classified as non-exempt employees to be exempt employees to avoid the possible reporting headaches connected with the overtime deduction. This is a risky proposition. Determining whether somebody is exempt from the overtime requirements is governed by a completely different set of rules and those rules were not changed by the OBBBA. If anything, the benefits of being non-exempt may cause employees to scrutinize their classifications even harder than they have in the past, or may lead plaintiff's attorneys to increase scrutiny of how individuals are classified as well. Therefore, you might wish to seek legal advice before you start changing employees to "exempt."

Employers may want to consider communicating with their employees about the limits of the changes. Some of you may have already been getting questions about why an employee's take-home pay has not gone up. You can inform them that their tax withholding will not change, but they will be able to recoup some of the costs for overtime when they file their tax returns.

Increased Contribution For Dependent Care Flexible Spending Accounts

Beginning in taxable years following December 31, 2025, the OBBBA increases the contribution cap for dependent care flexible spending accounts (FSAs) which employees use to pay for childcare and related expenses on a pre-tax basis. The cap is increased from \$2,500 to \$3,750 for an employee filing his or her federal income tax return and from \$5,000 to \$7,500 for an employee filing a joint return. Many employers will want to increase this cap in their plan to make it easier for their employees with children to pay for childcare-related expenses. Employers are not required to adjust their plan to allow employees to make the maximum contribution.

Independent Contractor Threshold Change

The threshold for reporting payments made by employers to independent contractors and



THE DEPARTMENT OF LABOR IS SUPPOSED TO PRODUCE A LIST OF INDUSTRIES AND JOBS THAT ARE CUSTOMARILY AND REGULARLY RECEIVING TIPS WITHIN 90 DAYS OF ENACTMENT BUT WE DO NOT EXPECT CONSTRUCTION TO BE ON ANY SUCH LIST.

other pays increases to \$2,000 from \$600. Therefore, employers will have reduced reporting burdens and may need to update their accounting systems to track this change.

Permanency Of Tax Credit For Paid Family Leave

For those employers who may be offering paid family and medical leave, the tax credit that was originally enacted in 2017 has been made permanent. This credit can apply to employees who have been employed for at least six months and are customarily employed for at least 20 hours per week.

Pre-Deductible Telehealth Services

For employers who offer health saving accounts (HSAs) and high-deductible health plans (HDHPs), telehealth services may be offered under the HDHP without imposing a deductible for such services on their employees and eligible dependents.

Direct Primary Care Arrangements

Beginning on months after December 31, 2025, employees are no longer disqualified from participating in an HDHP when they hold direct primary care arrangements. These are arrangements under which employees are provided with medical care consisting solely of primary care services provided by primary care practitioners if the sole compensation for

services is a fixed periodic fee with monthly membership fees not exceeding \$150 (\$300 if the DPA covers the employee and one or more family members).

Note: Governor Evers recently vetoed a state law provision that was intended to make the use of direct primary care arrangements easier in Wisconsin. Evers said he was open to exploring ways to make direct primary care more accessible. To the extent direct primary care does expand in Wisconsin, this change under OBBBA will make it more attractive for employees.

Permanent Tax Exclusion For Employer Payment Of Student Loans

For employers paying student loans on behalf of their employees, up to the \$5,250 per year federal income tax exclusion for certain payments made under an educational assistance program is made permanent for taxable years beginning after 2026.

Immigration Enforcement


While not an employment benefit, employers should be aware the OBBBA increases the annual budget for immigration and customs enforcement (ICE) from \$9.13 billion to \$170 billion. This means employers will likely see an increase in immigration enforcement activity, including more frequent and rigorous I-9 audits and enforcement actions.

As we have seen over the last few months, the construction industry is one of those industries targeted for immigration enforcement compliance.

State Actions

Although a handful of states have or are proposing to enact legislation to mirror some of these federal changes, Wisconsin is not among them at this time. Therefore, as with most laws, employers need to make sure they are still in compliance with any state laws where they have operations.

Conclusion

In addition to the OBBBA, President Trump has issued many executive orders and given enforcement guidance to various agencies about how to interpret and enforce certain laws. It remains to be seen how the courts may treat some of these executive orders and proclamations, and how that may impact employers. 



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PREVENTING SALT ABUSE

By Daniel Barker –
Jackson Lewis PC

Regular readers of Merit Shop Contractor will recall an article from the March/April 2025 issue in which an ABC member detailed their experience with a failed attempt by a local union to "salt" the contractor's business. In that article, the contractor described a type of salting known as "overt" salting, where a union agent applies for a job while openly telling the contractor that they intend to organize the contractor's employees, hoping to draw a negative reaction from management.

What the salt often wants is to provoke the contractor into refusing to hire them based on their union activity. Many times, contractors will take the bait and say something discriminatory in response to the salt's antics. When this happens, the salt files charges with the National Labor Relations Board, seeking backpay for all the time that they would have worked for that contractor. Some salts are extremely skilled at provoking these negative reactions and have received tens, if not hundreds, of thousands of dollars in backpay awards from multiple contractors. It's as if they use unsuspecting contractors as their own personal ATM machines.

Recently, however, the Trump administration has taken some steps to turn off that ATM machine by signaling that it intends to apply

greater scrutiny to salting charges at the time they are filed.

Change in the NLRB General Counsel & Their Approach to Salting Cases

Earlier this year, President Trump fired the NLRB's Biden-era General Counsel. The NLRB's General Counsel is a powerful position at the agency because they decide which cases the agency will prosecute and which ones they will dismiss. In place of the Biden-era General Counsel, President Trump appointed William Cohen as interim General Counsel.

On July 24, General Counsel Cohen issued new guidance for the NLRB's Regional Offices that directly impacts how salting cases are investigated and processed. The rest of this article provides a comprehensive summary of the guidance and analyzes its practical effects on merit-shop contractors.

Key Elements of New Guidance

Under existing NLRB law, in order for a salt to be able to obtain backpay from a contractor on a refusal to hire theory, the salt must be able to prove that they were "genuinely interested in employment." Traditionally, the NLRB Regional Offices have not treated this as a significant

hurdle for salts to clear when making claims. Often, a self-serving statement by the salt could be sufficient for a regional office to issue a complaint against a contractor.

Cohen's memo, however, raises the bar for the Regional Offices when investigating these cases and signals an intent to closely scrutinize this critical element of a salt's claim. Instead of accepting self-serving statements that a salt was really interested in working for a contractor, Cohen instructed the regions to "deeply probe" the salt to test the legitimacy of their claim. What this means is that it may be more difficult for salts to recover even when they are successful in baiting a contractor into not hiring them.

The guidance also instructs the Regional Offices to submit all cases where the Region believes that a salt has shown a genuine interest in employment to the General Counsel's office in Washington, D.C., for its scrutiny before issuing a complaint. This helps the Trump-appointed General Counsel make sure that the Regional Offices are not issuing complaints that don't meet the legal standard.

Proving Genuine Interest

While it is good that the General Counsel is scrutinizing these claims, contractors need to

know what the General Counsel is looking for so they can also evaluate whether an overt salt had a genuine interest in employment when they make hiring decisions. Below is a short outline of what the General Counsel instructed the regions to examine:

The application must reflect a real desire to work for the employer. Examples of evidence that may call an applicant's interest into question include:

- Refusal of similar employment in the recent past;
- Belligerent or offensive comments on the application;
- Disruptive or antagonistic behavior during the application process;
- Stale or incomplete applications.

The General Counsel directed investigators to closely examine application materials for signs of insincerity, or intent to provoke a dispute, such as:

- Listing union-related activities (e.g., "filing charges," "applying pressure on employers") as skills or hobbies;
- Fictitious employer names, suspicious email addresses, or incomplete work histories;
- Hostile or offensive remarks to the employer.

In addition to scrutinizing these factors, the General Counsel instructed the regions to probe into communications between the applicant and the union that mention the employer. (Of course, to address this, unions are likely to create self-serving internal emails or messages to bolster their cases.)

The takeaway from all of this is that the General Counsel does not seem interested in pressing salting cases where a union's intent was simply to trap an employer into unfair labor practices.

Even better is the General Counsel's apparent inclination to curb the abusive practices where salts will lie on their resumes in order to trick the employer into hiring them. Many years ago, the Seventh Circuit Court of Appeals suggested that it would endorse this tactic when it said: "[W]e think that [a salt] may [lie about their prior employment], at least if the lie concerns merely his status as a salt, union organizer, or union supporter and not his qualifications for the job." In a welcome turn of events, the General Counsel noted his view that an employer need not "accept or ignore" resume fraud as long as it is not a pretext for discrimination. This statement is significant because the General Counsel is the gatekeeper to all cases. A salting case will never make its way to the Seventh Circuit unless the General Counsel first issues a complaint.

All of this is great news for contractors.

Backpay Issues

While these developments from the General Counsel's office are helpful for employers that



WHAT THE SALT OFTEN WANTS IS TO PROVOKE THE CONTRACTOR INTO REFUSING TO HIRE THEM BASED ON THEIR UNION ACTIVITY.

find themselves facing charges of discrimination, there is even more good news for employers that find themselves targeted in a salting campaign. In cases where discrimination is found, the General Counsel instructed the Regional Offices not to assume that a salt would continue working for the contractor indefinitely. This will likely help contractors resolve meritorious salting cases earlier and at less expense.

On this point, the General Counsel instructed the regions to present affirmative evidence of how long the salt would have remained working, considering factors such as:

- The individual's personal circumstances;
- Union policies and practices;
- Specific union plans for the employer;
- Instructions or agreements about the duration of the assignment;
- Historical data from similar campaigns.

Practical Implications for Merit-Shop Contractors

The new guidance is a significant development for merit-shop contractors. By requiring the Regions to be diligent in proving a genuine interest in employment, the General Counsel is raising the bar for unions seeking to use salting as a tactic to provoke unfair labor practice charges. Contractors are less likely to face costly investigations and litigation based on insincere or manufactured applications.

At the same time, however, contractors need to remember that this guidance is not a free pass to refuse to hire salts. Instead, it is just as important as ever for contractors to apply their neutral hiring criteria to every applicant. As always, contractors should ensure that their hiring processes are well-documented and consistently applied. If an employer can demonstrate that an applicant engaged in conduct inconsistent with a genuine interest in employment, or that the application was incomplete or stale, this evidence can be decisive in defeating a salting claim.

In this regard, contractors should be ready to recognize red flags in applications and interviews, such as:

- Resumes that emphasize union activities over relevant work experience;
 - Applicants who display antagonistic or disruptive behavior during interviews.
- If such issues arise, they should be carefully documented.

Responding to Salting Campaigns & Best Practices

If a contractor suspects a salting campaign, it is important to:

- Maintain professionalism and avoid any conduct that could be construed as antiunion animus;
- Apply hiring criteria consistently to all applicants;
- Document all interactions with applicants, including interviews and follow-up communications.

As usual, contractors should consider the following best practices:

1. Standardize Hiring Procedures: Use clear, objective criteria for evaluating applicants and apply them consistently.


2. Document Everything: Keep detailed records of all applications, interviews, and hiring decisions.

3. Train Staff: Ensure that all personnel involved in hiring understand salting and the importance of neutrality.

4. Review Application Materials Carefully: Look for inconsistencies, incomplete information, or signs of insincerity.

5. Consult Legal Counsel: If you suspect a salting campaign, it is important to consult with experienced labor counsel to ensure compliance and protect your interests.

Conclusion

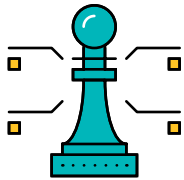
The NLRB's updated guidance on salting cases represents a significant shift in the legal landscape for merit-shop contractors. By strictly requiring proof of genuine interest in employment and limiting backpay exposure, the General Counsel's guidance provides contractors with stronger potential defenses against abusive salting tactics. However, it also places a premium on careful documentation, consistent hiring practices, and vigilance in the application process. By understanding and adapting to these changes, merit-shop contractors can better protect themselves while maintaining fair and lawful employment practices. 



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Jackson Lewis PC

NON-COMPETE AGREEMENTS

RECENT HINTS FROM NLRB SUGGEST A MORE EMPLOYER-FRIENDLY POSITION



Non-compete agreements and other restrictive covenants play a central role in the hiring, retention, and intellectual property protection practices of many employers nationwide. At an Associated Builders and Contractors of Wisconsin event not long ago with U.S. Senator Ron Johnson, ABC members informed Senator Johnson of the importance of human resources tools such as non-compete agreements, non-solicitation agreements, training repayment agreements and the like.

It is crucial for employers to ensure such agreements are valid and enforceable. Accordingly, employers should take note of how the treatment of restrictive covenants has evolved under the recent presidential administrations and what it means for employer practices today.

Under the Biden administration, there was a clear intention to vastly undercut, if not eliminate entirely, agreements between employers and employees that were restrictive on a competitive marketplace for workers.

A. Restrictive Covenants in Employment

Broadly, there are 5 types of restrictive covenant agreements instituted by employers that apply to workers post-employment: 1) agreements protecting an employer's trade secrets ("Trade Secret Restrictions"); 2) agreements protecting an employer's non-trade secret, but still confidential, information ("Confidential Information Restrictions"); 3) agreements restricting former employees from soliciting other employees of their former employer ("Employee Non-Solicitation Restrictions"); 4) agreements restricting former employees from soliciting other people or entities associated with their former employer (e.g. customers, vendors, suppliers, etc.) ("Customer/Vendor/Supplier Non-Solicitation Restrictions"); and 5) agreements restricting the geographic scope within which former employees can work in competition with their former employer ("Geographic Non-Compete Restrictions").



B. Enforcement of Restrictive Covenants During the Biden Administration

The Biden Administration greatly undermined the latter 3 types of restrictive covenants – Employee Non-Solicitation Restrictions, Customer Non-Solicitation Restrictions and Geographic Non-Compete Restrictions. We now have some hints on how the Trump Administration will treat those types of restrictions.

In 2024, the Federal Trade Commission (FTC) directly targeted the fifth category of restrictions – Geographic Non-Compete Restrictions – following encouragement from President Biden "to curtail the unfair use of non-compete clauses and other clauses or agreements that may unfairly limit worker mobility." The FTC issued a final rule prohibiting most employers from entering or enforcing non-compete agreements restricting an employee seeking work, accepting work, or starting a business that impact the time after employment ends.

President Biden's appointee to General Counsel of the National Labor Relations Board (NLRB) then issued multiple memos (Memo GC 23-08 and Memo GC 25-01) regarding non-compete agreements. The General Counsel indicated that the latter three types of restrictive covenants – Employee Non-Solicitation Restrictions, Customer Non-Solicitation Restrictions and Geographic Non-Compete Restrictions – violated the National Labor Relations Act (NLRA) by chilling employees' exercise of their rights under the NLRA. She called for monetary remedies restoring employees to the position they would have been in (if they had not been subject to a non-compete agreement). These remedies extended broadly, including individuals who were terminated for cause or voluntarily resigned.

C. Enforcement of Restrictive Covenants During the Trump Administration

In the last year, there has been a marked shift away from this negative treatment of restrictive covenants. In

MPETE

August 2024, a Texas District Court enjoined enforcement of the FTC's final rule restricting non-compete agreements. Although the Biden Administration appealed that decision to the next level of courts, the Trump Administration has not taken over the case and it is on hold.

The Trump administration appears unlikely to pursue further defense or enforcement of the rule. The new FTC Chair, Andrew Ferguson, voted against the rule while he was a commissioner and has called the rule unconstitutional and illegal. The NLRB similarly shifted directions when President Trump appointed a new Acting General Counsel of the NLRB, who issued a memo (Memo GC 25-05) in February 2025 rescinding the aforementioned memos issued under the Biden administration. This memo issued by President Trump's appointee was an indication that the Trump Administration might move away from the interpretations advanced during the Biden Administration.

D. Most Recent Actions By Trump Appointee at NLRB

In summer 2025, the NLRB reconsidered advice it had previously given and decided not to pursue an employer's alleged violation of the NLRA based on attempts to enforce a Customer Non-Solicitation Restriction. The NLRB Acting General Counsel also recommended not pursuing a violation of federal law because the employer had an Employee Non-Solicitation Restriction in place with a former employee.

An employer had entered into a compensation agreement with an employee, and in exchange for "substantial additional compensation" the employee signed an agreement which contained the two provisions at issue – a Customer Non-Solicitation Restriction and an Employee Non-Solicitation Restriction:

While employed by [the Employer], and for a period of two (2) years following the termination of employment for any reason, Employee shall not, in any capacity, directly or indirectly, request, cause, solicit, induce, attempt to hire or hire any employee of, or consultant to, [the Employer], or any other person who may have been employed by [the Employer] during the last year of the term of employment with [the Employer], to perform work or services for any person or entity other than [the Employer], or

assist in such hiring by any other person or business entity or encourage any such employee or consultant to terminate his or her employment or consulting relationship with [the Employer].

While employed by [the Employer] and for a period of two (2) years following the termination of employment by [the Employer] for any reason, Employee shall not, in any capacity, directly or indirectly, on own behalf or on behalf of any other person or entity, solicit or accept business from, or provide products or services of any kind to, any customer, or other supplier with respect thereto with whom [the Employer] had business dealings at the time of such termination to the extent that any of such activities compete with [the Employer].

These restrictions and the language that is used are typical for restrictive covenant agreements.

The employee resigned his employment twelve years after signing the agreement with the restrictions. The employer issued at least two cease and desist letters to the now-former employee alleging that he had been soliciting customers in violation of the Customer Non-Solicitation Restriction. In addition, the employer had sent at least one cease and desist letter to the now-former employee's new employer, advising them that the solicitations were in violation of the now-former employee's contractual obligations. Ultimately, the now-former employee or a labor union complained and alleged that the employer's attempts to enforce the Customer Non-Solicitation Restriction were a violation of federal labor law.

Under the Biden Administration, the appointees likely would have argued that there was a violation of federal law and they likely would have prosecuted the employer for using the Customer Non-Solicitation Restriction as well as the Employee Non-Solicitation Restriction.

The Trump appointee, however, determined that neither the Customer Non-Solicitation Restriction nor the Employee Non-Solicitation Restriction were a violation of federal labor law. The Trump Administration appointee determined that the employer "was just seeking to enforce the lawful non-solicitation of customers provision[.]" An employer seeking to enforce a Customer Non-Solicitation Restriction is not in violation of federal labor law.

In addition, the Trump appointee also

determined that it would not be appropriate to prosecute the employer because of the Employee Non-Solicitation Restriction that was in place. Part of that determination, however, was based on the fact that the employee in this case had resigned employment voluntarily. Although this specific case did not address whether an Employee Non-Solicitation Restriction would be against federal law in the case of an involuntary termination, it is likely that the Trump Administration would find in favor of the employer even in that situation.

The NLRB's guidance provides a valuable signal of the Board's movement towards a more employer-friendly position. This finding supports employers' ability to legally enter and enforce restrictive covenant agreements, contrary to predictions of their impending extinction under the Biden administration. However, employers should note that the recent advice memo pertained to only two of the five broad types of restrictive covenant agreements - Employee Non-Solicitation Restrictions and Customer Non-Solicitation Restrictions.

Although this specific guidance from the Trump Administration did not address Trade Secret Restrictions, Confidential Information Restrictions or Geographic Non-Compete Restrictions, such guidance is likely coming from the NLRB soon.

E. What This Means for Employers.

Under the current administration, it is unlikely that traditional types of restrictive covenants will be found to be in violation of federal law. That said, employers should carefully consider their practices surrounding restrictive covenants. The change of administrations can and likely will have a significant impact on whether such restrictive covenants can be enforced in the future. In the case that led to the recent NLRB guidance, the contract had been in place for twelve years before it came into effect.

It is also important to remember that these are policy decisions being made by leaders in the federal government. Companies are impacted by those policy decisions. A call, email or letter to elected officials and agency leaders can go a long way. [@NLRB](#)



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ENSURING WE HAVE THE RIGHT PEOPLE, AT THE RIGHT TIME, IN THE RIGHT SEATS IS THE MOST DIFFICULT, AND MOST IMPORTANT JOB AN ORGANIZATION'S LEADERSHIP TEAM HAS.

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YOUR
TALENT
DEVELOPMENT
STRATEGY



By Sam Tews – Hausmann Group

Ensuring we have the right people, at the right time, in the right seats is the most difficult, and most important job an organization's leadership team has. While HR often steps forward as the project manager of this initiative, a successful talent development strategy involves the whole organization.

Good news, leaders! I'm here to educate you on four brilliant strategies to elevate your talent strategy to the next level, and to ensure your organization is appropriately prepared for the short- and long-term opportunities.

Introducing the 4 B's – Build, Bridge, Buy and Borrow.

Build

Building talent is a strategy that focuses on growing employees from within. There are a lot of reasons why it's healthy to promote from within; the most important in my mind, you're creating



a long-term play for your top performers. Your top performers see a clear path forward with increased responsibilities and rewards and may decide to commit long-term to your organization resulting in a healthy retention strategy. An unfortunate reality with Build is that training and developing is a long-term play and doesn't often produce immediate results.

BUILD EXAMPLES:

- Mentor / Mentee program
- Internships
- Stretch Assignments
- Psychometric Assessments (DISC, MBTI, etc.)
- Individual Development Plans
- Advanced Education, Designations, Certificates, etc.
- Executive Coaching

Bridge

Similar to build, bridging talent is a strategy that focuses on internal employees with an added emphasis on defining paths for employees to move outward with their careers. As a bridge depicts, you're moving from one side to the next...often laterally. Bridging is similar in that the focus is for employees to develop and train a wider range skillset, rather than hierarchical. Bridging is a great strategy to deploy to establish necessary task redundancy and phased retirement planning.

BRIDGE EXAMPLES:

- Mentor / Mentee program
- Stretch Assignments
- Reassignments

As you learned, Build & Bridge are the two internal facing strategies. One is focused on growth upwards and one is focused on opportunities outwards. Two other key words that appropriately align with the Build strategy – Boost, such that you are boosting skills and competencies for your employees, and Buddy-system, such that you're pairing up people to learn and grow from each other.

Buy

Buying talent is exactly how it sounds; the focus is on purchasing new talent for your team. The external market is going to offer experienced, educated, and diverse talent for your workforce, however, that talent is going to come at a cost. Your focus might not be on building the skills, but rather sourcing and acclimating the new skills to the organization. Buying talent is extremely competitive in today's market and requires the organization to think creatively about total rewards, an EVP (employee value proposition), and a long-term strategic vision.

BUY EXAMPLES:

- Sourcing and Recruitment
- Referral Program
- Internships
- Recruitment Agency partnerships
- *Technology solutions

Borrow

Borrowing strategy allows for organizations to tap into a huge ecosystem of strategic resources without making a long-term commitment. Borrowing may take a lot of creative planning to find the best talent alternative for your organization. For organizations that want to be able to scale up and down, or organizations that may be rapidly growing and unsure when the plateau may appear, borrowing may offer a steady, confident talent solution.

BORROW EXAMPLES:

- Temporary staffing solutions
- Outsource
- Co-Sourcing
- Independent Contractors

Buy and Borrow are two external-facing strategies. Another keyword that depicts the buy-and-borrow strategy is Branding. When faced with external options and opportunities, your organizational brand (EVP) is a critical factor in your success. Today, many organizations rely on their social media channels to promote their culture and core values, and to capture a 'day in the life' brand promise. A brand is not developed overnight and may take years and years to refine.

There you have it – the 4 B's. A relatively simple summary to enhance the complexity of your talent development strategy. As a closing remark, and a key to all of this becoming a reality, a successful talent development strategy involves the whole organization. BE strategic and BE inclusive of the resources and opportunities around you, and remember the 4 B's – Build, Buy, Borrow and Bridge – for your talent development strategy. [ABC Wisconsin](#)

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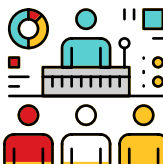
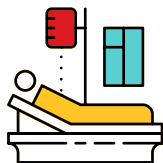
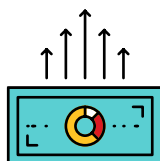


CULTURE EATS STRATEGY FOR BREAKFAST!" – PETER DRUCKER

THE POWER OF ORGANIZATIONAL CULTURE

THE BLUEPRINT TO A MAGNETIC WORKPLACE IN CONSTRUCTION

By Darryl Feldman – ActionCOACH



The modern construction industry is challenging: labor shortages, supply chain volatility, demanding project timelines, and a new generation of workers with different expectations of what “work” means. We’ve got our trusty toolbelts, technology, and partners to help improve organizational performance...but that only gets us so far. And as Mr. Drucker opined, our best laid plans will only get us so far if we don’t have a top tier team to make it happen.

Great and high-performing construction companies build a winning organizational culture. Culture isn’t fluff – it’s your foundation and drives real business results. And we all know a strong foundation is vital, right? Organizations with thriving cultures see real results across all areas of business:

- 4X Increase in revenue growth*
- Cumulative financial returns as high as 495%*
- 30% Fewer lost workday injuries*
- 20-30% Lower turnover rates*

They become magnetic workplaces – places where the best talent, clients, and partners want to be.

Here are six Steps to Build a Magnetic Workplace in Construction:

1. Definition of Organizational Culture
2. Four Areas of Focus of a Cultural Improvement Plan
3. Roles of Leadership vs. Management
4. Six Keys to a Winning Team
5. Key Metrics to Measure Your Success
6. Get Into Action

1. Definition of Organizational Culture

Culture is the scaffolding that holds your organization together. Culture is your set of values, beliefs, and behaviors that drive and influence all relationships – positive and negative. It’s the “how we do things around here” – from the C-Suite to the mailroom to the jobsite. It’s in constant change and requires regular maintenance (yeah, just like our tools).

Strong cultures are consistent, intentional, and have shared beliefs. They align behaviors with core values and a shared mission – there’s trust, communication, and pride. Weak cultures, conversely, are fragmented and reactive. Expectations change daily, leadership is unclear, and morale drops.

Every company has a culture. The only question is...is it by default or design?

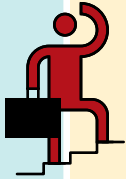

Great cultures help people see the link between their personal values and beliefs to those of your organization. In turn, this creates deeper senses of employee engagement, productivity, and retention. This applies across the board: from the C-Suite, Business Managers, Superintendents, to jobsite, support, and frontline team members. Everyone gets a seat on the bus.

2. The Four Areas of Focus to Develop Your Cultural Improvement Plan

Once you understand the importance of organizational culture, get into action and develop your Culture Improvement Plan.

ZATIONAL

Here are Four Task Forces you need to build:

TASK FORCE	WHO MAKES IT UP	WHAT THEY DO	EXAMPLE
Leadership 	C-Suite, Management Team, Chairs of other 3 Task Forces	“Steering Committee” for cultural improvement effort, resource allocation, plan implementation, accountability	A general contracting firm created a functional “Culture Steering Committee” led by the CEO, meeting quarterly to review progress on culture initiatives, approve resources, and hold each department accountable for living the company’s values.
Education & Training	Training & Development, HR, enthusiastic frontline employees and Managers	Evaluate current training and recruitment programs for opportunities to celebrate values and hire top talent that aligns with culture, launch new programs	An electrical firm embedded its values into a “Day One” training for new apprentices, walking them through both technical expectations and company culture.
Communications	Internal & External Communications, Marketing, PR, enthusiastic frontline employees and Managers	Design and implement strategies to embed culture into all forms of company communications, FUN methods to regularly reinforce them	A commercial HVAC company launched a weekly “Culture Spotlight” in their internal newsletter and jobsite briefings, featuring stories of employees demonstrating company values – accompanied by social media posts celebrating these moments publicly.
Reward & Recognition 	Creative and passionate Management Team member, enthusiastic frontline employees and Managers	“Cheerleaders” with the ability to lead and encourage others, spontaneous activities and systems, recognize employees and how they contribute and embody these values	A roofing company introduced a “Culture MVP” at their quarterly meeting, nominated by peers for exemplifying company values on the jobsite.

Like the craftsmanship of our work, you need to build good people. Leadership and Management are closely related an essential – but they serve different roles. You need both; but, you need to get Management right first.

Here's the difference:

- Leadership: Enroll & Inspire – Focus on the future and people. Leaders drive big picture vision, inspiration, and holistic growth and change.
- Management: Competency & Productivity – Focus on the present and process. Managers organize the details, people, and daily operations.

At ActionCOACH, The Point of Power is one of our core principles. It provides clarity when you're above or below the point – moving from confusion and to clarity and see the truth how situations work how you can affect your activities and outcomes. It's realizing you have control of your actions and their actions, rather than play the "victim of circumstance" role.


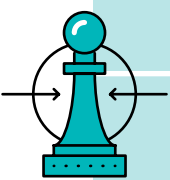
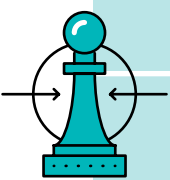

- Leaders play above the point. They take ownership, accountability, and responsibility for the people, actions, and situation. They don't blame the crew, the lagging supply chain, or their superintendents. This builds trust, resilience, and improves culture.
- Managers play below the point. They help

team members avoid blaming others, making excuses, or denial which create a disempowering workforce.

Great cultures operate above The Point of Power, fostering feelings of empowerment, collaboration, and inspiration to proactively work towards solutions.

4. The Six Keys to a Winning Team

Magnetic workplaces invest time and effort into building strong, cohesive teams. Here's six ways to make it happen. As your read through them, think about where is your organization's biggest strength and opportunity? Those are great places to start.

	KEY	HOW TO PUT IT INTO ACTION
	1 Strong Leadership	It all starts from the top. Strong leaders ooze passion, inspire trust, take responsibility, communicate clearly, and earn buy-in for their vision. Great leaders walk the talk.
	2 Common Goal	Everyone – from the office support to CFO – unite around clear, shared SMART goals that clearly define what success looks like. And what their role is to make it a reality.
	3 Rules of the Game	Adopt a loose-tight culture that defines the field rules, culture, and context... but give your people and content room to play to get things done. Note: As you raise your standards, not everyone will come along for the ride (and that's OK).
	4 Action Plan	Give your team the clarity of who does what by when. End every meeting with clear responsibilities, deadlines, and accountability. No clarity leads to confusion.
	5 Support Risk Taking	Practice the Art of Kai-Zen and constant, never-ending improvement. Stop being afraid of making mistakes (they're an essential part of learning). Innovation will come!
	6 100% Involvement & Inclusion	Everyone gets a seat on the bus. Ensure every team member feels valued, has a voice, and is committed 100%. Practice your own cultural RICHuals (yep, that's how it's spelled).

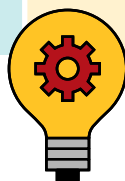
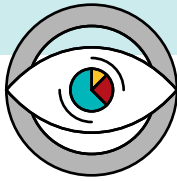
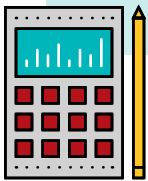
5. Key Metrics to Measure Your Success

Your culture may feel intangible; but, it doesn't have to be. Winning construction organizations know what gets measured gets im-

proved. If culture is a true business priority, it deserves real attention and metrics to track its success.

Here's some examples to help you get started:

TYPE	DEFINITION	EXAMPLE METRICS
Key Performance Indicators (KPI)	Outcome-driven	<ul style="list-style-type: none"> • Turnover rate • Absenteeism rate • Project rework percentage • Safety incident rate (recordable injuries) • Average project completion time variance
Key Behavioral Indicators (KBI)	Behavior-driven	<ul style="list-style-type: none"> • Meeting participation rate • Peer-to-peer recognition frequency • % of employees completing safety huddles • Number of improvement ideas submitted • Adherence to jobsite cleanliness standards
Key Activity Indicators (KAI)	Action-driven	<ul style="list-style-type: none"> • Onboarding sessions completed within first week • Toolbox talks conducted per month • Training or mentoring sessions held • Recognition events or shout-outs delivered • Team-building or social events conducted



Compare, contrast, and build on each other's responses. Then get into action. This helps teams get practical about culture – fast.

The Strongest Foundation: Building a Great Culture

One rah-rah team meeting or branch-dangling-cat “Hang In There” poster does not make a winning culture. Rather, culture changes because leaders act with intention and decide to make it a priority – and then act with intention.

We build amazing structures that stand the test of time. Why not build an organizational culture that does too? When you take the time to define and reinforce your organizational culture, you're not just creating a place where people work – you're creating a place where people want, are connected, and are inspired to work.

You're building a magnetic workplace. Interested in learning more? Reach out and schedule a free strategy session today. [ABC Wisconsin](#)

Sources

1

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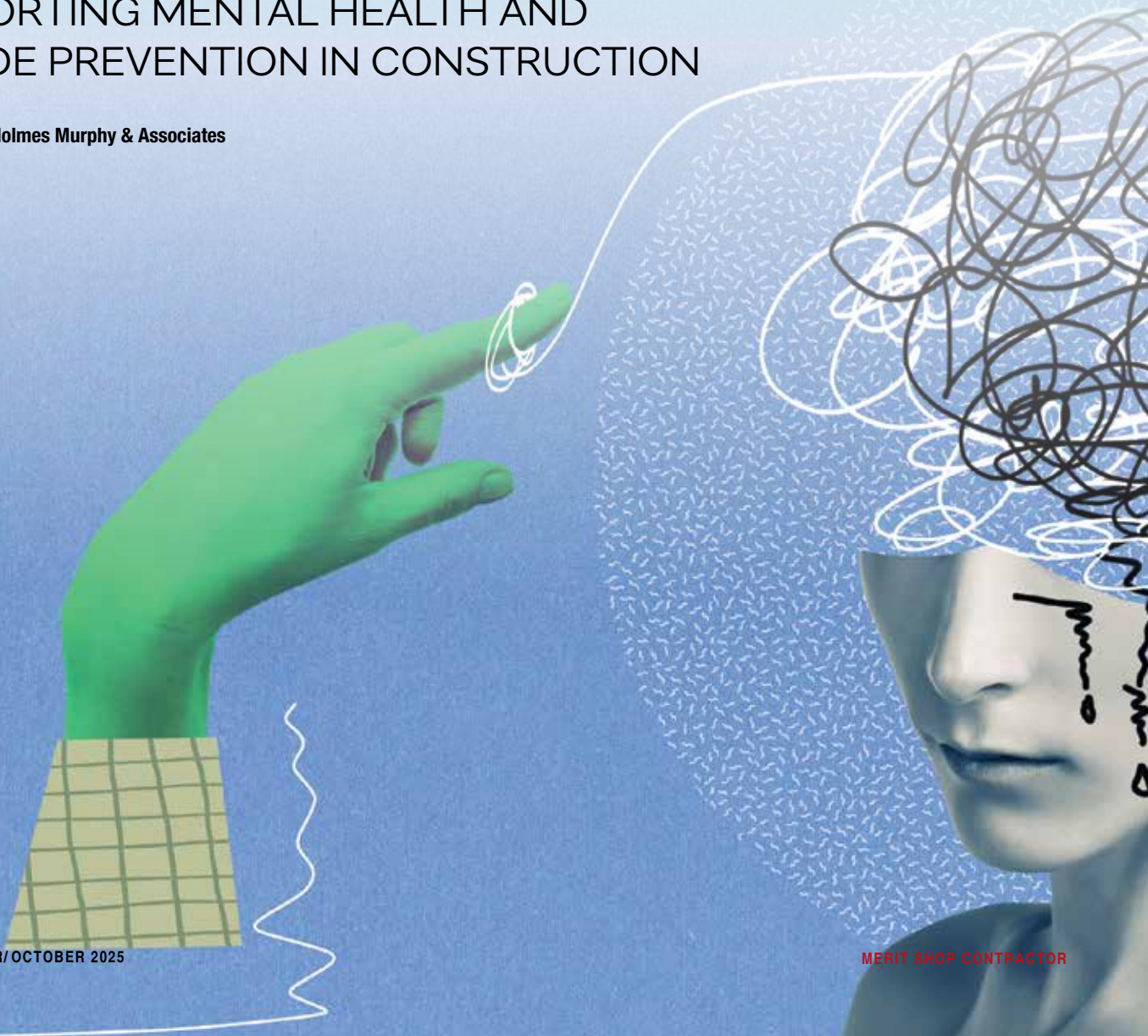
2

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BUILDING STRONG FOUNDATION

SUPPORTING MENTAL HEALTH AND
SUICIDE PREVENTION IN CONSTRUCTION

By Rob Dahl – Holmes Murphy & Associates



Many of us in the construction industry are doers and fixers – it's in our nature to build, problem-solve, and push forward despite adversity. We take pride in seeing the results of our labor rise from the ground, knowing they'll stand the test of time.

But even the strongest structures require more than just materials and tools. They need a solid foundation, ongoing maintenance, and periodic inspections to ensure they remain safe, functional, and resilient. People are no different. Just like buildings, we need support systems in place to help us endure challenges, bounce

back from setbacks, and remain strong over time.

Unfortunately, many in our industry don't receive that kind of support – or feel safe asking for it.

Construction continues to rank among the highest industries for suicide and substance use. While safety protocols and productivity measures are top priorities for contractors, mental health often remains in the shadows. Workers may be struggling silently – overwhelmed by stress, pain, trauma, or personal circumstances – without anyone around them knowing.

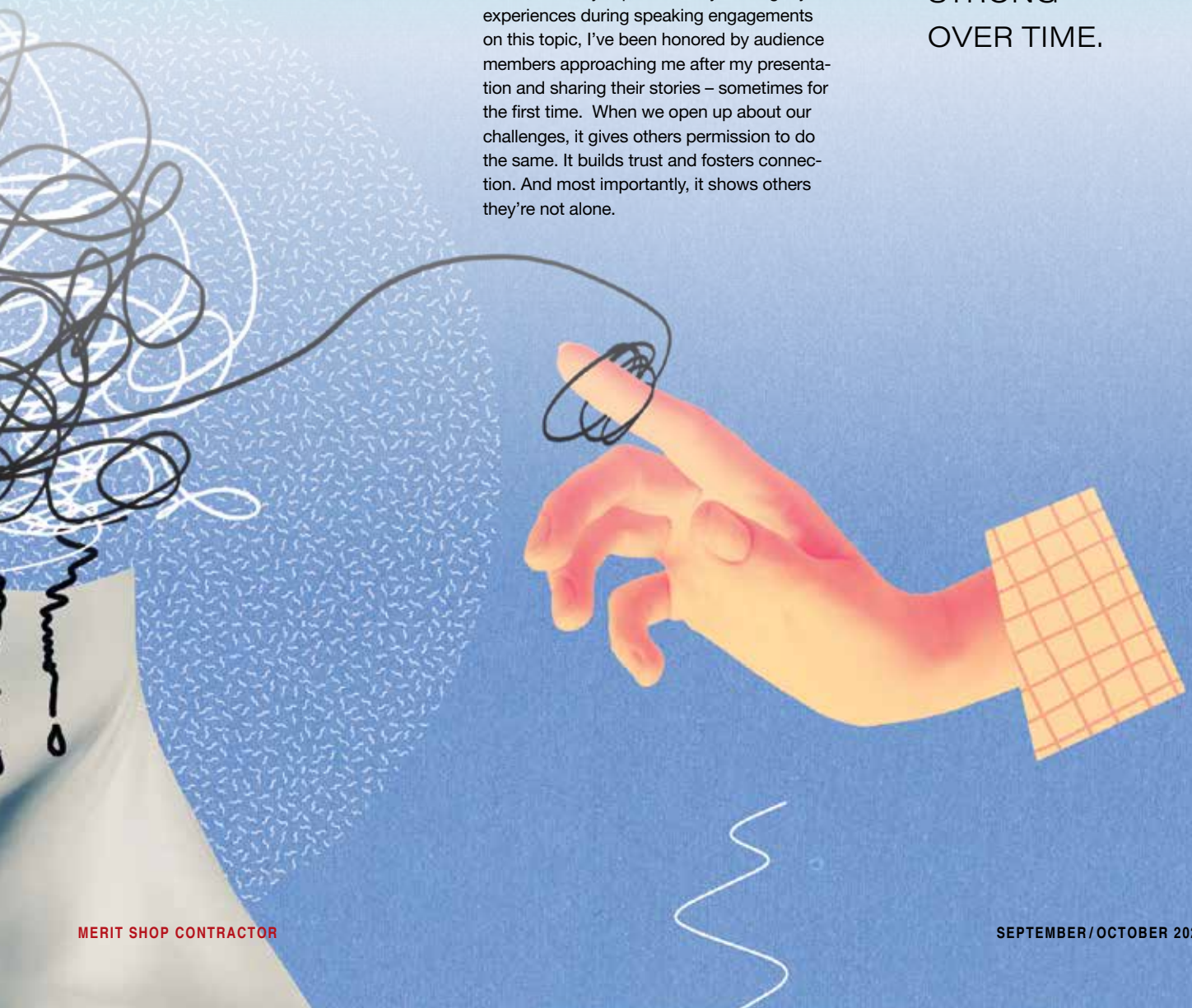
Why? Because the culture of our industry has long equated vulnerability with weakness. Many workers fear that admitting that they are struggling could jeopardize their employment, their reputation, or their relationships. That fear, combined with stigma and a lack of training in how to talk about mental health, leads people to suffer in silence. In turn, they may turn to alcohol or substances to cope or isolate themselves even further.

Through my own lived experiences, I've learned one of the most valuable lessons of all: vulnerability is powerful. By sharing my experiences during speaking engagements on this topic, I've been honored by audience members approaching me after my presentation and sharing their stories – sometimes for the first time. When we open up about our challenges, it gives others permission to do the same. It builds trust and fosters connection. And most importantly, it shows others they're not alone.



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ONS



At Holmes Murphy, we are passionate about mental health advocacy. We've been working with our clients and industry partners for several years on these issues and have seen how just one conversation can change a life. When we create safe spaces for others to share, we begin to normalize something that has long been considered taboo in our industry.

Over the past several years, the construction industry has made meaningful progress in addressing mental health and suicide prevention. We've seen the development of:

- Industry-specific suicide prevention training programs
- Peer support and mental health ambassador initiatives
- Partnerships with mental health organizations and employee/member assistance programs (EAPs/MAPs)
- Online clearinghouses with construction-specific resources
- Annual mental health summits bringing industry partners together to educate and share best practices
- Greater integration of mental health into workplace culture

These are critical steps in the right direction. But we still have work to do.

Some leaders continue to resist the idea that mental health issues are present within their workforce. To those leaders, I ask: "Have you

asked them?" Silence isn't proof that nothing is wrong. Sometimes, it's the biggest red flag of all. Take the time to check in with workers – ask them how they're doing, what their challenges are, and what supports they need.

One of the most harmful aspects of stigma is the way it causes us to label people by their challenges. We may casually call someone an "addict," "crazy," or "bipolar", without considering the human being behind the condition.

These labels don't reflect who someone truly is. They reduce people to a diagnosis, a moment, or a mistake. We must remember that these are human beings who happen to live with a condition. They may be our friends, coworkers, or family members. They may also be some of our hardest workers, trying to do their best while navigating incredibly difficult circumstances.

In the case of substance use, many workplaces still rely on a punishment-based model: test positive, and you're suspended or terminated. But sometimes, individuals are using substances because they're trying to cope with emotional pain, trauma, or untreated mental health conditions. What if, instead of punishing them, we supported them in getting the help they need?

Recovery-friendly workplace initiatives are emerging as a solution to this. These efforts include:

- Connecting employees to local or national recovery resources
- Adjusting policies to reduce punitive consequences for those seeking help
- Training supervisors on how to approach sensitive conversations
- Offering modified duties, time off for treatment when needed

When workers feel supported, they're more likely to engage in treatment, trust their employer, and return as productive, loyal team members.

Whether you're a trades worker, foreman, safety director, HR leader, or senior leader, you can create a workplace culture that prioritizes mental health. Here are some practical strategies to consider:

- Lead with vulnerability. When leaders share their own challenges or how they've supported others, it creates a culture of openness and psychological safety.
- Establish top-down support. Company leadership must actively endorse mental health efforts, not just delegate them.
- Survey your workforce. Use anonymous surveys to ask your employees what they're struggling with and what supports they would value. Include questions related to mental health, burnout, and recovery.
- **Make support easy to connect with.** Offer resources in multiple formats and promote

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September 19, West Bend
September 22, Marshfield
October 16, Milwaukee
October 24, Fond du Lac
October 27, Appleton

• OSHA 10-HOUR

September 4 & 5, Appleton
September 12 & 19, Milwaukee
September 12 & 19, Eau Claire
October 10 & 17, Madison
October 27 & 28, La Crosse
October 30 & 31, West Bend

• TRENCHING & EXCAVATION COMPETENT PERSON

October 3, Appleton

• OSHA 30-HOUR

Begins October 3, Tomah

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Begins October 7, Madison

• EXECUTIVE COMMUNICATION

October 9 & 10, Madison

• HR+ BUSINESS ADMIN CONFERENCE

October 22 & 23, Wisconsin Dells

• PLAN & SPEC READING

October 23 & 24, Green Bay

them frequently through meetings, newsletters, breakroom posters, payroll stuffers, and intranet sites.


• **Train your supervisors and managers.** Give them the tools to recognize signs of distress, initiate conversations, and refer employees to appropriate support systems.

• **Act early.** Don't wait for a crisis. Share information about support resources proactively. Have a plan for responding to mental health emergencies and suicide and restoring balance in the workplace.

• **Leverage your EAP/MAP.** These programs can be a lifeline – but only if workers know about them, trust them, and feel comfortable using them. Talk to your provider about construction-specific offerings, confidentiality, and ease of access.

Mental health in construction is not just an individual issue – it's an organizational and industry-wide challenge. And like any job worth doing, it requires the right tools, planning, and teamwork.

It's time to move from awareness into action. We must make mental health a part of our culture, our leadership development, and our daily conversations. We must look out for one another, check in and listen without judgment, and recognize that asking for help is a sign of strength.

Let's build a future where our workers are safe in every sense of the word – physically, mentally, and emotionally. Because the most important foundation we can build is the one that supports our people. 

About the Author

Rob Dahl, CSP, ARM is Vice President, Construction Risk & Safety, at Holmes Murphy. He has over 30 years of construction experience in operations, safety, and risk management. He first started working in construction in 1991 as a laborer during the summers while in college and went on to work in other roles as a carpenter, superintendent, site safety engineer, and regional safety manager. Prior to joining Holmes Murphy (formerly known as CSDZ) in 2019, Rob spent 18 years with national insurance carriers in risk and safety consulting and regional director roles. Rob is an advocate for mental health, a QPR Gatekeeper, Adult Mental Health First Aider, and VitalCog® Suicide Prevention and Postvention in Construction trainer.

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Beam Club Members-to-Date: 6

• Burg Homes LLC

Tim Freund

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Fond du Lac, WI 54937
920-923-3231

Description: Contractor
Sponsor: Mark Dudzinski, North-central Construction Corporation
Beam Club Members-to-Date: 11

• C & S Electric LLC

Mike Batzler

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Description: Contractor
Sponsor: Gerry Krebsbach, K-W Electric, Inc.
Beam Club Members-to-Date: 21

• CMJ Electric, LLC

Jose Reyes

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Description: Contractor
Sponsor: James Feroah, Great Lakes Skilled Trades, LLC
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• Energy Needed LLC

Jamie Sidathong

185 W. Rainbow Ridge Drive,
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Description: Contractor
Sponsor: Cory Highshaw, U.S. Bank
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• La Crosse Trane Commercial Sales Office

Korey Malberg

2525 Larson St.
La Crosse, WI 54601
608-788-8430

Description: Contractor
Sponsor: Adam Wieser, Wieser Brothers General Contractor, Inc.
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• Mike's Electric, Inc.

Chris Ecker

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Chilton, WI 53014
920-418-5771

Description: Contractor
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• Powerhouse Plumbing LLC

Edward Lemke

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Wauwatosa, WI 53213
262-205-7740

Description: Contractor
Sponsor: Jessie Cannizzaro, Milestone Plumbing, Inc.
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• Rhino Plumbing

Ryan Olson

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Deerfield, WI 53531
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Description: Contractor
Sponsor: Kyle Kraemer, Kraemer Brothers
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• Roethel Electric, LLC

Jeff Roethel

21 S. 12th St.
Oostburg, WI 53070
920-564-3586

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• Rosenow Customs

Shane Rosenow

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Description: Contractor
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• WHIRE Electric

Jim Gaillard

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Description: Contractor
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• Berge Plumbing Plus

Jessica Berge

W4954 Farm Village Lane
Elkhorn, WI 53121
262-903-8535

Description: Contractor
Sponsor: JR Reesman, Reesman's Excavating & Grading, Inc.
Beam Club Members-to-Date: 42

• Boucher Auto Group

Sal Pappalardo

7820 120th Ave.
Kenosha, WI 53142
262-697-0700

Description: Supplier
Sponsor: Holly Jones, Dave Jones, LLC
Beam Club Members-to-Date: 4

• Image360 New Berlin

Ross Hartung

2385 S. 179th St., Suite A
New Berlin, WI 53146
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Description: Supplier
Sponsor: Tim Probst, Ewald Fleet Solutions, LLC
Beam Club Members-to-Date: 4

• NORMCO Heating & Cooling LLC

Norman Nelson

517 Elizabeth St.
Waterford, WI 53185
262-534-6011

Description: Contractor
Sponsor: Jessie Cannizzaro, Milestone Plumbing, Inc.
Beam Club Members-to-Date: 39

• Oconomowoc Plumbing

Michael Johnson

W359 N5828 Brown St., Unit 4
Oconomowoc, WI 53066
920-988-0014

Description: Contractor
Sponsor: Casey Malesevich, Sure-Fire, Inc.
Beam Club Members-to-Date: 20

• Precision Heating and Cooling

Rebecca Tagliapietra

E3790 Kitzman Road
Marion, WI 54950
715-851-4934

Description: Contractor
Sponsor: Mitch Altmann, Altmann Construction Co., Inc.
Beam Club Members-to-Date: 14

• Quick Fix Plumbing, LLC

Thomas Buczak

2744 Monica Lane
Richfield, WI 53076
262-521-1660

Description: Contractor
Sponsor: Roger Thimm, Wondra Construction, Inc.
Beam Club Members-to-Date: 29.5

• Robinson Heating & Cooling LLC

Eric Selissen

1649 Sand Acres Drive
DePere, WI 54115
920-490-3394

Description: Contractor
Sponsor: Amber Anderson, Aerotek, Inc.
Beam Club Members-to-Date: 17

• Spende Excavating and Plumbing, LLC

Jeffrey Spende

W7324 Provimi Road
Watertown, WI 53098
262-646-2567

Description: Contractor
Sponsor: Dan Bertler, Supreme Structures/JG Development
Beam Club Members-to-Date: 75

• Total Tool Supply, Inc.

Mark Vandenberg

3116 N. Pointer Road
Appleton, WI 54915
920-915-7603

Description: Supplier
Sponsor: Tom Sobieski, DeWalt
Beam Club Members-to-Date: 1

• Warnke Plumbing

Caleb Warnke

36423 Silver Maple Lane
Oconomowoc, WI 53066
262-443-3064

Description: Contractor
Sponsor: Josh Levy, Husch Blackwell, LLP
Beam Club Members-to-Date: 5

• Westenn Management LLC

Ray Alberth

423 E. Centralia St.
Elkhorn, WI 53121
262-723-4955

Description: Contractor
Sponsor: Dan Bertler, Supreme Structures/JG Development
Beam Club Members-to-Date: 76

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