Dear Fellow SubAla Members:

It is an exciting time in our industry and I am truly honored to be serving as your President for our Association in 2020.

The amount of construction work in our State seems to be at an all-time high with all areas of our State participating. With the Mega Technology projects in full swing in North Alabama, the Sports/Entertainment projects cranking up in Central Alabama and as the Heavy Industrial projects continue in South Alabama. It is truly a great time to be in the Alabama Construction Industry.

As you are working hard in your business, please take advantage of the membership benefits and let SubAla work for you. Whatever your passion is in the industry, SubAla has the resources to help your business succeed.

I encourage you to be active in our association, not only for the direct benefits of membership, but for the greatest benefit of networking and learning from our collective experiences in the industry. As we like to say, SubAla is “For Subcontractors, By Subcontractors.”

Sincerely,
Mark Bratton
Subcontractors Association of Alabama
President 2020
Hello!

I hope that everyone is off to a great start in 2020. From conversations with our members over the last couple of months, it sounds like most everyone is staying busy this winter! As most of you are aware, the CompFund had a solid year in 2019. The data showed that our members are not having an issue with “frequency”, the real issues (losses) stem from “severity”. With that understanding, let’s review a couple of claims from 2019. Please note that all the claims reviewed below did not result in severe injuries, however the potential for severe injuries is always present if we don’t consider all the hazards while performing “Routine” tasks, which you all face. Hopefully the information below will serve as “food for thought” as your organizations progress throughout 2020.

**Injury #1**: Employee was walking through an attic, tripped and fell through the ceiling. Sustained broken wrist.

**Injury #2**: While descending from a piece of earth moving equipment the employee missed the last step. Sustained a severely sprained ankle.

**Injury #3**: Employee is working on the side of building from an extension ladder, the ground is wet and broken and the ladder slides and slips. Employee fell to the ground. Sustained injuries to arm, hip, shoulder, neck and back.

**Injury #4**: Employee is lifting material on roof. Suffers immediate pain in lower back.

**Injury #5**: Employee is hanging ductwork, the duct slips and cuts right arm. Suffers severe cut to right arm.

**Injury #6**: Employee is walking across roof, trips on materials and hits face on roof. Suffers abrasions and contusion to face.

**Injury #7**: Employee is walking on scaffold, falls 7 feet into a gap between the scaffold and the equipment being refurbished. Suffers multiple bodily injuries.

Question, how often do your organization’s employees find themselves in virtually the same settings as the injured employees listed above? We don’t have to assume; we know they do.

So, why do we continue to have staff members sustain injuries while performing “Routine” tasks? Is it failing to pay attention to all real and potential hazards? Is it complacency? It’s both. As our proficiency increases, we overlook details.

One last question, when was the last time you had an employee injured in a “high” hazard task? Examples: when a crane is flying in a unit, or high voltage is involved or maybe a 60-foot fall to the ground is possible. If we can focus and consider all of the real and potential hazards in a “high” hazard task, why can’t we do it with “Routine” tasks? The answer is---we can. Talk with your crews daily about hazard awareness and reporting. The time you dedicate to letting your employees know your expectations and that you care about their well-being will be invaluable to your organization.

Thanks,
Robert Moore
Loss Control Manager
LEGISLATIVE UPDATE BY DAVID CAMPBELL
(A time to kill, oppose, watch, amend, and support)

The legislature kicked off the 2020 session on Tuesday, February 4th. The usual formalities took place quickly and both the House and the Senate adjourned for ongoing budget hearings. The only business that can be done the first day is the introduction of bills. News accounts of the hot button issues include prison reform, a paper lottery bill and abolishing the state grocery tax.

Indemnification Hits the Alabama Legislature
SubAla has immediately flagged SB 126 and is already prepared to amend it to add subcontractors and specialty contractors. It was assigned to the Judiciary committee and your team will be drumming up support from those members and the bill sponsor to adopt our amendment.

SB126 Sponsored by Senator Chamblis could be just the thing that our industry needs. This legislation deals with indemnification for contracts for the professional services of a design professional.

If passed, the legislation would make any contract void and unenforceable if it does any of the following:
• Requires the design professional to indemnify or hold harmless a party, including a third party, against liability for damage other than liability for damage to the extent caused the design professional.
• Requires the design professional to defend an indemnitee or a party, including a third party, against a professional liability claim.
• Requires the design professional to name a party or any other person or entity as an additional insured on the design professional’s policy of professional liability insurance.
• Subjects the design professional to a standard of care different than performance of the services with the professional skill and care ordinarily provided by a competent design professional practicing under the same or similar circumstances and professional licenses as expeditiously as is prudent considering the ordinary professional skill and care of a competent design professional.

The bill would still allow a contract to do one or both of the following:
• Require the design professional to name an additional insured on the design professional’s general liability insurance policy and automobile liability insurance policy and provide any defense provided by those policies.
• Provide for the reimbursement of an indemnitee’s reasonable attorney fees in proportion to the design professional’s liability.

Furthermore, nothing would preclude the parties from enforcing conditions that relate to the scope, fees, and schedule of a project that is subject to the contract, so long as the conditions are subject to the requirements of (4) above.

It is my understanding that this legislation came about because insurance policies are no longer covering their clients for the indemnification requirements that the bill is addressing. I would ask that each one of our members contact his or her insurance provider and ask them the following question:

“Does my insurance policy cover the defense, payment of any judgments, reimbursement of cost, and attorneys’ fees required by a third party (e.g. GC or Owner) for their own negligence if their contract indemnification clause requires me too?”

If their answer is no, then under current law your company would be liable for all of these amounts if standard indemnification language is included in your subcontract. It should be against public policy to indemnify others for their own negligence and our businesses cannot survive if we do not have legislation or insurance coverage to protect us from such requirements.

Immigration
The bill adds more E-Verify requirements that many deem are unnecessary has been re-introduced in the 2020 session.

SB107 by Senator Orr: Relating to immigration; to add Section 31-13-15.1 to the Code of Alabama 1975, to require all business license and permit applicants who employ one or more persons to prove enrollment in E-Verify prior to the issuance of a business license or permit by a municipality or county; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.
SubAla Could Benefit from Audit Related Bill

Many SubAla members have experienced costly and time-consuming audits from entities contracted with by the cities to review their sales taxes and business licenses. We will closely work with allies such as the National Federation of Independent Businesses to push for this measure.

HB158 by Representative Lee: Taxation, private auditing or collecting firms prohibited from recovering certain expenses from taxpayers, Sec. 40-29-20.1 added

Independent Contractor/Employer Issue to be Clarified

Another issue that will be monitored by SubAla is the clarification of independent contractors vs. employees relationship with the employer. Alabama’s law is not in lock step with the Federal law and it has posed problems and caused steep fines and legal fees to defend the notion that the worker on a job is not an employee but rather should be treated as an independent contractor. This bill would require the Alabama law to conform to the federal law.

HB77 by Representative Kitchens: (Commerce and Small Businesses) Employment, require employers and state agencies to follow specified requirements to determine whether a worker is an employee for purposes of benefits and tax liabilities.

Workers Compensation Bill Poses Problems

Workers Compensation bill HB44 has been flagged by your SubAla team. This bill would provide that for purposes of workers’ compensation benefits paid to an emergency responder, the term occupational disease includes a mental disease or disorder, including post-traumatic stress disorder, that arises out of and in the course of employment, without regard to whether there was an accompanying physical injury.

HB44 by Representative Simpson: (Ways and Means General Fund) relating to workers’ compensation; to amend Section 25-5-110, code of Alabama 1975, to provide workers’ compensation benefits to emergency responders who develop a mental disease or disorder arising out of and in the course of employment.

Licensure Bills Top Priority List for SubAla Watch List

As previously reported the General Contractors Licensing Board has been riddled with problems that have caused the legislature to re-examine the board affairs for over two years in a row. Normally boards are slated for review every four years even if there are reasons for modifications for the board. The General Contractor’s licensing board remains on the hot seat for this legislative session. Other licensing boards that must be re-authorized are also listed below and are all assigned to the Government Affairs committee:

SB23 by Representative Chambliss: (Governmental Affairs) General Contractors, State Licensing Board for, sunset law review, subject to and continued until Oct. 1, 2023
SB34 by Representative Chambliss: (Governmental Affairs) Electrical Contractors, Board of, sunset law review, subject to and continued until Oct. 1, 2024.
SB37 by Representative Chambliss: (Governmental Affairs) Plumbers and Gas Fitters Examining Board, subject to and continued until Oct. 1, 2024.
SB42 by Representative Chambliss: (Governmental Affairs) Heating, Air Conditioning, and Refrigeration Contractors, Board of, sunset law review, subject to and continued until October 1, 2024.
HB23 by Representative Pringle: (State Government) Sunset Law, Examiners of Public Accounts Dept., authorized to charge an agency a reasonable fee for Sunset reports furnished under review, authorize Sunset Committee to adjust or waive the fee, Sec. 41-20-9 am’d.

Competitive Bid

HB22 by Representative Pringle: (State Government) Competitive bid law, during declared state of emergency, exemption from competitive bid process based on convenience deleted, Sec. 41-16-72 am’d.
HB38 by Representative Collins: (State Government) County Boards of Education, certain leases of goods or services exempted from the competitive bid law, Sec. 16-13B-2 am’d.
HB139 by Representative Nordgren: (State government) Competitive bids by co. and city bds of ed and gov’t entities, exclusion for purchases through cooperative purchasing agreements to include leases and lease/ purchase agreements, Secs. 16-13B-2, 41-16-51 am’d.
HB51 by Representative Hall: (State Government) Public contracts, preference to certain bidders.
Transportation

SB4 by Representative Elliot: (Finance and Taxation Education) Toll road and bridge fees, income tax credit for state taxpayers for payments in Ala. Toll Road, Bridge, and Tunnel Authority, Revenue Dept. authorized to adopt rules, funds transferred from sales tax revenue to cover.

HB36 by Representative Brown: (Transportation, Utilities and Infrastructure) Crimes and offenses, criminal trespass, unauthorized entry of a critical infrastructure, further provided to include unmanned aircraft systems, Sec. 13A-7-4.3 am’d.

HB19 by Representative Pringle: (Transportation, Utilities and Infrastructure) Transportation Commission, established, five members apt from five regions of dept, duties, compensation, appointment of Transportation Department director, department not subject to Budget Management Act, Secs 23-1-21, 23-1-21.2 am’d.

Taxation

HB3 by Representative Holmes: (Fiscal Responsibility) Taxation, individual and corporate tax structure revised, specific tax rate, reduction of rate under certain conditions, const. amend.

HB4 by Representative Holmes: (Fiscal Responsibility) Taxation, single rate consumption tax on goods and services established; state income tax and state sales and use tax and other taxes abolished, repeal various sections, Secs. 40-5-48, 40-29-122 added; Secs. 40-2A-4, 40-2A-18 am’d.

HB98 by Representative Scott: (State Government) Taxation, individual income tax, simplified short form, allow up to fifteen hundred of interest and dividend income, Sec. 40-18-15.7 am’d.

HB107 by Representative Greer: (Ways and Means Education) Deferred compensation plans, portion of income exempt from income tax, Sec. 40-18-19 am’d.

HB131 by Representative Sorrell: (Ways and Means Education) State sales and use tax increased, phase-in period, sales and use tax on food phased out, exempt by 2007, counties and Municipalities prohibited from increasing sales tax on food, Secs. 40-23-2, 40-23-61 am’d.

Public Notices

HB128 by Representative Sorrell: (State Government) Public notices, to provide for electronic publication on a public notice website, Legal Notice Savings and Modernization Act, Secs. 6-8-64, 17-4-1 am’d.

HB129 by Representative Sorrell: (State Government) Local legislation, publication or posting of notice, advertisement of local bills on the Internet, Section 106 (Section 106, Recompiled Constitution of Alabama of 1901, as amended) am’d., const. amend.

Bill Makes Employers Offer 12 Weeks of Family Leave

SB125 by Senator Jones: Relating to family leave and adoption; to amend sections 16-25-11.12, 26-10 A-13, 36-26-35.2, and 36-26-36.2, Code of Alabama 1975, to limit the time period allowable for a mother offering a consent or relinquishment of parental rights for purposes of offering a child up for adoption to four days in all cases; to require employers to offer 12 weeks of family leave to eligible employees for the birth and care of a child, during the first year after the birth of the child and for an adopted child within one year of placement; to require employers that provide certain additional maternity benefits to female employees to offer equivalent benefits to adoptive parents; to allow state employees and members of the Teacher’s Retirement System to purchase service credit for a period of time up to one year for a time spent on family leave; and to update existing law applying to the donation of accrued and unused annual, sick, or compensatory leave to an employee qualifying for maternity leave in order to extend that option to an employee qualifying for leave for adoptive parents.

Firearms

SB1 by Representative Allen: (Judiciary) Firearms, possession and carrying of, certain requirements for, repealed or deleted, Secs 9-11-304, 13A-11-50, 13A-11-51, 13A-11-52, 13A-11-59, 13A-11-71, 13A-11-73, 13A-11-74, repealed; Sec. 13A-11-61.2 am’d.

SB47 by Representative Price: (Judiciary) Concealed carry permits, to create standardized statewide process to issue concealed carry permits for terms of 1 year, 5 years, or permit holder’s lifetime, Sec. 13A-11-75, 13A-11-84 am’d.

Find Your Alabama Representative
334-261-0500
Find Your Alabama Senator
334-261-0800

If you have any questions, comments, or would like to provide input on any of the legislation being reported, please contact David Campbell at dcampbell@subala.org.
MEET OUR NEW BOARD MEMBER:
*Talmadge A. James, Birmingham & Associates*

Talmadge is a 2004 Auburn University Building Science graduate. He began his career working as a Project Manager for Gary C. Wyatt for five years. In 2008, he joined Dunn Building Company where he served as Chief Estimator five years and Industrial Services Division Manager for six years managing plant maintenance and small projects. He joined Birmingham and Associates in April 2019 as Vice President where he currently runs the day to day operations of the company.

He and his wife, Kim, live in the Bagley Area in North Jefferson County and have five children, Milly (15), Kameryn (14), Heidi (13), Beau (4), and Brock (1). They are also DHR foster parents where they have served more than 15 children in their home over the past four years. He is very active in the local church and serves as Board Chairman of Sonrise Ministries in Jinja, Uganda. Hobbies include hunting, fishing, reading, coaching, and spending time with his family.

Talmadge is both thankful and humbled for the opportunity to serve as a board member with SubAla.

MEET OUR NEW BOARD MEMBER:
*DJ Robbins, Marty Robbins Roofing Company*

DJ Robbins was born and raised in Dothan, Alabama. Beginning his career at the age of 15, DJ began working part-time for Marty Robbins Roofing Company. He graduated from Dothan High School in 2001 and then attended the University of Alabama and Auburn University to achieve his college degree. After graduation in 2005, DJ joined fulltime with Marty Robbins Roofing Company. He started off working in installation and has successfully worked his way up to his currently held position as Vice President.

DJ is very involved in his community outside of work. He currently serves on the Emerging Leaders Board for Duro-Last Roofing, Inc. Duro-Last, Inc. is the world’s largest manufacturer of custom-fabricated, thermoplastic single-ply roofing systems. DJ dedicates his time to help coach youth sports in the Dothan area. He is an active member of Ridgecrest Baptist Church and volunteers in the Children’s Ministry.

DJ is married to Ashley Robbins and has three beautiful daughters, Katie, Kinsley and Kamdyn.
WELCOME NEW MEMBERS!

Borden Contracting Company, LLC
Crimson Scaffolding Co., Inc.
Fuller Heating & Air Conditioning, Inc.
Green Product Technologies, LLC
Mansfield Industrial, Inc.
Sunbelt Glass, LLC
Thompson Insurance, Inc.
WENlight Fiber Optic Services LLC
Willoughby Contacting Co., Inc.

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