



Quality People. Quality Projects.

**OHIO**

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**Building**

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## Last chance for registration for 2018 AGC of Ohio Convention March 11 - 17, 2018 Fairmont, Kea Lani Resort Maui, Hawaii

Winter has returned to Ohio with a vengeance. We're paying for those past mild ones - this one is a real payback from the arctic weather gods. Wanna get away? We still have a few rooms left in our room block for the annual AGC of Ohio Convention.

**Don't hesitate on this. Reserve your spot today!**

[Online reservation Form](#)

We will be staying at the gorgeous Fairmont, Kea Lani Resort located in the scenic and tropical Wailea area on Maui's southwestern part of the island. All attendees will enjoy a "Run of Ocean" junior suite (which is just under 900 sq. ft.) complete with a lanai with great-views of the Pacific Ocean and the other distant Hawaiian-islands. Daily breakfasts are included in your package.



**Base Package @ 6 Nights - \$5050**

If you have any questions, call Richard Hobbs at 614-486-6446 or email him at [rjh@agcoho.com](mailto:rjh@agcoho.com)

# NATIONAL AGC SAFETY AWARDS



The National AGC Safety Awards (NASA) program has been an ongoing effort since 1991 to offer AGC members an opportunity to evaluate their safety record. Participating contractors receive a confidential printout to compare their company's safety statistics with similar size and type AGC contractor members both locally and nationally. This information can be used to assist in determining if additional accident prevention and loss-control measures are necessary. And, NASA provides a great opportunity for contractor members with excellent safety records to compete for nationally recognized awards.

National AGC Safety Awards (NASA) program is free of charge, and takes 5 minutes to participate, using information from completed OSHA 300 log. AGC of Ohio submits entries to AGC of America on behalf of its members. Contractors should use their completed OSHA Form 300A Summary of Work-Related Injuries and Illnesses to fill out the NASA tabulation form. The entry deadline is February 9. **the entry form (or tabulation form) at: <https://agcoho.com/safetyawards>.**

Send your tabulation form AGC of Ohio/NASA, care of Andrea Ashley: [andrea@agcoho.com](mailto:andrea@agcoho.com); fax 614.486.6498; 1755 Northwest Blvd, Columbus OH 43212.

AGC contractor members must have participated in the NASA program for three consecutive years in order to be eligible for an award. This means a member must have participated in the program for the years **2015, 2016, and 2017** to be eligible to receive an award in 2018. *If you have not entered those years, now is a great time to start so your company can be eligible in the future.*

AGC contractors **with direct-hire, job-site craft labor** are eligible to compete in the following categories: Building, Federal & Heavy, Highway, Utility Infrastructure, and Associate/Specialty. **[If contractors wish to compete in more than one category, they are required to separate their safety statistics and work hours by category.](#)**

Awards are given to members who have participated in three consecutive years, and for 2017 have a zero incident rate or rate 25 percent below its occupational division's average (divisions include Building, Highway, Federal & Heavy, Utility Infrastructure, and Associate/Specialty). Companies being recognized will receive a Certificate of Commendation that is presented during the AGC of Ohio Safety Luncheon.

**QUESTIONS:** Contact Andrea Ashley at AGC of Ohio – [andrea@agcoho.com](mailto:andrea@agcoho.com) or 614.486.6446.

## U.S. APPEALS COURT UPHOLDS SILICA RULE

The U.S. Court of Appeals for the District of Columbia on December 22 [ruled](#) that OSHA had met legal requirements for determining what standards are economically and technically feasible. AGC of America was among the business groups challenging the rule, arguing that it was not economically or technically feasible for construction, foundry and hydraulic-fracturing industries. At this time, AGC of America and the other business groups are reviewing the decision and evaluating their options. The final judicial recourse would be to appeal to the U.S. Supreme Court.

## UPCOMING AGC OF OHIO SAFETY MEETINGS: FEBRUARY 16 AND MAY 11

AGC of Ohio hosts quarterly safety meetings to provide an opportunity for safety professionals to network and share ideas and information. Meetings are held from 9:30 a.m. to noon at the AGC of Ohio office in Columbus. Regular agenda items include OSHA regulatory and enforcement activities, workers compensation, AGC and divisions safety efforts, and pertinent safety health matters of interest. The first two safety meetings for 2018 are scheduled for February 16 and May 11. Meetings are open to AGC of Ohio members and free of charge. RSVP attendance to Andrea Ashley at AGC of Ohio: [andrea@agcoho.com](mailto:andrea@agcoho.com) or (614) 486-6446.

# RECENT COURT ACTION ON ISSUES IMPACTING CONTRACTORS

## **Prohibition of Employee Residency Requirements (aka Local Hire):**

On December 7, the Eighth Appellate District Court of Appeals' in Cuyahoga County upheld a Cleveland trial court's injunction on the statute prohibiting the use of residency requirements on public improvement contracts in Ohio. The court held that the law was unconstitutional and violated municipalities' right of home rule. AGC of Ohio, Ohio Contractors Association, and several other construction and businesses associations, strongly supported the legislation (H.B. 180) that was enacted last year. The court's decision, while disappointing, was expected. The state of Ohio has 45 days from the date of the ruling to file an appeal to the Ohio Supreme Court, which in the past upheld a previous residency prohibition statute related to police and fire. More details will follow as it becomes available. [Cleveland v State](#), 2017.

## **General Liability Insurance:**

The Ohio Supreme Court announced earlier this month that it will hear a case about general liability insurance. AGC of Ohio and several other construction associations had filed amicus curiae briefs encouraging the Court not to hear the case. In January, Ohio's Third District Court of Appeals ruled that an insurer, in this case Cincinnati Insurance, has the duty to defend and indemnify a contractor against claims made by a project owner for property damage resulting from a subcontractor's defective work. The court rejected the Cincinnati Insurance's argument that claims of defective work, regardless of who performed the work, are not covered under CGL policies since defective work does not constitute an insurance. Prior to the District Court's ruling, the trial court found in favor of the insurer. [Ohio Northern University v. Charles Construction Services, Inc.](#)

## **Municipal Tax Reform, Optional Centralized Net Profits Collection:**

More than 100 cities and villages have filed a civil lawsuit in the Franklin County Court of Common Pleas challenging the constitutionality of key municipal income tax reforms signed into law through H.B. 49 in June 2017 and H.B. 5 in December 2014. AGC was an active proponent of the municipal tax changes. The suit names the State of Ohio, Ohio Tax Commissioner Joe Testa, Ohio Treasurer Josh Mandel and Director of the Ohio Office of Budget and Management Tim Keen as defendants, and asserts violation of the Ohio Constitution's home rule authority for municipalities. The suit seeks an immediate preliminary and permanent injunction to halt all work by the State of Ohio to implement centralized net profits filings through the Ohio Business Gateway along with other state-administered municipal tax operations.

The new, optional net profits centralized collection filing feature, part of H.B. 49 provisions, is due to launch for the 2018 tax filing season. Ohio Department of Taxation has said centralized filing could save Ohio businesses an estimated \$800 million in compliance costs if they all participate. Registration has already been available since Oct. 20 on ODT's [website](#). Ohio Tax Commissioner Testa has indicated the state will continue implementing the program, unless ordered otherwise by the court. AGC is working with other supporters of the tax reform legislation to urge the court to refuse an injunction.

# Upcoming Events

## [AGC Financial Issues Committee Meeting](#)

January 08, 2018  
San Diego, CA

## [AGC Safety & Health Conference](#)

January 10, 2018  
Long Beach, CA

## [Conference on Surety Bonding & Construction Risk Management](#)

January 29, 2018  
Naples, FL

## [99th Annual AGC Convention](#)

February 26, 2018  
New Orleans, LA

## ConstrucTalk

Do you have new employees or has someone received a promotion?

Has your company received an award or recently done anything newsworthy that you would like to share?

Send your information to Taylor Hobbs at [editor@agcoho.com](mailto:editor@agcoho.com).

### SAVE MONEY!

[Businesses and Employees](#)



Support the  
AGC of Ohio  
Education Foundation



is a movement to generate pride and respect for the construction industry, and to recruit young people into the industry as a rewarding and valuable career.

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