



Advertisement

SMITHCURRIE
& HANCOCK LLP

OSHA Launches Program to Target High Injury and Illness Rates

The U.S. Department of Labor's Occupational Safety and Health Administration is initiating the [Site-Specific Targeting 2016 \(SST-16\) Program](#) using injury and illness information electronically submitted by employers for calendar year 2016. The program will target high injury rate establishments in both the manufacturing and non-manufacturing sectors for inspection. Under this program, the agency will perform inspections of employers the agency believes should have provided 300A data, but did not for the CY 2016 injury and illness data collection. For CY 2016, OSHA required employers to electronically submit Form 300A data by Dec. 15, 2017. The CY 2017 deadline was July 1, 2018; however, employers may still provide this information to the database. Going forward, establishments with 250 or more employees that are currently required to keep OSHA injury and illness records, and establishments with 20 to 249 employees that are classified in [specific industries](#) with historically high rates of occupational injuries and illnesses will be required to provide this information each year by March 2. OSHA's [On-site Consultation Program](#) offers employers with up to 250 workers with free, confidential safety and health advice on complying with OSHA standards, and establishing and improving safety and health programs. Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit osha.gov.

House and Senate Returns to Washington with Focus on Finishing 2019 Budget Process



The House and Senate returned to Washington after the elections, which saw both sides taking some hits and the control of the House changing hands. Quite a lot of attention is being drawn to the leadership races and committee appointments, but the 115th Congress still has some work to do before they can call a wrap on the lame duck session. Top item on Congress' must-do list is to finish the 2019 budget process. In September, Congress managed to pass a handful of full-year appropriations bills for some of the largest agencies (including Defense and Health and Human Services) but wasn't able to finish all of them and therefore also passed a continuing resolution to bump back the deadline for passing the remaining appropriations bill to Dec. 7.

While leadership on both sides of the aisle clearly want to get things wrapped up, there could still be complications relating to the President's demand for funding for a border wall. It is unclear whether the President will resurrect his threat of a shutdown if he is presented with a budget that does not include the funding he is seeking. In the Senate, there has been some bi-partisan agreement behind giving the President \$1.6 billion in border security funding (which Democrats say could be drawn from elsewhere without dramatically impacting domestic spending). However, the White House (with the backing of House Republicans) is seeking \$5 billion in funding (the original number was \$23 billion), so it's unclear whether \$1.6 billion would be enough to appease and prevent a shutdown.

As far as other legislative items go, House Ways and Means Committee Chairman Kevin Brady (R-TX) said this week that they are close to releasing a bill to provide technical fixes to the 2017 Tax Cuts and Jobs Act. To the extent that the bill truly contains just technical fixes, there may be some bi-partisan support to get it passed and afford taxpayers with some clarity and certainty for 2019. Beyond technical corrections, the Democrats winning the majority in the House all but guaranteed that Tax Reform 2.0 in the comprehensive form that was passed by the House before the election is dead. However, the retirement plan provisions in Tax Reform 2.0, which are similar to many of the provisions in the Retirement Enhancement and Savings Act of 2018 (S. 2526), may have a brighter future than the rest of Tax Reform 2.0. Senators Ben Cardin (D-MD) and Rob Portman (R-OH) have also been circulating their own initial draft of a proposed retirement plan bill. Given the bi-partisan support there appears to be an opening for some action on retirement plans. Whether that will occur during the lame duck session, or whether it will be held off until the new Congress remains to be seen.

Democrats, including soon to be Ways and Means Committee Chairman Richard Neal (D-MA), have made it clear that they want to go back and take a long hard look at the 2017 Tax Cuts and Jobs Act, including holding hearings to allow testimony from stakeholders who didn't previously get to provide input during the hurried process in which the 2017 act was passed. The Democrats have also indicated that they will be looking to raise the corporate tax rate by a few percentage points (with

no specific number provided at this time), potentially in exchange for more middle class tax relief. Given the President's promises on the campaign trail of a middle class tax cut, the Democrats may try to hold his feet to the fire by pushing a bill doing just that. The President recently said that he would be interested in working with the Democrats on this issue and did not specifically reject the idea of raising the corporate tax rate to offset such changes. In the Senate there may also be some Republican support as, during the 2017 tax reform debates, both Marco Rubio (R-FL) and Mike Lee (R-UT) pushed to increase the corporate tax rate to pay for a bigger child tax credit, and Susan Collins has also previously indicated a willingness in the past to trade a slightly higher corporate tax rate for more individual cuts.

This should give the Small Business Legislative Council, of which ASA is a member, the opportunity to ask for some significant revisions to the new 20 percent deduction for qualified business income for pass-through entities (aka the 199A tax deduction). Like most of the other associations representing privately owned businesses, SBLC is asking for the deduction to be made permanent. Unlike many of these associations which are asking for very technical, minor tweaks in the deduction, the SBLC is asking for a significant increase in the current threshold levels of \$157,500 for taxpayers filing individually and \$315,000 for taxpayers filing jointly so that the more complex provisions of this code section can be avoided by taxpayers under new increased threshold levels. This new provision is the antithesis of tax simplification but strangely enough it is aimed to assist many of the country's smallest businesses. Because so much of the complexity hits above the threshold levels, by increasing those levels significantly, far more small businesses will be able to determine the amount of their deduction without having to hire experts to do it. SBLC is also urging Congress to treat specified service trade or businesses the same as all businesses—this will further reduce the amount of complexity in determining the appropriate deduction while allowing far more privately owned businesses to take advantage of this new deduction.



What's Your Groove? There Are Plenty of Things to Do in 'Music City' During SUBExcel 2019

Nashville, site of ASA's annual national convention, SUBExcel 2019, is known as Music City, and with the name comes every type of genre to play. If you're looking to rock the night away, check out Nashville's music scene and nightlife. If you want to fill your belly with some groovy cuisine, explore Nashville's food scene. You'll find inspiration by Nashville's attractions, arts, and history, and you'll find the latest trend by shopping at Nashville's boutiques, malls, and shopping districts.

There's plenty to do in Nashville, and with built-in free time during SUBExcel 2019, you'll have opportunities to get to know your fellow ASA members and colleagues, while enjoying some of the things Nashville has to offer. SUBExcel 2019 "Technology—for Millennials to Dinosaurs" will take place March 6-9, 2019, at the Renaissance Nashville Hotel in Nashville, Tenn. Register online, make your hotel reservations, check out the "Program," and read about the "Speakers" at www.subexcel.com. The early-bird deadline ends **Feb. 1, 2019**, and the hotel cutoff date is **Feb. 6**.

So, let's dive in and take a look at some of the things to do in Nashville:

[Music](#)—Experience the one-of-a-kind Nashville scene that grooves to the constant beat of live music and hit attractions.

[Nightlife](#)—When the sun goes down, Nashville shines bright with plenty to do. Nashville has the honky tonks, concert venues, and restaurants to keep the party going from the moment the moon says hello to when the sun begins to rise.

[Food Scene](#)—While Nashville has long been known for its expansive music scene, the talent and creativity of its culinary scene has recently put Nashville on the map. *Food & Wine* highlighted the “booming Music City food scene,” *Food Arts Magazine* noted the “emerging culinary scene putting Nashville on the gastronomic radar” and, most recently, *Condé Nast Traveler* stated this about Music City: “There’s enough going on food-wise to warrant a trip solely for eating.” Nashville’s creative spirit has certainly infiltrated into its kitchens, turning them into the chef’s studio. From Southern fare to haute cuisine to quite literally everything in between, Nashville’s palate offers it all.

[Art & Culture](#)—While Nashville might be called Music City, it’s not the only art you find around every block. Nashville’s Arts has everything to offer the artistic mind. From contemporary art to theatrical art, if you have an art bug then Nashville is the place to be.

[History](#)—Nashville has a story to tell. From Greek temples to Greek-Revival mansions to its strong musical heritage, Nashville wears its history proud.

[Shopping](#)—Nashville’s creative community runs deep and is seen in the music, the food, the fashion, and everything in between. From national names and elite designers to local artisans, Nashville’s diverse shopping scene is the perfect fit for any style or price range. With both large malls and eclectic shopping districts, it’s easy to spend an afternoon on a Music City shopping spree. A little-known fact is that Nashville has the largest concentration per capita of independent fashion designers outside of Los Angeles and New York.

You can find more ideas at the [Nashville Convention & Visitors Corp.](#)

New ASA Database and Web Site Coming Soon!

ASA has made a significant investment in upgrading its database and Web site. This investment will facilitate easier and more efficient communication between ASA, its chapters and its members. Seamless online transactions and account management will now be offered. This includes annual membership renewals, event registration, and individual account control, so members can update their own profiles—including uploading pictures! This upgraded technology will also allow ASA to better communicate with prospective members so that they will have clear understanding of the benefits of membership and an easier path to joining.

ASA staff are working hard to implement the new database and Web site—with the launch planned before the end of the year. “We are really excited to bring improved services to chapters and members,” said Richard Bright, ASA chief operating officer. “The upgraded infrastructure will help us build an even stronger future for ASA.”

The data migration to the new ASA database with GrowthZone is nearly complete. Some of you may recall that GrowthZone was ASA’s Executive Directors’ Sponsor at SUBExcel 2018 in Tempe, Ariz., last March. GrowthZone, we’re pleased to announce, will sponsor the executive directors again at SUBExcel 2019 in Nashville, Tenn.

The members-only area of the new Web site is called the “Info Hub.” A straightforward layout is built for ease-of-use and finding information quickly. Members will be able to pay invoices, view member discounts, news, and events. They will be able to access valuable ASA resources, searchable and sortable by topics, and they will be able to search and find other members. Members will also be able to easily update their own contact information, choose their preferences, and customize their account settings. The Info Hub will be easily accessible through a “Member Login” link on the new Web site.

More details will be announced when they become available.

Help ASA Advocate for Subcontractors in the Courts

While ASA and its chapters represent subcontractor interests before legislative and executive bodies at all levels of government, all too often the Association finds that the courts interpret the laws and regulations approved by these other government bodies. That means ASA also has to muster the financial resources to represent subcontractor interests in the courts on issues like contingent payment, mechanic’s liens, indemnity, insurance coverage, and no damage for delay. Fortunately, ASA can tap its Subcontractors Legal Defense Fund and the Foundation of ASA’s Subcontractors Legal Research Fund to finance its briefs on



important court cases. These two funds finance ASA's advocacy on behalf of subcontractors before courts all across the country. Both are funded entirely by voluntary contributions that are earmarked for precedent-setting cases where subcontractor rights are at stake. ASA can't continue its work in support of subcontractors unless it has the funds to pay for participation in the court cases that matter most to subcontractors. With the help of ASA members, ASA can marshal the financial resources needed to invest in precedent-setting litigation to establish subcontractor rights. You can make your contribution through the [ASA online store](#). For more information, visit the ASA SLDF Web site at www.sldf.net.

Advertisements

ASA Silver Sponsor STACK Construction Technologies Gives Hours Back to Contractors



Can you imagine having more time in the day? Chances are that you could use some extra hours, especially this time of year, as you work to wrap up current projects and prepare for the busy bidding season ahead. If you've not yet had a chance to check out STACK, one of ASA's newest sponsors, you may just find that STACK can help you put hours back on the clock! STACK takeoff and estimating software empowers contractors to bid more work, in less time, with greater accuracy than ever. Whether your team still relies on paper takeoff methods or you're looking to replace outdated, cumbersome spreadsheets or software, STACK can help you save time and win more profitable work. Learn more about STACK in the ASA Sponsor Marketplace and create a free account at www.stackct.com.

ASA Bronze Sponsor NCS Helps Subcontractors Secure Receivables, Minimize Risk



ASA Bronze sponsor NCS has been the leader in providing proactive solutions to credit professionals throughout the United States and Canada to secure receivables, minimize credit risk and improve profitability since 1970. With its distinct service groups—Construction, Collection, and UCC—NCS develops customized solutions based on subcontractors' business model and organizational requirements to Secure Your Tomorrow®. NCS has educated more than 500,000 credit professionals on securing their receivables and reducing their risk through NCS events, resources, and social media. NCS offers Web-based solutions such as LienFinder™, The National Lien Digest®, and LienTracker® Online. These resources help manage credit risk, provide time and information requirements, monitor deadlines and generate notices. Protect your receivables by partnering with NCS. Contact NCS to see how it can assist in developing a mechanic's lien, collection, or UCC program. Learn more by calling NCS at (800) 826-5256 or visit www.ncscredit.com.

Disclaimer of Endorsement and Liability

The American Subcontractors Association (ASA) does not endorse or recommend any commercial products, processes, or services. Therefore, mention of commercial products, processes, or services should not be construed as an endorsement or recommendation.