



Date: July 23, 2009

Memo To: Members of the NECA Board of Governors

From: J. Michael Thompson, Secretary-Treasurer

Subject: Proposals for the Board of Governors Meeting

The attached proposals were properly submitted in accordance with Section 8.8 of the NECA Bylaws for review and action at the September 12, 2009 meeting of the Board of Governors. The meeting is to be held at the Washington State Convention and Trade Center in Seattle, Washington.

There is **one proposal to amend the Bylaws and four Ordinary Proposals**. In addition to these proposals, the Association is charged with reviewing and reaffirming all **Standing Policies** bi-annually. Three of the Ordinary Proposals relate to this review. All Standing Policies have been reviewed by the appropriate Standing Committee and are recommended for reaffirmation as they exist.

If adopted the attached proposed changes shall become effective immediately (unless otherwise indicated).

Also you should be familiar with the NECA webpage devoted to the Board of Governors. It is available for your review at: <http://www.necanet.org/about/about-neca/governance/?fa=meeting>. As new information is available about the meeting, it will be posted here first.

JMT/dsj
Attachments
pc: Chapter Presidents
Chapter Executive Managers

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BYLAW AMENDMENT #1 - Proposal to amend Section 10.4 (e) re District Vice Presidents Duties (submitted by the Central Texas Chapter, NECA)

Current Language

Section 10.4. District Vice Presidents.

(e) **Duties.** District Vice Presidents shall:

- 1) Exercise leadership necessary to assure proper promotion of this Association's policies and programs.
- 2) Lend counsel and advice to Chapter officers and agents and coordinate their efforts.
- 3) Act for the Association to investigate and report pertinent developments in that District.
- 4) Perform such additional duties as the Board of Governors may from time to time assign.

Proposed Language

{~~strikeover~~ indicates deleted language;
underline indicates new language}

Section 10.4. District Vice Presidents.

(e) **Duties.** District Vice Presidents shall:

- 1) Represent the conveyed interests of the chapters in their districts to the Association and the Executive Committee.
- ~~2) Promote the policies and programs of this Association. Exercise leadership necessary to assure proper promotion of this Association's policies and programs.~~
- ~~3) Lend counsel and advice to Chapter officers and agents and coordinate their efforts.~~
- ~~4) Act for the Association to investigate and report pertinent developments in that the District that could affect this Association.~~
- 4) Perform such additional duties as the Board of Governors may from time to time assign.

Comment from NECA National Office:

In addition to improving the wording of the bylaw section, this amendment adds responsibility for presenting the concerns of constituents to the duties of a NECA District Vice President. District Vice Presidents have always considered this as one of their responsibilities, and to reflect such in the bylaws seems to be a good idea. It should be noted, however, that this amendment to the bylaws in no way changes the District Vice Presidents' fiduciary obligations, including their duty of loyalty to the national organization. Under the law, each officer must avoid conflicts of interest, and provide an undivided allegiance to the national association and its mission. It would be inappropriate, for instance, for a District to direct the vote or actions of its District Vice President.

With these caveats in mind, this proposal is recommended **FOR** adoption.

ORDINARY PROPOSAL #1 - Re: New Standing Policy on Safety Programs and Safe Workers
(Submitted by the NECA Executive Committee)

WHEREAS, the National Electrical Contractors Association has long supported safe construction practices and quality safety programs; and,

WHEREAS, NECA believes workplace safety is an integral part of the electrical contracting business; and,

WHEREAS, NECA and its members understand jobsite safety is an important responsibility shared between employers and employees; and,

WHEREAS, NECA supports collaborative efforts in fostering and maintaining industry alliances/partnerships that share common objectives that are safety driven; and,

WHEREAS, NECA promotes establishing a safe and healthy workplace for all employees that fosters efficient and cost effective operations; and,

WHEREAS, NECA's commitment to safety excellence and safe work environments remains active, focused, and constant.

Therefore, be it RESOLVED that the National Electrical Contractors Association promotes and endorses adoption of this new Standing Policy (Safety Programs and Safe Workers):

Policy 19
Safety Programs and Safe Workers

NECA believes that safety is an integral part of achieving excellence in the electrical contracting business by maintaining the highest productivity, quality, and safety standards in a proactive, practical, and cost effective approach to manage organizational loss control. NECA members demonstrate safety professionalism and responsibility through every aspect of work and services they provide including designing, planning, construction, service work, and implementing operations with a minimum of disruption to customers. NECA's commitment to jobsite safety is reinforced by placing special emphasis in quality safety training programs that integrate safety into project pre-planning and project management.

NECA, historically, has supported and continues to support the highest safety standards in construction for the benefit of its members, the industry and the consuming public. NECA actively advocates maintaining the safest and most productive workplace possible. NECA members appreciate the benefits of a workplace free from injuries, the advantage of a productive work force, and the responsibility of offering a safe working environment. To that end, NECA believes that to achieve *zero injuries* in the workplace, members must strive for *zero energy work environments* as the normal and best practice, whenever achievable.

NECA members understand jobsite safety is an important responsibility shared between employers and employees and affirms that implementing safe work practices is not optional. The association believes that a trained and qualified workforce has responsibility to recognize and avoid workplace hazards and, where necessary, employers provide appropriate personal protective equipment for workers exposed to workplace hazards.

NECA remains active in government relations and rulemaking processes related to worker safety. The association actively participates in electrical safety standard development, such as NFPA 70 the *National Electrical Code*, and NFPA 70E *Standard for Electrical Safety in the Workplace* and other safety legislation that affects the industry. NECA is committed to

supporting collaborative effective efforts in industry alliances and partnerships sharing common safety objectives.

The goal of NECA members is to maintain a safe and healthy workplace for all employees and to foster efficient operations, thereby offering the best possible product and services to the construction customer. Effective safety-related work practices and principles must be integrated into the planning and installation of electrical work as well as into design.

NECA members recognize that implementing effective safety programs and safe work practices is often challenged by cultural differences and other distractions that are not in best interest of employees or employers and they are dedicated to solving these problems while establishing and maintaining safety in the workplace. *Safety Excellence* results from safe work practices that continuously strive for *Zero Injuries*. NECA's commitment to safety excellence and safe work environments remains active, focused and constant.

Comment from NECA National Office:

While NECA and its members have long supported safe construction practices and programs, the association had never stated its position in a formal policy statement. This proposed Standing Policy breaks new ground by urging members to strive for zero energy environments as the normal and best practice. It is understood that this may not be a practical or desired practice in the line construction segment of the industry.

Overall, this policy demonstrates NECA's strong commitment toward safety and the Policy is recommended **FOR** adoption.

ORDINARY PROPOSAL #2 - Proposal to amend Section (c) of Standing Policy 4 ~ Contract Procedure (submitted by the Government Affairs Committee)

Current Language

(c) AWARDING METHODS. Long experience and logical analysis indicate that generally owners and the public benefit when the electrical and mechanical portions of most construction projects are separately bid to awarding authorities by electrical and mechanical specialty contractors. This procedure usually results in: (a) lower cost; (b) selection of better-qualified electrical and mechanical contractors to perform the highly specialized functions involved in these phases of work; (c) placement of direct responsibility for performance in each major phase of the project on the contractor technically capable of accepting that responsibility; and (d) elimination of the unfair trade practices of bid-shopping, bid-peddling, failure to make timely progress payments to subcontractors, and economic coercion of subcontractors with the use of owners' and subcontractors' money.

Therefore, NECA will actively support continuation and extension of the policy of separate bidding or letting of electrical contracts by public and private owners through public relations, inter-industry and legislative action wherever its chapters favor this system.

NECA recognizes that there are substantial differences between electrical and mechanical work and work which may be subcontracted by the general contractor or performed by his own forces. Therefore, it is advocated that prime contractors or bids be segregated into only major divisions of related portions of normal construction

Proposed Language

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Therefore, NECA will actively support continuation and extension of the policy of separate bidding or letting of electrical contracts by public and private owners through public relations, inter-industry and legislative action wherever its chapters favor this system.

NECA recognizes that there are substantial differences between electrical and mechanical work and work which may be subcontracted by the general contractor or performed by his own forces. Therefore, it is advocated that prime contractors or bids be segregated into only major divisions of related portions of normal construction

projects; namely, the electrical contract, incorporating lighting, wiring, electrical heating, electrical and electronic controls, other types of electronic systems, communications systems, and preparatory work connected with such electrical work; the mechanical contracts, including plumbing, non-electric heating, ventilating, air-conditioning, sprinkling systems, drainage systems, and pneumatic systems; the elevator contract if appropriate; and the structural and architectural contract, including all remaining phases of construction to the completion of the building or facility. NECA disapproves of breaking down the work into many small separate contracts involving functions which are often performed by various crafts employed by a single general structural contractor.

projects; namely, the electrical contract, incorporating lighting, wiring, electrical heating, energy efficient electrical and electronic controls, renewable energy technologies, including wind, hydrokinetic, photovoltaic, biomass, geothermal, energy storage cells; other types of electronic systems, communications systems, security systems, data lines, wireless systems, and preparatory work connected with such electrical work, as well as work related to smart grid construction and power line transmission and distribution; the mechanical contracts, including plumbing, non-electric heating, ventilating, air-conditioning, sprinkling systems, drainage systems, and pneumatic systems; the elevator contract if appropriate; and the structural and architectural contract, including all remaining phases of construction to the completion of the building or facility. NECA disapproves of breaking down the work into many small separate contracts involving functions that are often performed by various crafts employed by a single general structural contractor.

Sections (a), (b) and (d) remain unchanged.

Comment from NECA National Office:

This amendment to Standing Policy 4 expands the definition of electrical work to include many new technologies.

It is recommended **FOR** adoption.

Ordinary Proposal #3 - Proposal to amend Standing Policy 7 ~ Public Policy on Public Works
(submitted by the Government Affairs Committee)

Current Language

NECA endorses the following principles with respect to public works construction:

1. That all public works should be undertaken in a manner which assures full, fair and ethical competition by qualified, responsible construction contractors.
2. That plans and specifications for essential public works should be placed in the blueprint stage in advance so as to be ready for quick action when needed.
3. That plans and specifications for private work should also be prepared in advance as far as practicable in order that private construction, which normally constitutes two-thirds of construction volume in peacetime, may have first call on the industry's resources.

Comment from NECA National Office:

This amendment to Standing Policy 7 recognizes new methods of contracting.
It is recommended **FOR** adoption.

Proposed Language

{~~strikeover~~ indicates deleted language;
underline indicates new language}

NECA endorses the following principles with respect to public works construction:

1. That all public works should be undertaken in a manner which assures full, fair and ethical competition by qualified, responsible construction contractors.
2. That plans and specifications for essential public works should be placed in the blueprint stage in advance so as to be ready for quick action when needed, this would include advanced energy efficiency performance specifications and technical criteria necessary for design-build projects.
3. That plans and specifications for private work should also be prepared in advance as far as practicable in order that private construction, which normally constitutes two-thirds of construction volume in peacetime, may have first call on the industry's resources.

ORDINARY PROPOSAL #4 - Re: National Electrical Code® (NEC) (Submitted by District 6 Council)

WHEREAS, the National Electrical Code® (NEC) is a set of rules and regulations that ensure the safe installation of electrical wiring and equipment. It is the preeminent electrical installation code in the U.S.; and,

WHEREAS, the NEC is significant to the electrical industry when adopted into law by states and local jurisdictions; and,

WHEREAS, the NEC is updated and published every three years with the 2008 Code being the most recent edition; and,

WHEREAS, state and local areas adopt installation codes at different times resulting in regional inconsistencies that increase risk for electrical contractors; and,

WHEREAS, some jurisdictions adopt the NEC with state or local amendments; and,

WHEREAS, some states have adopted the 2008 NEC while there are a number of states that have either local adoption or have NEC editions in effect that are 2005 or older; and,

WHEREAS, the NEC is the model building code that has the fewest local amendments; and,

WHEREAS, the process for changing, implementing, training, purchasing and distributing each new edition of the code is costly, time consuming and confusing; and,

WHEREAS, the NEC development cycle includes a formal process for submitting tentative interim amendments (TIAs) if there is an urgent need for a rule change; and,

WHEREAS, code changes could be adopted less frequently so as to reduce costs and increase efficiency with minimal negative consequences to the electrical industry.

Therefore, be it RESOLVED that the National Electrical Contractors Association promotes and endorses revising the National Electrical Code® on a five-year cycle rather than the existing three-year cycle.

Comment from NECA National Office:

Changing the NEC revision cycle makes sense for a number of reasons as noted in this proposal. While NECA does not own or control the code, it certainly can advocate on behalf of this proposed change.

The proposal is recommended **FOR** adoption.