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FALL 2020



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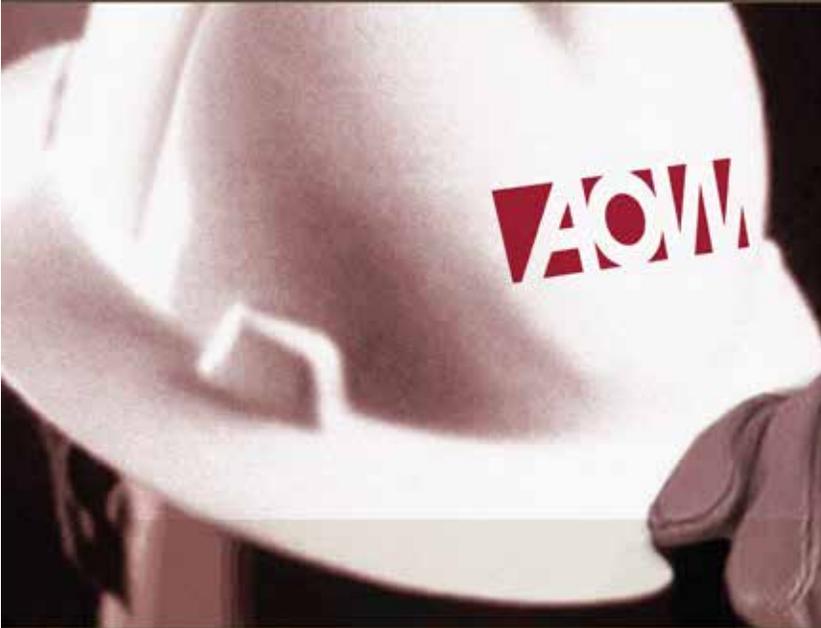
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# MESSAGE FROM EASTERN CONTRACTORS ASSOCIATION PRESIDENT AND CEO, **TODD HELFRICH**

In early 2020, COVID-19 hit the entire world like a wrecking ball – international travel, major manufacturing and a good portion of normal daily activities shut down. Here in New York, the construction industry is considered an essential service, so ECA kept working, and we did it safely and efficiently.

In early March, ECA began sending out information to our members to start reviewing their current policies and implementing COVID-19 protocols, as it was becoming clear the virus would have an impact on our workforce. Just a few weeks later, these early preparations became relevant, as regulations and guidelines came out from state government mandating reduced workforces, closures of businesses, halting of projects and more. Then there was the question as to whether or not all of construction was still considered essential and, if not, what parts were.

In my 30-plus years of experience in the construction industry, I have never seen anything like this. I've never seen anything at this level of crisis. But that just meant that the Association's response had to be unlike anything that's ever occurred before.

We responded to our members with a wealth of information that was sent by email, posted to our website and through numerous phone calls.

We squelched rumors, kept everyone calm and got everyone the right information. We also helped rewrite business plans, created continuity plans and provided templates for worksite safety protocols. And we helped navigate and interpret the continuous onslaught of governmental regulations, directives and programs.

I'm not exaggerating when I say we were, and continue to be, available 24-7. Upstate, all construction officially

opened back up in May. Any projects shut down quickly remobilized and moved back to full employment. Everyone has been going flat out ever since.

But none of this means that we can throw caution to the wind. Quite the opposite. On our jobsites and in our offices, everyone must still practice social distancing, encourage people to wear masks and PPE, continually sanitize workstations and equipment, wash their hands, tell people to stay home if they feel sick and more. We must all work together. The construction industry has done a great job of protecting our folks and it's working so far. Let's be sure to keep up the good work!

The world may be a little different right now, but at ECA, we're still here for you. Thank you for trusting us. ☺

## Ways to prepare for a second wave of COVID-19

Workplace safety experts warn of a potential second wave of COVID-19 coinciding with flu season and offer these 12 tips on how companies can prepare.

Are you ready?

1. Review your response to COVID-19 so far.
2. If you haven't conducted a thorough COVID-19 hazard assessment, do it now.
3. Integrate new COVID-19 policies and procedures into your established policies and procedures.
- 4 Draw up contingency plans for a possible return to a lower stage of opening – even a full lockdown.
5. Keep your emergency contact lists up to date.
6. Record contact information for all visitors for contact tracing purposes.
7. Continue monitoring COVID-19 in your area.
8. Ensure you have enough PPE and other supplies on hand.
9. Keep employees engaged in minimizing COVID-19 hazards.
10. Up your efforts to minimize employee stress and anxiety.
11. Consider your options for continuing or restarting health and safety training.
12. Promote flu vaccinations to keep employees healthy and away from emergency departments.

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Eastern Contractors Association, Inc. (ECA) is a trade association of union signatory general contractors and subcontractors, suppliers and service firms engaged in commercial, industrial and institutional construction throughout eastern New York. ECA traces its history to 1890 and is the region's only "full-service" contractor association serving the needs of all segments of the construction industry, providing labor relations assistance, planroom services, networking opportunities and other valuable membership benefits.

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# NEW SARATOGA COUNTY PUBLIC SAFETY FACILITY PROJECT UNITES ESSENTIAL DEPARTMENTS

By Cindy Chan

The Saratoga County Public Safety Facility project aimed to bring four necessary and important critical emergency response and public safety departments under one roof.

The newly built, 64,116-square-foot Saratoga County Public Safety Facility houses the sheriff's department, office of emergency services, probation department and public health department. According to Tom Speziale, deputy commissioner of public works for Saratoga County, the coroner's office is also located on the same

site, although it wasn't part of the original plan.

Construction on the building began in August 2018 and wrapped up on August 20, 2020 when it was unveiled. According to Michael Murnane, vice president for Murnane Building Contractors, COVID-19 threw a wrench in their plans but they were able to maintain social distancing and reduce their workforce in order to get the job done.

"The existing facilities for all the departments were overcrowded. What this does is get these departments under one

roof, increase efficiencies to services offered and give them more capacity to respond to emergency situations and deal with public safety issues that come up," Murnane says.

Katrina Pacheco, office director and senior architect at H2M architects + engineers, says the construction process began with clearing the site and raising the grade a little bit.

"They poured the thick concrete walls, protecting the emergency operations center and public safety answering point (PSAP or 911 call center)," Pacheco says. "Three of those walls are 16 inches thick and the fourth wall is 22 inches thick with rebar."

After pouring the walls, steel framing was erected around the rest of the building for the other departments. Above the central protected area were thick concrete roof planks; once the planks went in, they continued the rest of the steel framing. Steel studs went around and inside the building as well. Pacheco says the one-story building also featured concrete slabs on grade and a masonry veneer exterior.

Two of the main concepts were that "we had to protect these critical services and provide centralized entry into the building,"

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***The walls around the lobby are part of the protection built into the facility with a ballistic rating. The transaction windows offer ballistic protection in the event of an active shooter.***

Pacheco explains. “We focused design effort on the main entrance, which has a very tall roof on it, like a rotunda. It’s a very light, airy space, bringing lots of natural light into the area.”

Anyone seeking any of the services housed in the safety building enters through one door, and signage directs them to their desired destinations. Pacheco says the main lobby embodies a natural material look, using actual wood as well as materials with a wood-like appearance. For example, the floor is a ceramic tile that looks like wood plank.

“We have wood-clad steel columns holding up the roof, decorated with the wood panel to almost look like trees,” Pacheco says.

Of course, functionality is central to the design of the building. Pacheco says the walls around the lobby are part of the protection built into the facility with a ballistic rating. The transaction windows offer ballistic protection in the event of an active shooter.

“The building has been designed in the event of an emergency that requires our operations to go into a ‘hardened core area’ for protection. They can go into those areas, and our emergency response team can manage the county emergency services from within the core of the building while being protected,” Speziale says.

The sheriff’s department is the largest component of the facility. It features patrol spaces, as well as investigator offices, a lab area, storage for records and possessions they confiscate such as narcotics or guns. There is also a sally port where detainees enter for fingerprints, IDing, interviews and so on before taking them to the county jail next door.

The office of emergency services controls

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the emergency operations center (EOC). It is a smaller department, but the office has investigators all over the county dealing with events, like fires. Pacheco says there is a secure entrance into the EOC.

The public health department has a diagnostic and treatment center, which is available for individuals to come in to receive limited health services. Pacheco adds, “If there was a county-wide event, like something happened at the county fair, the department would respond from here with trailers for testing.”

Because the county is growing – the population is currently approaching 250,000 – they will be required to hire a health commissioner, so there is space for a health commissioner in the department as well.

The probation department is placed in the building in close proximity to the sheriff’s department for better communication between the two as they are both law enforcement-related.

Although the departments are different in function, Pacheco says they were laid

out to share similar uses in a centralized area, such as spaces for meetings, interview rooms, mechanical and electric rooms, storage and IT infrastructure.

“The project had a complex nature, as we had to phase and bring different departments online to be able to accommodate and complete the intricate systems that needed to be installed,” Murnane recalls.

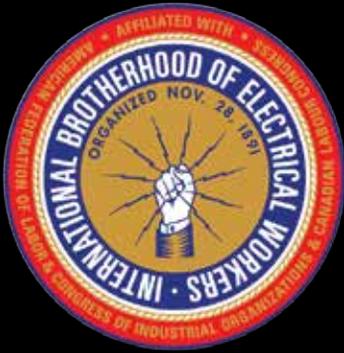
“We’re very pleased with the building, and all the departments are pleased to be in these new spaces,” Speziale says. “Most of the departments were in smaller spaces with the same amount of people.”

With the new facility, Pacheco says residents don’t have to travel far and wide for these various essential services. “It provides Saratoga County with a centralized, concentrated group of people, providing a place for these people to get immediate responses. They don’t have to travel anywhere to get to an EOC. They were previously scattered before, so we took all of those emergency-related services and put them in one building. It’s meant to withstand manmade and natural disasters and allow the county to keep responding.” ☺

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# SEI DESIGN GROUP: HUMBLE BEGINNINGS TO SUCCESSFUL FIRM

By Cindy Chan

**S**EI Design Group started out with six people and has grown to 52 – and they’re not slowing down.

In 2006, six founding principals – Matthew S. Monaghan, Victor J. Tomaselli, Stephen J. Klempa, Brian E. Cieslinski, Bari J. Lee and Michael J. Ebertz – formed SEI Design Group. Each individual came from a large, publicly traded educational firm to create something of their own.

According to Monaghan, they each had one goal in mind – to deliver architectural projects to their clients with a specific focus on design, value, owner satisfaction and creativity.

“The philosophy has always been to

exceed the client’s expectations, to create client driven solutions and in 2016 SEI formalized this with the mission statement: engage, imagine, inspire,” Monaghan says.

The six founding principals called their company SEI, because “sei” is the word for “six” in Italian, representing each member of the business. As the firm has grown they have added three principals, Ted Mountain, AIA; Gian-Paul Piane, AIA; and Matt Schools, AIA, as well as three associate principals. Monaghan says SEI Design Group mostly works with school districts, public safety and office buildings and hotels. For each project they are on, SEI Design Group puts together a dedicated

team based on the client’s needs.

SEI Design Group has been part of many notable projects in Eastern New York, one of which is the Desmond Hotel in Albany. The hotel is well-known in the Albany area, and when they reached out to discuss a renovation project, SEI Design Group was thrilled to join the team, says Monaghan. The project is a \$10-million renovation, which includes upgrading guest rooms, its public spaces and large atrium spaces, conference rooms and restaurant. The project is ongoing and is slated to take another year of construction.

“We also just completed an \$18.4-million school project,” Monaghan says. SEI Design



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Group participated in the Lansingburgh Central School District project. “The school district wanted to offer pre-K education to all families in the community, so they created a pre-K through second-grade school building at Turnpike Elementary School, and then converted Rensselaer Park Elementary School to house Grades 3 to 5. This was a very nice solution to changing educational program to meet the needs of a dynamic urban community.”

SEI Design Group also worked on an office building on Plaza Drive in Colonie for a large insurance company, which is the new 150,000-square-foot building, with a budget of \$15 million.

“We have an ongoing project for the Albany County Sheriff’s Office’s Public Safety Building,” Monaghan adds. “It’s \$1.5 million.”

Monaghan says his firm is blessed to be busy with work during the pandemic. And SEI Design Group has found that many clients are in need of customized COVID-19 plans for safe openings and safe operation.

“We kept the entire staff on board during this pandemic, and we’ve found that much of our work can be done effectively with remote working,” Monaghan says. “Obviously, you have to get to the construction site because our participation there is critical. But we have seen many of the job meetings moving to video meetings.”

SEI Design Group stayed motivated during this pandemic by reminding themselves that their clients – whether it’s a hotel, large corporation or school district – are big employers that provide people’s livelihoods.

“We find that we are often adapting a building to changing conditions, and these days things are changing fast,” Monaghan says. “One example is how schools have to deliver education in a different way now than they did less than a year ago.”

And it’s that adaptable and go-getting attitude that has kept SEI Design Group at the top of their game for 14 years. From six partners in 2006 to 52 employees in 2020, SEI Design Group hopes to continue to grow their client base, staff and project inventory. ☺

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# ACCESS COMPLIANCE TAKES CARE OF BUSINESS AND COMMUNITY

**W**ith a lot of uncertainty and constantly changing safety regulations and rules, the workplace is evolving while creating new requirements for employers. Access Compliance has adjusted to the times we are living in and is here for employers to provide whatever services or assistance they may need to be prepared and in compliance.

Access Compliance strives to build relationships while getting to know every company they are assisting, so the services and training provided are exactly what that

company needs and can benefit from most.

Employers are not usually safety or medical people, and often are not involved in all the aspects of safety and regulation from OSHA, from state regulators, from the Governor's executive office or from health department mandates. Who do they turn to?

Access Compliance – the name says it all. Access Compliance is an occupational safety, training, compliance and health business designed to fill that need. The combination of safety professionals and the occupational medical providers are there to offer guidance based upon the best current

science and regulation, and perform medical screening and surveillance of at-risk employees from construction to pilots and truck drivers, to folks working in manufacturing, government employees and safety officers to research science laboratory workers. Boasting 34 staff members – 15 which are full-time – Access Compliance serves not just the state of New York; a lot of their clients range across the northeast from New Jersey to Washington. Access has three offices in Latham, Utica and North Brunswick, New Jersey.

Access Compliance is a fully woman- and veteran-owned business run by Brenda



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Wiederkehr. With decades of experience and long-standing relationships with employers, municipalities, OSHA, labor unions and safety organizations across the country, Access Compliance offers a wide range of services to the workplace and its people. From helping to write policies, to adapting to economic uncertainty, a global pandemic, the aging workforce or a million other things, Access Compliance is the resource which helps an employer succeed in achieving safety and goals of their business. They can assist with engineering, administrative and PPE (personal protective equipment) controls as well.

So, what makes this company unique? There are occupational medicine facilities and there are safety consulting companies but Access Compliance combines the two with the depth and experience represented here. Many OSHA standards have a medical surveillance, industrial hygiene and training component. For example, a masonry contractor may need to conduct a detailed risk assessment, develop a written program, implement appropriate control measures and train their people. On top of that, they may need to complete medical surveillance. In this example, Access Compliance has the capability to perform all of these components including on-site physicals. A Silica Medical Surveillance Clearance would include pulmonary function testing, chest X-rays, TB testing and blood draws, plus whatever ancillary

services are needed to clear the employee.

To work with Access Compliance is to work with real people. The company knows its clients on a first-name basis. “We go to the same meetings, we lecture together, we train together, we telephone and email each other, but what we are best at is problem-solving, whether it is a safety and health-related HR problem dealing with specific employee issues, or working with labor unions, Access Compliance can do it,” Wiederkehr says.

“Give us a safety or occupational health problem and solve it for you. We take pride in the work we do. It shows because most of

our clientele and business is from word of mouth and personal references,” she adds.

Access Compliance knows the specifics of regulations and municipal law, which you would likely never see in regular safety consulting or occupational medical facilities. Right now, they are working with construction companies, manufacturing facilities, schools and municipalities to address the many questions and actions needed to keep people safe during the COVID-19 pandemic.

Wiederkehr says her future goals for Access Compliance is to continue to grow relationships, adjust where necessary, be there for what companies need assistance in to enhance their safety and health programs.

“We are a small efficient safety training compliance and health business; we will stay this way. We know what we do, we love what we do and we do it well. How can we help?” ☺



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# ARE YOU A SELF-DETERMINED MANAGER?



## *Ten changes you might need to make right now*

**T**he best managers intentionally create an environment where employees thrive and great work gets done. To become what David Deacon calls “self-determined,” you must make a choice every day and never, ever let up.

“Am I a great manager?” This is an incredibly tough question to answer. A manager’s job is to get things done by marshalling the efforts of others—and most of us have blind spots that keep us from seeing how we impact those others. But in all honesty, the answer is probably no, says David Deacon. Great managers are self-determined managers, and self-determined managers are extremely rare.

“Being a great manager—the kind who creates a high-performing company—is exceptionally difficult,” says Deacon, author of *The Self-Determined Manager: A Manifesto for Exceptional People Managers*. “You can never rest. You can never let things slide.

You can never waste an opportunity. You are responsible for creating an environment in which people can achieve and grow in ways they did not even imagine—and that’s a job that’s never finished.”

Sounds exhausting, yes? But if you don’t do the hard work of becoming a self-determined manager, a lot of major things can go off the rails. Bad managers create environments where there’s little openness or honesty...or where everyone curries favor rather than focusing on performance...or where people deflect blame onto others.

“Employees do these things to try to cope with the environment you, the manager, have created,” says Deacon. “But the flip side is that when you become a better manager—a self-determined one—you’ll see dramatic changes in their behavior and performance.”

Being a self-determined manager is not so much about mastering a vast array of technical skills; it’s less about task and

more about attitude. It’s about creating environments of overachievement where people thrive and great work gets done.

Deacon says the ideas in his manifesto are for managers at every level, from the CEO to the first-time leader. Regardless of your level or the scale of your impact, you will get better outcomes when you strive to be a self-determined manager. If you want to be among their number, here are 10 changes you may need to make right now:

**Set aside time to reflect on your own agenda.** “This is a biggie,” says Deacon. “It’s really easy to lose sight of how (and if) your current situation fits with your overall aims. If you don’t have a clear sense of what your purpose is, why you’re doing what you do and how it fits with your life, you cannot hope to make consistently good decisions for yourself and others. You’ll just be condemned to react to your circumstances.”

**Choose, deliberately and actively, the type of environment you want to**

**create.** As a manager, it's your job to decide the kind of environment that the team will experience—for better or worse. Think of the best teams you've worked on. What was the prevailing atmosphere? How did the team members work together, how were problems solved, issues resolved? At the heart of all that will have been a manager who set the tone and created the atmosphere.

"This environment isn't something you can just will into being," says Deacon. "It's a process. But every process begins with a decision, and making that decision now is the step that all other improvements this year will flow from."

**Be more restless.** Each week, ask yourself and your team, "What can we do better?" The best managers have impatience (if something is worth doing, why wait?), an instinct for continuous improvement (good enough is never good enough) and a lingering sense of constructive dissatisfaction (how can we do this better next time?). They set for themselves and others very high standards of performance and conduct.

"This demanding impatience for ever-greater impact and ever-higher standards can make self-determined managers very difficult to work for," admits Deacon. "Just be sure to always balance the high expectations with encouragement and a positive approach."

**Start treating employees like adults.** Work is not school. Adults do their best work when they are treated as adults. Therefore, great managers don't bully, shout, patronize, belittle, play favorites, name-call, behave aggressively or condescend. To generate trust and respect, you must create an environment where adults can do great things.

"Life is a little short for bad relationships and miserable interactions," Deacon says. "Make sure you are helping create harmonious environments around you."

**Curb any tendencies toward self-serving behavior.** Avoid the urge to take the glory for victories or shirk responsibility for failure. When you do this, you create an environment where people quickly learn not to volunteer, to not trust the intentions

of their leader and to be busy on work or projects away from the team where there will be some recognition or reward for their efforts. If you feel the need to take credit or protect yourself at the expense of your team, remind yourself that it's all about them, not about you. Your ego, fears and ambitions are not relevant to your team, so keep them to yourself.

**Start letting people know when they do great work.** This creates confidence. The best managers make it clear to their people that they have confidence in their

abilities and in their potential to make a big contribution to the team's success. They do two things. First, they recognize when someone does something well, and they acknowledge this as a good thing. Second, they express confidence in the person (so long as they truly believe it).

The message is, "I saw you do something really good today, and I know you will continue to do great things going forward." This is an incredibly powerful combination.

**Learn something new.** Take a class, master a new skill, even take up a new

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hobby outside work. The best managers are interested, curious, open and alert. They are forever seeking knowledge. This extends far beyond their professional work and reflects their interests, passions, pastimes and preoccupations. First, thinking “widely” opens possibilities by helping you foster connections, recognize new opportunities and find better ways to do things. Second, broad knowledge and curiosity make you adaptable; a key part of career success is about applying what you have learned in new situations.

“To be the best manager you can be, it’s important to never stop learning,” says Deacon. “Keep cultivating interests outside of your work skills. Maybe you want to take up woodworking, learn a new language or get a weekend gig working as a DJ. Stretch your horizons and see how your expanded mind benefits your career.”

**Master the art of friendly, informal, light interaction.** While you don’t need to make everyone your friend, it’s important to eschew formality and standoffishness at work. Be gentle and kind with others as well as yourself. Work on creating positive interactions, where people come away feeling good, feeling they have some standing, that they can be themselves to a large extent, and that they

are meeting with a good member of the human race.

**Learn to like the people you work with (yes, even the unlikeable ones).**

It’s crucial that you enjoy and appreciate the people you work with. If you deal with someone who is unlikeable, find something to appreciate in their person. Here’s why: First, it changes the nature of all interactions and maximizes the chance that you’ll be successful. You get a less cooperative and less engaged relationship with someone you do not like. Second, it furthers the chance that your team members will overlook your unlikeable qualities and focus on your best traits as well. Finally, everyone responds well to being treated well.

**Figure out why the work of the team matters and articulate this to them.** Without this sense of purpose, it’s hard for people to make greater effort, direct their energies and self-correct. Further, they will struggle to relate their actions to their employer’s performance, substituting instead other purposes, such as pleasing their boss or doing only work that interests them.

Striving to be a self-determined manager is incredibly hard work, but the payoffs are immense, says Deacon.

Not only do you get to witness personal breakthroughs and join in team celebrations, you get to watch company performance escalate over time.

“The leverage of having direct reports multiplies your impact in your company, creates outcomes—good or bad—that magnify your work, and makes you responsible for success, which is much greater than most people realize or notice,” says Deacon. “This is a big responsibility, indeed—for others, for yourself and for the business.

“Managing others is not for the faint-hearted,” he concludes. “Doing it well is a conscious and tough choice you need to make every day. But I can’t think of a better way to spend your time.”

**ABOUT DAVID DEACON**

David Deacon is the author of *The Self-Determined Manager: A Manifesto for Exceptional People Managers*. He has been a human resources professional for over 30 years and is passionate about how managers manage for almost as long.

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# IDENTIFYING AND REDUCING WORKER FATIGUE IN CONSTRUCTION



By Nick Fox

A career in construction can be very rewarding, offering both physical and mental challenges, work that's always changing and excellent pay and benefits. However, we know the nature of the work also brings risks to worker safety and health. Physically demanding work creates risk for injury, while tight work schedules and varying job locations can lead to extended shifts, irregular work hours and long commutes.

These factors and others are what make construction workers among the most at-risk employees in any industry for experiencing fatigue on the job.

## WHAT IS FATIGUE?

In its simplest terms, fatigue occurs when we're low on energy. In more scientific terms, fatigue is physical or mental exhaustion as a result of exertion. Fatigue can be physical or mental and often occurs as some combination of the two. Many additional factors can contribute to fatigue, including lack of sleep, disruption of sleep patterns, diet, times of emotional stress and chronic health conditions such as diabetes.

It's estimated that fatigue is at least a contributing factor in a third of all occupational injuries. When the body is fatigued, our situational awareness suffers, along with our memory, concentration and ability to quickly make decisions. Several studies have compared the performance effects of fatigue to being under the effects of alcohol. OSHA notes that working 12 hours a day is associated with a 37-percent increase in injury risk.

"This is why it's so important to reduce fatigue on construction sites and in all workplaces," says LIUNA General Secretary-Treasurer and Laborers' Health and Safety Fund of North America Labor Co-Chairman Armand E. Sabitoni. "With safety as the goal, everyone can take steps to maintain the level of situational awareness on site and limit incidents related to fatigue."

## RISKS FOR FATIGUE IN CONSTRUCTION

A National Safety Council (NSC) study on fatigue concluded that 100 percent of construction workers had at least one risk factor for on-the-job fatigue. If that sounds hard to believe, consider that the following all make it more likely for a worker to become fatigued:

- Physically demanding labor, especially work including repetitive tasks

- Constant communication with fellow crew members about complex tasks
- Extended shifts of 10 hours or more
- Working 50 hours or more in a week
- Shifts at irregular times, including night or early morning work
- Having less than 12 hours to recover between shifts

That list is pretty much the everyday life of a construction worker, as least during many times of the year. Extended shifts, working at irregular times and long commutes all contribute to fatigue because they make it more difficult for workers to get the rest they need to recharge. In the NSC survey, 75 percent of workers said the demands of the job affected their level of fatigue. Another series of worker surveys found that workers often felt fatigued "to the point that they had safety concerns" after working 10 hours a day for three to four days in a row.

Results also showed that working long weeks, having fewer than 12 hours between shifts or engaging in shift work all made it more likely that workers didn't get at least seven hours of sleep. There are only so many hours in the day, especially when workers also have other responsibilities after they get home, like spending time with family.

The NSC survey also revealed a significant gap between how workers and management feel about fatigue. Almost all construction employers (98 percent) said fatigue was a safety issue, but only 75 percent of workers said the same. It's hard to say for sure why this safety climate gap exists. One possibility is that some workers believe being fatigued is just part of the job – they know construction is hard work and don't shy away from that.

## PREVENTING FATIGUE IN CONSTRUCTION

It's our job as safety professionals to first educate workers that fatigue leads to a greater risk of injury for them and their coworkers, then find ways that both employers and workers can identify, prevent and lessen fatigue on construction jobsites. Here are some recommendations:

### EMPLOYERS:

- Build fatigue management into the planning stages of the job
- Arrange work schedules to provide sufficient rest opportunities
  - Consider shorter night work schedules
  - Limit the number of consecutive shifts of night work

# FATIGUE AND SLEEP GO HAND IN HAND

Lack of sleep is closely tied to fatigue. It's well-documented that many people don't get enough sleep, with the CDC estimating that one in three Americans don't regularly get the recommended seven hours of sleep each night. The body repairs damaged tissues

and muscles and restores energy levels during sleep, making it an especially critical part of preventing fatigue. So, while lack of sleep and fatigue are closely related, it's not as simple as saying lack of sleep is the only cause of fatigue.

- Require a minimum number of hours prior to reporting for the next shift after working 10 hours or more
- Implement procedures to monitor and manage fatigue risks
- Train workers about the safety risks of fatigue and how to identify them
- Include fatigue in root cause investigations following on-the-job incidents
- Provide a way for employees to anonymously report problematic work schedules

## WORKERS:

- Use off time responsibly to ensure fitness for duty when on the job
- Follow any near-miss or other reporting policies in place at your employer
- Take steps to protect your sleep:
  - Don't take on extra work that reduces opportunities for sleep when working long shifts

- Maintain a regular sleep schedule and aim to get at least seven hours of sleep each night
- During irregular shifts, set a four hour “anchor” time for sleep that doesn't change and supplement with naps
- Make changes to your sleeping area or adjust your household routine if possible
- Avoid caffeine and alcohol before sleep
- Look for signs of early signs of fatigue in yourself and others, such as fidgeting, rubbing of the eyes, frequent blinking or staring blankly

OSHA does not have a specific standard related to fatigue, but the agency does recognize it as a potential workplace hazard, so employers should take steps to reduce its effects. It may be impossible to eliminate fatigue in construction, but that doesn't mean we shouldn't take steps to limit it.

*Reprinted with permission from the Summer 2019 edition of the Laborers' Health and Safety Fund of North America's Lifelines magazine ([www.lhsfna.org](http://www.lhsfna.org)).* ☺



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# OVERCOMING JOBSITE BARRIERS TO COVID-19 HEALTH AND SAFETY



By Mark Breslin

**A**s contractors throughout our industry address the challenges of health and safety with regards to the COVID-19 pandemic, I wanted to identify four strategic considerations that may be missing from the standard advisories for senior management to implement on the jobsite.

## **1. Addressing the cultural and economic barriers of illness at work**

The construction industry culture is one where coming to work ill is not only tolerated but often expected. For me personally and many readers, we have gone to work many times with visible illnesses as a matter of course — thus, the industry experiences illness in the workforce with greater regularity. In many instances, an employee who stayed home for illness could meet judgment, ridicule or even consequences to their employment.

This long-standing culture is now being challenged by the need for proactive management — and this falls directly on safety and supervisory field personnel. Most field workers have never been asked to stay home for symptoms that meet today's CDC standards. We need to immediately drive home this message — that it is absolutely essential to stay home when sick — to change ingrained behaviors. Labor, management, safety directors and field supervision need to articulate this message with a strong conviction.

Additionally, many field workers do not have the economic cushion to miss days of work. Our industry has many people at the margins of their resources. As an industry, we do not want workers who have to go to work while symptomatic because they cannot miss a paycheck. This economic pressure could cause personnel to compromise their own and others' health and safety, and this, too, has to be addressed directly.

## **2. Helping with new and unfamiliar roles and responsibilities for field leaders**

What are field leaders expected to do when confronted with employees exhibiting illness on the job? Please make sure to give clear, concise, fair and consistent guidance to your safety directors, foremen and superintendents so they can be proactive on this issue. They will be the first line of observation for evaluating sick employees and proactively recommending or taking action.

This is not a role they have had to embrace before, so your clear guidance and direct support will go a long way to establishing consistent and fair practices. In the absence of this direction and support, we might expect a strong reluctance to take the initiative.

## **3. Reframing to overcome difficulty: having the tough conversations**

Many field supervisors are reluctant to engage in discussions that have the potential to create tension, conflict or debate. Others may be reluctant to deal

directly with people whom they consider friends. The degree of illness or subjective judgment can easily get in the way. Field leaders need to see this as trying to help people. This is not discipline or punishment — it is care and empathy combined with responsibility. In this case, the actions of a leader are quite like standard jobsite safety: lives are in their hands, and with that in mind, they must embrace the highest standards.

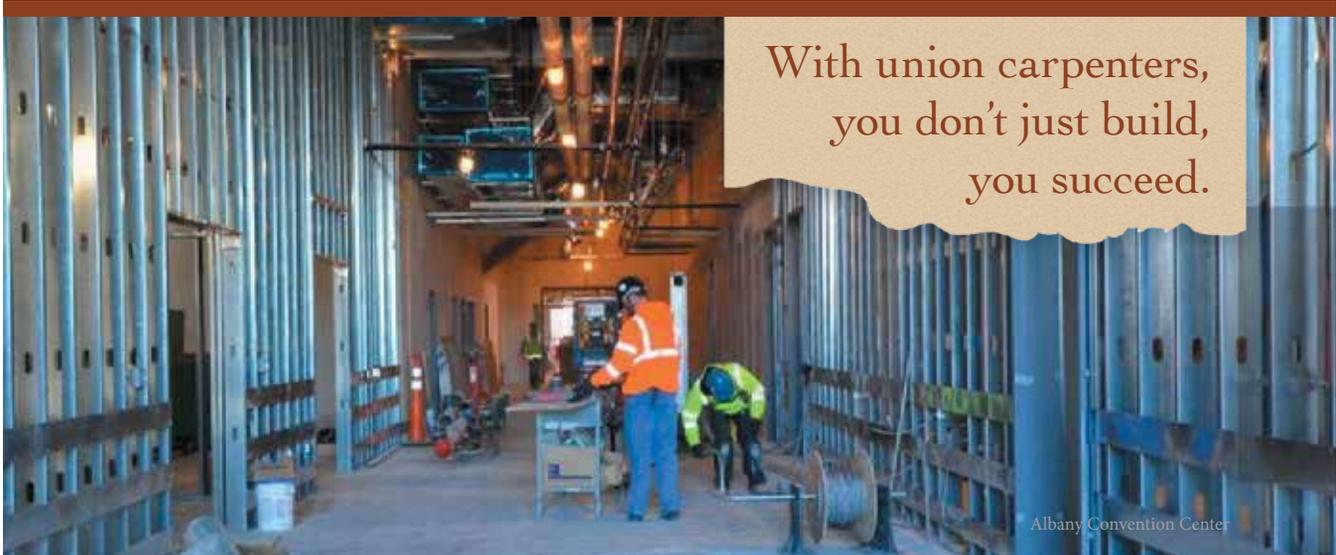
## **4. Communicating effectively to reduce uncertainty and fear**

With policies affecting workers and workplaces changing almost daily, leaders have to communicate regularly and consistently on what courses of action are being taken. Even if the circumstances are beyond our control, we cannot forget that leaders bring calm to the storm by the way they respond during times of crisis.

The best part of our industry is the way people work together to do great things. We regularly overcome challenges and problems that were not anticipated. Let's use this as a platform to address this challenge together. We have the ability; we need to make sure we have the leadership that goes with it.

## **ABOUT MARK BRESLIN**

Mark Breslin is a strategist and author of several books, including most recently, *The Five Minute Foreman: Mastering the People Side of Construction*. Visit his website at [www.breslin.biz](http://www.breslin.biz) or contact him at (925) 705-7662. ☺



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# THE KEY TO AN EFFECTIVE SAFETY AND HEALTH PROGRAM

By Susan Grier Fahmy

**O**ur goal is always to prevent injury, keep employees safe and reduce the number and severity of claims. The means to reach this goal is not a straight line. There are many factors that go into creating an effective employee safety and health program and can only be realized when an employer addresses it from many different angles. These include:

- Identification of potential hazards;
- Engineering controls;
- Personal protective equipment;
- Regulatory compliance;
- Employee training; and
- Developing a positive safety culture.

Over the past 30 years of assisting organizations establish safety and health programs, I have come to realize that once the basics are addressed, the key to making the program truly work lies in the hands of first line supervision. Organizations need to empower and depend upon their supervisors to help them accomplish their goals.

As a person in charge of other employees, supervisors are the employer's agent. They are the primary person responsible for the safety of those who work in their care. The employer needs to authorize and recognize them as their representative for the safety and health program. Supervisors need to be empowered to enforce the company's safety and health program and verify that all employees can safely perform their assigned tasks. All employees need to be able to demonstrate to their supervisors that they have the ability to safely perform their work task prior to them being permitted to work independently.

Supervisors have five main safety responsibilities.

## 1. **Oversee work.**

Supervisors are responsible for the safe conduct of the workers they supervise. They need to observe employees to make sure they are performing tasks safely, conducting safety inspections to identify and correct hazards and analyzing incidents (including near misses) to find causes and take corrective action to prevent future incidents and injuries.

## 2. **Demonstrate safety leadership.**

Leadership means more than just setting a good example for employees. It also means inspiring employees to take responsibility for their own safety and the safety of co-workers through every communication and interaction between the supervisor and employees.

## 3. **Provide safety training.**

Training must create awareness of safe behaviors, teach required skills for working safely, increase knowledge by providing accurate, up-to-date information about workplace hazards and safe practices and procedures and shape employee attitudes toward workplace safety.

## 4. **Provide resources and support.**

This means making sure employees have the proper tools and equipment, including PPE, to work safely and prevent accidents. It also means identifying hazards, coaching employees to help them learn to perform their jobs more safely and being available to answer questions, offer feedback and discuss safety problems and concerns that employees may have. Employees must feel free to come to their supervisor any time they have a problem or question concerning safety or to report incidents and hazards without fear of blame or retaliation.

## 5. **Enforce safety policies and rules.**

This begins with supervisors'

responsibility for informing employees about policies and rules. It means providing constructive feedback when supervisors see employees taking shortcuts or not following safety requirements. It may also involve administering consequences for breaking rules and violating policies.

Supervisors need to know how to motivate people by rewarding them for the proper actions and by correcting their improper actions immediately and using disciplinary procedures to assure compliance. A supervisor should consider these issues before he or she disciplines employees for violating safety rules:

- Has the supervisor provided adequate safety training so that the employee knew what he or she was doing was against the rules?
- Has the supervisor provided adequate resources and support to ensure safe behavior?
- Has the supervisor consistently and fairly enforced safety rules and policies?
- Has the supervisor provided adequate supervision to ensure that employees are working safely?
- Has the supervisor provided leadership and set a good safety example for employees?

A "yes" to all five questions means discipline is probably justified, although you will likely want supervisors to discuss the matter with you before taking action.

There can be no barriers to working safely and workers, supervisors, managers and owners all have the same goal: to come home safely at the end of the day.

## **ABOUT SUSAN GRIER FAHMY**

Susan Grier Fahmy, CSP is vice president and director of safety and health services at Lovell Safety Management Co., LLC ([www.lovellsafety.com](http://www.lovellsafety.com)). ☺

# WHAT'S YOUR BLUEPRINT? PLANNING IS THE KEY

By Norb Slowikowski

In my work with construction companies, I keep hearing some version of the following message: “We’ve got so many jobs to do and things are moving so fast that we don’t have time to plan.” In the same breath, I’ll hear, “Once we have a plan, so many changes occur while the job is progressing that the plan becomes useless and obsolete.”

Well, I know one thing for sure: if you don’t take the time to plan, you will have to find the time later to do the work over again because it did not meet the customer’s quality standards. This is when you start hemorrhaging money due to the cost of rework.

Saying you don’t have time to plan is a cop-out. Planning is an essential management skill, and if companies don’t have a plan, they don’t have direction. Without direction, chaos occurs.

You can’t plan for everything, but you should have a blueprint—a guide to keep everything moving in the right direction. The plan might have to be tweaked along the way, but with good feedback, that won’t be a problem. You can’t control everything on a project, but there are aspects of the job that you can supervise to great effect: manpower, equipment, materials, information from the office, labor budget, production goals on the job site, etc.

To initiate the planning process, there needs to be a pre-job planning meeting that involves all of the key players in the construction process. The project manager should schedule this meeting and invite the following people to attend: foreman, estimator, superintendent, safety manager and the warehouse coordinator.

The project manager should use a pre-job planning meeting checklist to review all of the items pertinent to the job. The items on the checklist are as follows:

1. Scope of work, estimate, plans and specs.
2. Review contract, submittals.
3. Crew size for job start-up.
4. Safety requirements.
5. Special equipment.
6. Electrical access and special requirements.
7. Water access and special requirements.
8. Dump access (debris removal).
9. Storage and placement of materials.
10. Material delivery to job site.
11. Customer’s requirements for change orders.
12. Customer’s requirements for T&M work.
13. Job site walk through with all players and customers.
14. Review customer’s job schedule.
15. Changes to initial scope of work.
16. Quality standards, tolerance, level of finish.
17. Potential on-site problems.

The meeting may be held in the office or at the job site. When the pre-job planning meeting is over, the project manager will complete a “pre-job planning meeting action execution worksheet” to document the action items. This worksheet would include the following information:

1. Job name and job number
2. Job start date and estimated completion date.
3. Date prepared.
4. Action items.
5. To whom assigned.
6. Date due.
7. Date completed.

The project manager will follow up with the individuals who were assigned an action item to ensure that all actions are carried out on time. The worksheet will be distributed to all attendees within two days of completion of the meeting.

All in all, the planning sessions should resolve some key issues about the project:

- You should have identified the jobsite staff, the general superintendent, other superintendents, project engineers, support staff, etc.
- You should have assigned major project responsibilities. Remember, responsibilities are not always defined by titles or job descriptions.
- You should have identified all long lead-time materials and services and arranged for timely procurement. Sort materials if necessary, and make sure they get to the job site when needed.
- You should have created your progress schedule, if not in ultimate detail, at least in general form.
- One important item often overlooked in the planning stages is the flow of men, materials and equipment around the job site. A few minutes lost each day can greatly impair a tight schedule, especially if the time is lost by not maintaining a steady workflow.
- You should have planned for safety. Preliminary planning should recognize potential safety hazards. If your planning has been thorough, progress should occur without too many problems. However, be attentive to warning signs so you can make adjustments as necessary.

In the end, it’s all pretty simple. Good planning will almost always end in good results. Lack of planning garners poor results. The pre-job planning meeting should become a “must do” in every organization because it will help to achieve optimum productivity on the job site. Ultimately, it will make the difference in producing quality work on or ahead of schedule while helping improve the bottom line. That’s a plan worth enacting.

*Reprinted with permission from the November 2017 edition of AWCI’s Construction Dimensions (www.awci.org).* ☺



# WHAT TO SAY WHEN EVERYONE IS AFRAID

By David Acord

*For contractors, learning how to communicate during a crisis has never been more important*

Nothing exposes a company's strengths and weaknesses like a crisis. Just as poorly built houses rarely withstand a hurricane, businesses lacking strong foundations almost always fail when an unexpected storm hits. But other organizations — led by executives with the foresight to prepare for even the most severe disruptions — are able to survive gale force winds and, in many cases, quickly regain their foothold in the marketplace.

A few months ago, our industry experienced the mother of all unexpected storms in the form of the COVID-19 pandemic. Well-laid plans were thrown out the window, and projects that had been in the works for years were literally scrapped overnight. It was the ultimate test; some companies passed while others didn't. Many are still struggling, unsure of their ultimate fate.

What separates the winners from the losers? No two contractors are alike, of course, and each company faces its own particular set of challenges. But the same set of fundamental principles that guided savvy contractors through the crushing recession of 2008 and any number of other crises over the years can also help them navigate the COVID-19 situation. In this article, I'd like to shine a spotlight on one principle in particular that is often overlooked even by experienced executives. It can be summed up this way:

Companies that consistently survive "worst-case scenarios" almost always have leaders who know how to communicate effectively during a crisis. "Crisis communication" is a term often associated with public relations. If a company's food makes a lot of people sick, the CEO calls in an expert to handle the messaging, deal with the media and hopefully fend off a wave of lawsuits. But that's only half the story. Contractors also need to know how to communicate during a crisis like COVID-19. While most of you will never have to address a room full of reporters and news cameras, you will have to talk to your own employees, building trades partners and owner-clients. This type of crisis communication is internal — within the confines of your immediate company or industry — as opposed to external, where you address the general public.

Our industry's greatest asset has always been our people. During a crisis, we need everyone locked in, focused and ready to meet the challenge. Morale and productivity go hand in hand. People can't perform at the highest level if they are worried and confused about what's happening around them, especially during an event as unsettling as a global pandemic. Management's job is to communicate in a clear, consistent and ethical manner so that their concerns are addressed.

Regardless of how your company performed during the first few months of the COVID-19 pandemic, mastering the basics of internal crisis communication can set you up for success down the road. If you're in relatively good shape, following these simple rules can put you in an even stronger position moving forward. And if you're struggling, then understanding how to better connect with your employees and partners can only improve your situation.

### AN UNLIKELY ROLE MODEL

In the early 1930s, in the depths of the Great Depression, President Franklin D. Roosevelt began broadcasting a series of live radio messages from the White House that came to be known as the Fireside Chats. They were enormously popular with an American public that was quite literally at the breaking point. Millions were unemployed, and many families didn't know where their next meal would come from. Banks were failing left and right. It got so bad that Roosevelt had to shut down the entire banking system. In the midst of all this, he took to the airwaves to speak directly to Americans, explain the situation and lay out what the government was doing to make things better.

The first Fireside Chat on March 12, 1933 was an instant hit. The President's words buoyed the nation's spirit. People grew more confident that he could be trusted to make the right decisions for the country. With a few skillfully placed words, he pulled the U.S. back from the brink of utter disaster.

What worked for FDR can work for you, too. The communication and persuasion techniques he used are just as effective today as they were in the 1930s. Let's see how you can put them to use in your own organization.

### KNOW YOUR PURPOSE

The first thing to do is figure out why you need to communicate with your employees or business partners. Whether you choose to conduct an in-person meeting or arrange a conference call over Zoom, make sure your reason is simple and clear. "Just getting together to chat" won't cut it. Engaging in a rambling, unfocused

monologue while a crisis is raging will erode employees' confidence in you and make things much worse. You may wish to address false rumors, provide an update on the financial health of the company or speak frankly about layoffs and cutbacks. Regardless, remember that to most people, a crisis represents uncertainty and chaos. Your job as a leader is to provide the antidote to that chaos by being calm, prepared, focused and disciplined.

### SIMPLE AND STEADY GETS IT DONE

In his Fireside Chats, FDR spoke in a friendly, conversational tone and used simple, everyday language to get his point across. As his speechwriter Samuel Rosenman once noted, "He looked for words that he would use in an informal conversation with one or two of his friends." While the Great Depression was a hugely important and dramatic event that very nearly destroyed the country, FDR deliberately chose not to use an important and dramatic tone in his radio chats — just the opposite, in fact. Why? Because doing so would have stirred up listeners' already frayed emotions. And that would have gotten in the way of his main goal: to persuade Americans that things were going to be OK and the government had the situation in hand. FDR, in other words, knew how to read the room. He chose a tone and style that worked with, not against, his purpose for speaking in the first place.

Roosevelt avoided using big words and complex language in his chats in order to minimize confusion and reach the maximum number of listeners. As the Museum of Broadcast Communications noted, "80 percent of the words FDR chose were among the 1,000 most commonly used words in the English vocabulary. He also relied on stories, anecdotes and analogies to explain the complex issues facing the country. For example, he used a baseball analogy to describe the first two months of the New Deal: 'I have no expectations of making a hit every time I come to bat. What I seek is the highest possible batting average, not only for myself, but for the team.'"

FDR also got to the point as soon as possible. There were no long



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preambles or flowery language in the Fireside Chats. Look at the plain, no-frills way he began his very first radio address in 1933: “I want to talk for a few minutes with the people of the United States about banking ... I want to tell you what has been done in the last few days, why it was done and what the next steps are going to be.” Quick, basic and we’re off to the races.

### THE TRUTH AND NOTHING BUT

You might find it insulting to be reminded to tell the truth. But when you talk to your employees in the middle of a crisis, it is often very tempting to gloss over the real problems and imply that everything will be OK. Why? Because you want them to feel better, you don’t want them to worry unnecessarily, or you feel guilty. “Let me do all the worrying,” you think.

While wanting to protect your workers from pain is admirable, it’s also misguided. Your goal should be to tell them the truth in a professional and measured way. Holding back important facts simply delays the inevitable — and you risk an even greater backlash when the truth finally comes out (and it always does).

### CONCLUSION

As we head into the second half of 2020 and beyond, COVID-19 will continue to throw wrenches into our industry’s well-laid plans. And if by some miracle the virus fades away, another crisis will quickly show up to take its place. As a leader, you need to be prepared to communicate with your extended team (employees and business partners) in a way that makes a bad situation better. FDR changed the attitudes of tens of millions of Americans with a few short radio messages. By following his example, you can turn around your organization, too.

### ABOUT DAVID ACORD

David Acord is the director of communications for The Association of Union Constructors (TAUC) and the National Maintenance Agreements Policy Committee (NMAPC).

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## FDR’S TIPS FOR COMMUNICATING DURING TOUGH TIMES

FDR’s Fireside Chats are a master class in crisis communication. Here are a few more helpful tips gleaned from the President’s radio addresses.

**TELL THEM WHAT YOU’RE GOING TO TELL THEM.** Begin by giving your listeners a road map to your upcoming comments by quickly stating what topics you are going to discuss. Set the goal early: “I want to talk about...” or “I’m here to give you a quick update on X, Y and Z” helps focus your listeners and keeps them engaged. If you have several topics to discuss, use verbal “directional arrows” like first, second and last to keep everything organized and flowing.

**SPEAK PLAINLY, NOT ELOQUENTLY.** A major crisis is not your moment to shine. Your employees are afraid and worried, perhaps even fearful of losing their jobs. They don’t want eloquence. They don’t want to hear your thoughts on perseverance during tough times; they want to hear your nuts-and-bolts plan for making things better. Focus on practical actions: “Here’s what’s happening, and here’s what we’re going to do.”

**DON’T FORGET YOUR ABCS.** In this case, ABC stands for “always be clear.” Avoid using technical or business terminology that some employees may not understand. Leave no employee behind — everyone should be able to follow your discussion.

**USE THE EMERGENCY ROOM TECHNIQUE.** Imagine you receive a call late at night that one of your children has been in a car accident. You and your spouse rush to the emergency room and are met by a doctor. Ask yourself what you would want the doctor to say first. Should he introduce himself or talk about the weather? Should he reel off his qualifications and talk about all the car accident victims he’s treated in the past? Of course not.

You want information about your child’s condition, and you want it right now. Likewise, when you address your employees in the midst of a crisis, think of yourself as the doctor in the emergency room. Cut out the small talk and give them the facts about the situation as quickly and succinctly as possible. Facts are the antidote to panic and fear.

**RIP OFF THE BANDAGE.** If there is bad news — layoffs, the loss of a big contract, etc. — be upfront and announce it early in your comments. Don’t keep people waiting for the other shoe to drop. Once you’ve given them the bad news, immediately follow up with mitigating action steps: tell them what will happen next and lay out what management is doing to bring the company back to full strength.

**GIVE THEM SKELETONS.** Your management team has come up with a brilliant plan to deal with the current crisis. You have detailed reports, loads of Excel charts and an awesome PowerPoint that you can’t wait to share with everyone. But that would be the wrong move. If you’re in the middle of a crisis, resist the urge to get bogged down in the details. Forcing your employees to sit through an hour-long presentation while they are worried about their next paycheck is torture. Instead, give them a skeleton of your plan — a brief, accurate outline that hits the high points.

**ANTICIPATE OBJECTIONS.** Before delivering your comments, read through them and try to anticipate objections or questions some of your more skeptical employees might have. “Now, I know what you’re thinking” or “You might be wondering” are good ways to introduce these objections and deal with them.

# CONTRACT

## WHAT HAPPENS WHEN A CONSTRUCTION CLAIM IS DISPUTED

By Brian Sanvidge

Construction disputes arise as a result of a perceived or real violation of a construction contract and the obligations set forth therein.

Construction projects tend to have a large number of stakeholders, property owners, contractors, subcontractors and more, so even a well-planned construction project can run into problems.

Disputes typically arise due to:

- Cost overrun
- Concealed conditions
- Delay
- Scope disputes
- Surety bond claims
- Builder's risk
- Termination
- Schedule
- Subsurface
- Acceleration
- Liens

- General liability
- Default insurance claims
- Inefficiency
- Environmental issues
- Impact
- Design and construction defects
- Professional liability
- Default

If a dispute to your construction contract arises, the first place to look is at the contract itself. The construction contract should explicitly spell out the forum to resolve a dispute. Below are some of the dispute resolution forums often included in construction contracts:

- Arbitration
- Partnering techniques
- Technical Mediations
- Technical Arbitrations
- Litigation
- Mini-arbitrations
- Mediation

- Early Neutral Evaluations
- AAA (American Arbitration Association)
- JAMS proceedings
- International forums, such as ICC, ICDR and UNCITRAL

Construction companies may find themselves on either side of a dispute. When a subcontractor does not meet its obligation of a construction contract, the general contractor may sue the subcontractor for a loss in profits, lost opportunities, hefty fines, a need for increased financing or even additional interest and operating expenses incurred. On the flip side, if a general contractor is unable to deliver on a construction contract, the property owner may bring a claim against the general contractor for any damages they sustained.

When disputes occur, the parties will often find themselves at odds not only over liability but also over the

*If a dispute to your construction contract arises, the first place to look is at the contract itself.*



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***Preventing construction disputes may seem difficult, but certain safeguards can be put into place to do just that. Contractors must establish realistic baseline budgets that are consistent with scheduled construction activities prior to commencing work on a project.***

quantification of damages. For this reason, a forensic accountant with experience quantifying construction-related damages is an integral part of the investigation team.

Preventing construction disputes may seem difficult, but certain safeguards can be put into place to do just that. Contractors must establish realistic baseline budgets that are consistent with scheduled construction activities prior to commencing work on a project. It is equally important to have a formal and effective process in place to track actual versus budgeted costs as actual costs incur. By doing this, any cost overruns can be analyzed in real time to determine whether the item was underbid or is being impacted by ongoing project events.

Another way of avoiding a dispute is by conducting a project cost audit at the completion of a project. A project cost audit measures the cost and performance of completed work against the terms of the contract. Some owners may request

a project cost audit as part of usual due diligence, while others may request an audit if they feel there is an issue with the project expenditures. These audits usually involve an independent auditor and members of both the contractor and owner's audit teams. Findings from the audit are presented to the contractor and owner after completion, and any financial discrepancies that are discovered can be discussed, negotiated and, ideally, resolved. The audit's findings should be helpful for determining (a) a quantitative measurement of the issue—including its monetary impact on the project and (b) whether a perceived problem is truly an issue according to the contract. Any lessons learned from a post-construction audit can be utilized on future projects to minimize similar issues in the future.

**ABOUT BRIAN SANVIDGE**

Brian Sanvidge, CIG, CFE, is the principal and leader of Anchin's Regulatory Compliance & Investigations Group. ☺

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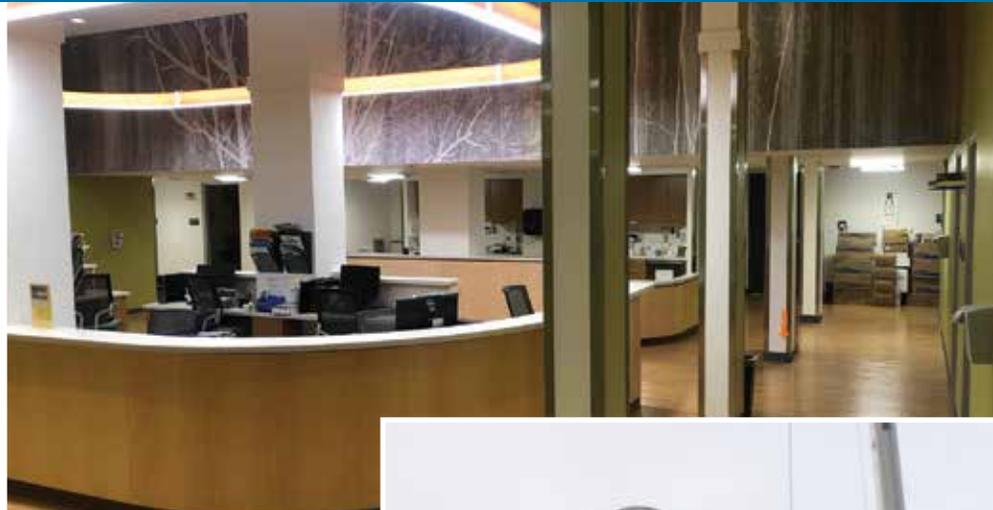
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