



UNITED ASSOCIATION
of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry
of the United States and Canada
LOCAL UNION No. 13

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December 17, 2020.

Dear brothers and sisters,

Hope all is well with you and yours.

This will be the last informational text until January 7, 2021.

On behalf of the officers and staff I would like to wish everyone a Merry Christmas and a Happy New Year. Enjoy your time with your family and stay safe and healthy.

We know how hard this year has been. We know that to many of us have suffered with unemployment and the loss of loved ones.

Our world will be forever changed and even as we get back to normalcy, we still cannot let our guard down on how we take care of ourselves on the job site and our families at home.

With every calendar year that flips brings the sense of hope for a better year than the one before. We are on the cutting edge of ending this pandemic and surely, we will have setbacks and challenges with the ongoing virus. I am very optimistic that 2021 will bring us back to many employment opportunities and the get togethers that we all enjoy. The monthly Retiree Lunches, our Family Picnic, Clam Bake and Union meetings etc.

All of you are owed a Thank you for stepping up under unheard of circumstances. You kept Local 13 advancing and again on behalf of the officers and staff I cannot thank you enough...

Please remember to not let your guard down and follow the Covid-19 guidelines. Cases are beginning to increase. We have had positive tests come in regarding

our own brothers and sisters and their families. We need to remember to follow the social distancing guidelines and wear your mask... STAY SAFE AND HEALTHY!

If you work Friday December 25th Christmas day that is a double time day and the same goes for Friday January 1st New Year's Day.

Not a lot has changed since your last informational text. With me I have had ongoing meetings with the Rochester Building Trades regarding the pandemic, paid family sick leave and trying to secure upcoming work for all the Rochester Building Trades. Also, I have had continuous zoom meetings with our Rep and Business Managers throughout the State regarding nominations and elections for the 2021 UA Convention, unemployment numbers and political strategies to help us secure work... Hopefully on your January 7, 2021 informational text I will have information regarding the nominations and election for the UA Convention and better news regarding employment opportunities...

Out of work and traveling:

- ✚ WE HAVE 80 MEMBERS WILLING TO GO BACK TO WORK AND 23 MEMBERS TRAVELING. PLEASE CALL THE HALL IF YOU ARE OUT OF WORK AND ARE WILLING TO GO TO WORK.**
- ✚ We had 11 unemployed members go back to work locally since 12/1.**
- ✚ Traveling opportunities have slowed down until after the New Year. Please stay in touch w/Jim to stay informed...**
- ✚ Pocket size 2021 calendar books are in... Please call Alana if you would like one and we will mail it to you.**

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- ✚ We do not have a union meeting in December.**
 - ✚ Depending on the pandemic and the protocols will determine if we have a January 2021 union meeting. If we must cancel, we will have an officers meeting including the conference board on January 26, 2021 starting at 4:30pm. I will keep you posted as time moves forward...**
 - ✚ At the February mtg we will have nominations for the upcoming UA Convention which is scheduled for late August 2021. The election will**

be held at April's mtg. Depending on the pandemic will determine if we have nominations at the February mtg or accept mail in acceptance letters and or email acceptance letters. As time moves forward, we will determine the protocol...

- + The Children's Christmas Party is cancelled.
 - + Please call me or Jim if you need a jobsite visit. With Covid-19 ramping up to protect you, your jobsite, your family, and us back at the hall we need to remember to follow our protocols. We need to meet you in an open area to stay at least 6' apart and all must wear a mask...
 - + The Hall is open for appointment if you need to come in and sit down to talk. Please call to make an appointment.
 - + Thank you for understanding and your cooperation.
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Politics:

- + The electoral college has voted to adopt the election results and Pres. elect J. Biden and Vice Pres. K. Harris will be sworn into office on January 20, 2021.

Upcoming new projects on the Dodge Reports are listed below... start dates are questionable:

- + Various public-school projects - \$25 million in work coming...
- + Brockport College - \$50 million in renovations and new construction.
- + Geneseo College - \$30 million in renovations.
- + Alfred U and Alfred state – Power house - \$21 million and renovations worth another \$21 million.
- + Town of Romulus – New \$600 million power plant. In the approval, planning and design stages. If a go, projected to start in 2022 w/a finish date of 2024.
- + Monroe Community Hospital – Chiller plant replacement \$6 million. Pending approvals...
- + City Schools (School mod.Ph.#3) – pending State funding.

- ✚ Food and Beverage Manufacturing Facility Tech Ag. Park in Geneva - \$15 million – pending on a lease agreement. Another \$25 million in a Master report for a research building and incubator. No schedules set.**
- ✚ Downtown Rochester Riverside Development - Performing Arts Center, High Rise Tower Hotel/Residential Retail. Project on hold. Pending Federal Stimulus/State \$.**

Upcoming jobs to bid in our jurisdiction are few and far between at this time. There is a lot of projects coming up with our sister locals. (Buff. Local 22, Syr. And Oswego Local 81, Binghamton Local 112, and the chip plant in Local 773 Glens Falls will be ramping up again after the New Year. This should help with the unemployed if you are willing to travel... Please stay in touch w/myself or Jim on those opportunities. Thank you.

Rochester Building Trades information:

Ongoing discussions has outlined below:

- ✚ Working on the upcoming Amazon projects to make sure the local labor protocol is followed.**
- ✚ Continuing discussion w/the Comida board and County Exec. A. Bello regarding the Local Labor requirement for the Amazon projects.**
- ✚ The Amazon project is out for bid and is projected to start in mid-January.**
- ✚ Continued discussion regarding the upcoming \$140 million U/R orthopedic center going up at the old Sears Store at Market Place Mall. Waiting on awards. Projected to have boots on the ground in late January.**
- ✚ Continuing discussion w/City council regarding a new police barracks for downtown Rochester.**
- ✚ Discussing paid family sick leave... Mtg w/our attorney regarding sick leave at this coming Monday's mtg...**
- ✚ Lobbying for more work for all the Rochester Building Trades.**

Int Rep John Murphy – Zoom mtg:

Ongoing discussions as outlined below:

- Discussed Covid-19 and the effect on work throughout NY State.**
 - Members out of work throughout the State.**
 - Discussed the hiring of Regional Organizers that will be funded by the UA from the \$.10 that we send to the UA for organizing.**
 - Discussed the hiring of a NY state Political director.**
 - Drafted a letter to Senators Schumer and Gillibrand asking for federal aid for all our unemployed and to kick start the construction industry in NY.**
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Retirees:

- Hope all is well with you and yours. You are missed by all.**
 - Please let us know if you need anything...**
 - Hopefully sometime in 2021 we will be able to get back to normalcy and hold your monthly lunch get together.**
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New Information attached:

- Contractors can require Covid-19 vaccinations for jobsite workers, lawyers say.**
 - Trade Groups: Amid Covid-19 challenges, construction has performed better than most industries.**
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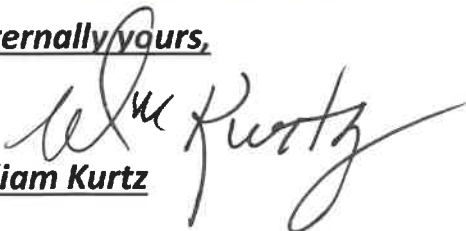
Please feel free to call me if you have any questions or concerns...

God Bless you your family, our brothers and sisters and Local 13.

Fraternally yours,

William Kurtz

Business Manager





Contractors can require COVID-19 vaccinations for jobsite workers, lawyers say

There are several steps that firms can take to encourage their employees to get vaccinated.

By Joe Bousquin

Published Dec. 10, 2020

Attorneys from a prominent workforce law firm told contractors that it is within their legal rights to compel workers to get vaccinated against COVID-19, during a webinar hosted Wednesday by the Associated General Contractors of America.

D. Albert Brannen and A. Kevin Troutman, both partners at Atlanta-based Fisher Phillips, compared requiring construction workers to get a coronavirus vaccination to existing rules for healthcare workers that make flu shots mandatory, in order to protect all patients and staff and keep the workplace safe.

The attorneys also recommended contractors set up programs to administer vaccines to workers on jobsites, during work hours and free of charge, in order to get the highest participation possible while ensuring projects continue to move forward.

“We do have a right to be aggressive, to keep the job flowing,” Brannen said. “We are a critical industry and we need to communicate that to our employees, as an explanation of why we expect you to take a vaccination when we make it available.”

Protect the workforce

The attorneys' recommendations during the AGC webinar, which was attended by more than 900 participants, came on the eve of a scheduled meeting in Washington Thursday, which is the next step toward emergency use authorization for the first COVID-19 vaccine in the United States. The AGC webinar's initial goal was determining whether contractors can make it a job requirement for workers to get the vaccine.

While Troutman pointed to reports that Dr. Beth Bell, a member of the Centers for Disease Control's Advisory Committee on Immunization Practices, has said vaccines approved under the Food and Drug Administration's emergency use authorization cannot be mandated, he said Fisher Phillips holds a different legal view.

"Based on what we've seen, that's an opinion," Troutman said. "It does come from an authoritative source, but we actually believe these vaccines, once they're approved, even though it's under the emergency use authorization, that they can be mandated."

He said doing so must be job related and consistent with a business necessity, and that employers needed to make reasonable accommodations, under the Americans with Disabilities Act, for any employees who can't comply for specifically allowed reasons.

Beyond those caveats, however, Troutman was unequivocal on whether contractors were legally covered to take such a step.

"Can employers require a COVID vaccine? We think so," he said, pointing to the precedent of hospitals requiring healthcare workers to get flu shots.

"The idea there is to protect vulnerable patients, but it's also to protect the workforce. You can't operate a hospital with half your staff is infected," Troutman said. "So there's a lot of reasons that that's been applicable, and under COVID, which has been more

severe, why it may be more important to have vaccinations beyond the health care industry.”

Provide accommodations

Troutman and Brannen highlighted contractors’ obligations under OSHA’s general duty clause, which requires employers to ensure safe working conditions. They also pointed to steps taken by the Equal Employment Opportunity Commission to allow employers to require testing and screening for the virus thus far during the pandemic.

“COVID-19 poses a significant risk of substantial harm. It’s killed over a quarter of a million Americans,” Troutman said. “One of the reasons that the U.S. has allowed employers as much latitude as they have in terms of doing testing and temperature checking is because of this significant risk of substantial harm if they don’t do it.”

At the same time, both Troutman and Brannen emphasized that there are areas where employees can legally decline to be inoculated. Those include medical grounds or sincerely held religious beliefs, or where state or local law prohibits mandatory vaccines.

But even in those cases, the attorneys said, employers have a right to ask for documentation to back up such claims.

“If someone strictly said, ‘I disagree with the idea of taking a vaccine,’ that’s not enough,” Troutman said. “You have the right as an employer to have the employee explain to you what that sincerely held religious belief is” or to ask for a note from a doctor. In those cases, employers should offer reasonable accommodations, such as allowing employees to work from home if possible.

Encourage participation

One area the lawyers cautioned contractors to be aware of was employees' rights to protest being required to take a vaccine, as separate from whether they actually comply with any mandate.

"Let's say you roll out a policy requiring, or strongly encouraging, vaccinations and you get an employee petition signed by a number of employees," Brannen said. "Many people will say, 'Well, we'll just fire those people.' You can't do that under the National Labor Relations Act, even if they don't have a union representing them."

Instead, he said employers should listen to employees' concerns and document any policies put in place to require vaccination. "If those scenarios come up, you're going to have to be very careful and seek some advice," Brannen said.

The pair also stressed that contractors are walking a fine line, because while requiring vaccination typically results in higher participation rates, doing so can incite pushback, as well as potential public relations issues. To address both, they recommend that contractors set up jobsite vaccinations clinics during working hours, that are paid for by employers.

"Come up with a policy that says we expect all of our employees to take the vaccine," Brannen said. "Then, moreover, we're going to provide you working time to do it, at our site, and we're going to make it easy so there are no obstacles."

The firm has made sample vaccine policies and procedures available on its website, as well as a 50 state chart on vaccines and exemptions via its Vaccine Resource Center For Employers on its website.



Trade groups: Amid COVID-19 challenges, construction has performed better than most industries

Disparate views of similar data illustrate the bifurcated impact of the coronavirus crisis on the \$1.3 trillion construction industry.

By Joe Bousquin

Published Dec. 4, 2020

While construction has struggled through a year of unprecedented challenges, it has also proven to be one of the country's most resilient industries in light of the coronavirus outbreak.

Contractors have dealt with a range of challenges this year, including layoffs, government shutdowns, canceled projects and the increased costs of keeping sites open during the pandemic. For example, despite enjoying essential business status in most of the country, the construction industry still lost jobs across 58% of metro areas year-over-year through October, due to the broader impacts of the coronavirus pandemic, according to the Associated General Contractors of America this week.

“The pandemic has devastated the finances for businesses, institutions, and state and local governments, leading to widespread postponements and cancellations of construction projects,” said Ken Simonson, AGC’s chief economist, in the statement.

As bad as these numbers are, construction’s job performance relative to other sectors was a bright spot, with unemployment

rates for construction lower in 20 states in September compared to February, according to the Associated Builders and Contractors.

“After many bumps and bruises, construction has proven to be one of the better performing sectors of the economy over a difficult period,” said Bernard M. Markstein, president and chief economist of Markstein Advisors, who conducted an analysis for ABC of construction’s recent employment performance through September.

These disparate views of similar data during overlapping periods illustrate the bifurcated impact of the COVID-19 crisis across the diverse \$1.3 trillion construction industry. They also highlight how industry leaders have had to walk a tightrope between emphasizing the pandemic’s negative impacts in hopes of garnering more government relief for the sector, while simultaneously showcasing construction’s positive track record with the proactive intent of warding off any new government shutdown orders that could lie ahead.

Consider this nugget from the AGC’s release: Construction employment fell in 209, or 58%, of 358 metro areas between October 2019 and October 2020, while it was stagnant in 40 others. Meanwhile, only 109 metro areas — just 30% — added construction jobs during the same period.

Those bearish data points served as a launching pad for AGC CEO Stephen Sandherr’s comments encouraging lawmakers to get another relief bill passed soon, momentum for which has built on Capitol Hill this week.

“Construction employment is likely to continue falling in many parts of the country unless Congress quickly passes new coronavirus relief measures,” Sandherr said in the statement. “Boosting infrastructure projects, preserving the benefits of the

Paycheck Protection Program and protecting businesses from predatory attorneys will help stabilize the economy and demand for construction.”

An uncertain future

At the same time, in the current environment where COVID-19 deaths have reached all-time highs, and states such as California are ramping up toward renewed regional stay-at-home orders and restrictions on nonessential businesses as ICU hospital beds fill at an alarming rate, the ABC’s release accentuated the positives of how construction has weathered — and acted responsibly throughout — the pandemic thus far.

“Construction has generally done a good job of taking measures to protect its workers from the risk of contracting COVID-19 in the workplace,” said Markstein, via the ABC’s release. “The impact on construction activity comes more from local increases in COVID-19 cases and efforts to contain these outbreaks.”

What it adds up to is an incredibly uneven impact, both by sector and geographically, across the construction landscape, one that has been both negative and positive at the same time.

On the one hand, the economic uncertainty caused by the pandemic has hit specialty areas of construction hard. Many hospitality, restaurant, retail, entertainment and office projects that were in the works prior to COVID-19 have been put on hold or canceled. Developers have had to crunch their pro formas on those deals using the pandemic’s new algebra, the common denominator of which is that any project that promotes mass gatherings — such as malls, movie theaters, restaurants, hotels and entertainment venues — gets carried over into the negative column.

From that perspective, construction and its furloughed workers need more help — and fast.

On the other hand, the industry has been relatively fortunate. With its essential status, many projects which were underway at the start of the pandemic were permitted to continue, while providing much-needed jobs during a period when many workers in other industries found themselves on unemployment rolls.

For example, while the overall unemployment rate in the United States was at 7.7% in September, in construction it was 7.1%, according to data that accompanied the ABC release. That shows how construction's essential status has helped the overall economy, while taking measures to protect workers at the same time.

And both views, given what passes for a rational approach to business — or life — during a pandemic that shows no sign of abatement before a vaccine is widely distributed next year, ring true.

In 2020, taking both a pessimistic and optimistic view on similar data seems to be a way to hedge construction's wide-ranging bets.