Collaboration Is The Key To A Successful Future In Colorado

October 11th, 2018 the UA celebrated 129 years since initial formation. After the UA was founded in 1889 its growth was done through organizing from coast to coast across North America. Members who knew non-union workers in our industry worked tirelessly to get those workers into the union. The job title I hold as International Representative used to be General Organizer. Organizing was the most important thing we could do back then.

Somewhere in our history, and you can see where it started in the late 50’s early 60’s, we started losing market share. The largest drop took place in the 1970’s. Regulation of Unions, abandoning of industries, and protectionism were the biggest contributing factors to market share loss. Though it may have never been spoken publicly or discussed on the public stage, a lot of local unions thought growth would occur not in organizing workers, but through apprenticeship. This mindset contradicted what our founding fathers had in mind. Not organizing was also a major mistake. Apprenticeship programs and training are the backbone of our union today, however, it is not a model for growing union market share. Growth must be done through organizing companies and workers in our industry. The UA has adopted a plan to organize the unorganized and bring in new contractors. This plan has been in place since January 2017 and to date has brought in over 12,000 new members and added over 680 contractors. It works. The plan used by the UA is the plan we are going to use in the 5 states Pipe Trades. As some of you may know we are starting a 5 States Organizing Program which will employ several organizers across Colorado, Wyoming, Utah, Nevada and Arizona.

This new plan is important to the success and growth of our union. As a team of MCA contractors and UA locals we need to get into industries we are not currently in including; Multi-Family Residential, Residential, Oil and Gas, rural work, utilities. These are markets we do little to no work in right now. History shows us that being competitive in multi-family residential and residential is extremely difficult and is way too cut throat for us. If we were still throwing fittings on the floor and handing a journeyman a set of prints than that would be true, however, the UA just had a study completed that showed us residential and multi-family residential makes up 65% of all construction hours nationwide. Those industries fabricate 5% of their work. Since we have several MCA contractors who are excellent at fabrication there is a huge opportunity for market entry. Apartment complexes and condominium complexes are pretty cookie cutter, in a lot of cases each building in a complex is identical. If you can fabricate one of those buildings, you can fabricate ten of those buildings. Because they are so repetitious we don’t need a crew of journeymen on those jobs, we can blend that rate and become very competitive. For this to happen...
we need to build a competitive business model and either start some new contractors or organize contractors already in that sector. Moving into this sector would have a lot of benefits for all of us. Taking this route allows for sustainability in slower times. When the economy slows, residential contractors move into commercial which effects our work. We have an opportunity to get in front of that swing. To do this we need to work together to build and use that business model to expand our base.

In closing I just want to say how incredible of a time we live in when our labor management team can sit down and figure things like this out. Life is so much better when you have excellent partners to work with. I appreciate every contractor we have, and I look forward to working with all of you.

Rick Allen
Business Manager
Rocky Mountain District Council 5
Greetings to all,

I hope this article finds you all in good health and spirits. Work in our area has slowed a little bit from the blistering pace for manpower and project support that many experienced this summer. However, it won’t be long before we are ramping up again. We have learned many lessons from our recent boom times about how to manage our resources to address such a large scope of work. These lessons include crew mixes with different levels of experience, wages and abilities, prefabrication, supervisor training and collaboration with each other. We have become more effective and proficient to reach our goal of successful project outcomes.

Our workforce is changing. We need to add younger workers to replenish the baby boomers who are leaving the work force in record numbers. We need to be prepared to bid the influx of upcoming projects. To do this, we need to acquire and train workers. Now is the time to start developing our younger workers into leaders. Now is the time to start acquiring and adding the talent that we are desperately going to need.

To accomplish these goals, we are restructuring the District Council and adding a Five States organization that will be focused on organizing, augmenting and recruiting workers into our workforce. We will still have our District Council and it will still function as an interface for our contractors and labor, but we are going to scale back and operate our District Council more as a state pipe trades and eliminate the paid Business Manager and Organizer positions. In turn, our Five States Organization will include all of the local unions in Colorado, Wyoming, Utah, Nevada and Arizona. Each local union will have an organizer that will be funded by the Five States and they will operate cohesively as a unit under the direction of Rick Allen. This will give us a mobile unit of 8 to 10 organizers that will be able to operate in any given area within the Five States to organize workers for our contractors. We will use our organizing team to address industry specific needs for any skill set. The MCA is also ramping up a matching recruitment program for business needs. I am so proud that we are all operating together as one team, pulling in the same direction. We will be kicking these changes off January 1, 2019.

In closing, I would like to thank each and every one of you for your patience, your flexibility, your professionalism and most of all your friendship. It has been great working with all of you and I wish you all the best for the future.

Sincerely,

Howard

MCAA 19
JW MARRIOTT
PHOENIX DESERT RIDGE
MAR 3-7

FOR MORE INFORMATION OR TO REGISTER, VISIT WWW.MCAACONVENTION.ORG
OSHA Eases Position on Workplace Safety Incentives and Post-Incident Drug Testing

By Sue Schaecher | Attorney, Fisher & Phillips, LLP

Two years ago, I reported that OSHA had published a final rule prohibiting employers from retaliating against employees for reporting work-related injuries or illnesses. That article cautioned employers that OSHA was interpreting the rule as prohibiting blanket, post-incident testing policies. OSHA also was interpreting the rule as prohibiting safety incentive programs that were rate-based or rewarded employees for injury-free periods. OSHA’s concern was that this testing and these programs discouraged employees from reporting work-related injuries and illnesses because employees want to avoid being drug tested and want to avoid costing themselves and/or their coworkers a prize or a bonus.

In an October 2018 memorandum clarifying its position, OSHA has now eased off of both positions. Acknowledging that many employers conduct drug testing and implement incentive programs to promote workplace safety and health, OSHA states that action taken under either type of program only violates the rule if it is taken to penalize an employee for reporting an injury or illness. How will OSHA determine whether the employer intended to penalize an employee for reporting? Intent to discriminate will be analyzed, including how the employer’s policies are written and implemented.

Post-Incident Drug Testing

Under the 2016 guidance, OSHA required employers to limit post-incident drug testing to “situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use.” However, whether drugs “likely contributed” to an incident is not always clear from the nature of the incident, and there are not always visible signs of impairment due to drug use. Further, the drug test used had to identify impairment caused by a drug rather than mere presence of a drug in one’s system – a standard that current scientific methods other than blood alcohol tests cannot satisfy.

OSHA states in the new guidance that permissible drug testing includes drug testing to evaluate the root cause of a workplace incident that harmed or could have harmed employees. It advises that employers should test all employees whose conduct could have contributed to the incident and not just the employees who reported injuries. Drug testing under a state workers’ compensation law or other state or federal law does not violate the rule.

Incentive Programs

Rate-based incentive programs are also permissible if certain precautions are taken. Rate-based incentive programs typically reward employees with a prize or bonus at the end of an injury-free period or reward managers based on their work unit’s lack of injuries. Employers having such policies must take precautions so that employees feel free to report injuries and illnesses.

A statement that encourages employees to report and assures them that they will not be retaliated against for making a report certainly should be included, but is likely not enough. OSHA will look to see if the employer has taken steps to create a culture that emphasizes safety, not just rates. OSHA’s guidance gives the following examples:

• an incentive program that rewards employees for identifying unsafe conditions in the workplace;
• a training program for all employees to reinforce reporting rights and responsibilities and emphasizes the employer’s non-retaliation policy; and
• a mechanism for accurately evaluating employees’ willingness to report injuries and illnesses.

Consistent enforcement of legitimate workplace policies whether or not an injury or illness is reported also demonstrates that an employer is serious about creating a culture of safety and not just the appearance of reducing injury and illness rates.

Conclusion

Employers should remember that the rule still allows OSHA to penalize employers for programs that the agency finds discourage reporting, even if no worker complains. Employers should review their policies to insure that they are not designed in a way that may be perceived as punitive or embarrassing to an employee and do not discourage reporting. Additionally, those policies should include the precautions suggested by OSHA as discussed above.

This article is provided for general information purposes only and does not constitute legal or other professional advice. Readers are advised to seek specific legal advice from qualified labor and employment counsel in relation to any decision or course of action contemplated.
CONSTRUCTION & DESIGN COALITION UPDATE

Colorado Statewide Ballot Issues Election Results 2018

By Jenn Penn BJ4C, Coalition Lobbyist

Building Jobs4Colorado coalition is broad coalition of construction, design professionals, general contractors, sub-contractors, sub-sub-contractors and owner organizations across Colorado. BJ4C represents more than 95% of the Colorado construction industry. CAMPC is a steering committee member of BJ4C and continues to play a leading role within the coalition. Learn more about our efforts at www.buildingjobs4colorado.org.

CITIZEN BALLOT INITIATIVES

Amendment 73 - Funding for Public Schools (Constitutional)

Creates an education fund paid for by a tax increases.
Raisers the individual income tax rate for tax payers with taxable income over $150,000 and increases the state corporate income tax rate. For property levied by school districts, sets the assessment rate at 7.0 % for residential properties and 24.0 % for non-residential properties. Keeps assessments rates for property not levied by school districts.

FAIL

Yes/For 838,037 44.52%
No/Against 1,044,212 55.48%

Amendment 74 - Just Compensation for Reduction in Fair Market Value by Government Law or Regulation (Constitutional)

Private property shall not be taken, damaged, or reduced in fair market value by government law or regulation without just compensation.

FAIL

Yes/For 875,677 46.40%
No/Against 1,011,586 53.60%

Amendment 75 - Campaign Contributions (Constitutional)

If a candidate contributes or loans more than $1m to his/her campaign, then other candidates in the race may accept aggregate campaign contributions that are five times greater than the current limits.

FAIL

Yes/For 623,124 33.82%
No/Against 1,219,375 66.18%

Proposition 109 - Authorize Bonds for Transportation Projects/Fix Our Damn Roads (Statutory)

Requires the funding of specific road/highway projects through bonds that are paid back via funds in the state budget, without a tax increase.

FAIL

Yes/For 723,458 38.71%
No/Against 1,145,544 61.29%

Proposition 110 - Transportation Funding (Statutory)

Sales tax increase of .062% to finance bonds for $6B of road/highway projects and transit projects.

FAIL

Yes/For 757,012 40.30%
No/Against 1,121,448 59.70%

Proposition 111 - Payday Loans (Statutory)

Limits finance charges to a maximum APR of 36% and eliminates other fees associated with payday lending.

PASS

Yes/For 1,425,712 76.70%
No/Against 433,041 23.30%

Proposition 112 - Setback Requirement for Oil and Gas Development (Statutory)

Would require 2,500 foot setbacks from an “occupied structure or vulnerable area” for oil and gas development.

FAIL

Yes/For 826,083 43.23%
No/Against 1,084,688 56.77%

Continued on page 7
Field Leaders #1-02

This course is designed specifically for practicing foreman and superintendents (who have run at least one job). All candidates must fill out a formal application that ensures readiness and commitment to the full 8-session program.

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<td>Round Table Discussion of Industry Topics</td>
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All classes are held on a Tuesday at 686 Mariposa St, Denver, CO 80204. Lunch is included at 11:30 a.m.

Project Management #1-03

This course is designed specifically for new project managers and project engineers with 0-3 years of experience. All candidates must fill out a formal application that ensures readiness and commitment to the full 9-session program.

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All classes are held on a Wednesday at 686 Mariposa St, Denver, CO 80204. Lunch is included at 11:30 a.m.

Apply at www.campc.org/education
LEGISLATIVELY REFERRED AMENDMENTS

Amendment A - Civil Rights and Constitutional Language
Repeals a constitutional exception on the ban of slavery that allowed for slavery and involuntary servitude as punishment for a crime
PASS
Yes/For  1,207,170  64.99%
No/Against  650,441  35.01%

Amendment V - Legislature
Reduces age qualification for legislative members from 25 to 21
FAIL
Yes/For  659,667  34.91%
No/Against  1,230,120  65.09%

Amendment W - Elections and campaigns
Shortens language on the Colorado ballot regarding judicial retention by consolidating questions
PASS
Yes/For  964,284  53.26%
No/Against  846,075  46.74%

Amendment X - Marijuana
Changes the definition of industrial hemp from a constitutional definition to a statutory definition
PASS
Yes/For  1,097,160  60.70%
No/Against  710,441  39.30%

Amendment Y - Redistricting measures
Establishes an independent commission for congressional redistricting
PASS
Yes/For  1,318,673  71.21%
No/Against  533,217  28.79%

Amendment Z - Redistricting measures
Establishes an independent commission for state legislative redistricting
PASS
Yes/For  1,299,529  70.82%
No/Against  535,575  29.18%

BALLOTS CAST
Colorado has historically been a state that is fairly evenly divided between Republicans, Democrats, and Unaffiliated voters. Recent population increases in urban areas has predictably led to an increase in Democratic voter registration, but the big surprise from the 2018 election is the high level of unaffiliated participation.

January 30 - February 1, 2019
Hilton Tampa Downtown • Tampa, Florida

For more information and to register, visit http://www.mcaaevents.org/technology-conference
The “blue wave” hit Colorado with a vengeance. Democrats won all four state executive offices, maintained (and increased their majority with several races still pending) in the House, won majority control of the Senate and defeated several local incumbents.

Colorado Congressional Delegation
Former DORA Executive Director and Denver attorney, Joe Neguse (D-Boulder) easily won his election to replace Jared Polis in CD2. This district covers Boulder and the northern central mountain areas.


Democrats won majority control of the Senate 19-16 which gives them control over all policy decisions for the next two years. Sen. Leroy Garcia (D-Pueblo) is expected to be elected Senate President but there may be a contested election for Majority Leader. Sen. Chris Holbert (D-Douglas) is expected to be elected Minority Leader. Sen. Jones (D-Boulder) and Sen. Kefalas (D-Larimer) won elections to their respective County Commissions. Rumors are that a lobbyist is running for the Jones vacancy and current Rep. Jeni Arndt for the Kefalas vacancy. Local district committees will appoint replacements to complete their terms which expire in 2020.

Business Ballot Issues
Of the thirteen Amendments and Propositions five passed and eight failed. Constitutional changes required 55% approval (required by Raise the Bar approved in 2016) by the voters while statutory changes only required a simple majority vote. Various business interests supported or opposed several ballot issues. Constitutional Amendments #73 education funding – Failed, #74 fair market compensation – Failed. Propositions #109 bonding for transportation – Failed, #110 sales tax increase for transportation - Failed and #112 mandatory 2,500’ setbacks for oil/gas development – Failed.

With the passage of Amendments Y and Z, re-districting and re-apportionment will be done much differently in 2020. This will be especially critical because with the increase in population over the past ten years, Colorado is likely to get an eighth congressional seat.

SALES LEADERSHIP SYMPOSIUM
January 14-15, 2019
Hilton Phoenix Airport • Phoenix, Arizona

A "must" attend for anyone who manages or supervises sales personnel and is responsible for recruiting, hiring, training, on-boarding and coaching. Presented by in-the-field industry experts, this program will teach sales leaders how to drive revenue growth and enhance profitability through a structured sales approach as well as enhance sales team productivity and ensure employee retention.

Visit https://www.mcaa.org/events/calendar/sales-leadership-symposium-2 for more information and to register.
A MESSAGE TO OUR CONTRACTORS:
I bet you think you know your foremen pretty well. You don’t. Really. They’ve been working for you forever, right? But you haven’t really been paying attention.

Your foremen are the backbone of your company. And they are holding back on you. You’re missing a lot by making assumptions about who they are and what they think. And those assumptions are costing you hundreds of thousands (if not millions) of dollars in lost profits over the course of their, and your, careers.

I’ve spent the last several years talking with and training several thousand foremen and superintendents all over the U.S. and Canada, so I know what I’m saying when I tell you, honestly, you don’t have a clue what’s going on inside their heads. Let’s start by examining a list I put together of ten very important things you probably don’t understand about your foremen.

1. Your foremen don’t see themselves as professionals. They don’t describe themselves that way. They don’t see it as a professional position — in fact, they barely see it as a management position. If guys who are going to manage $100,000,000 to $1 billion in projects over the course of their careers aren’t professionals, then what are they? Maybe you should ask them.

2. On average, your foremen have received zero formal professional leadership and management training to prepare them for this high-level responsibility, role, and identity.

3. Your foremen don’t know what they do for a living. When I ask them, a full 90% respond, “I’m a [Carpenter, Electrician, Pipefitter, Ironworker, …fill in the craft].” This is the wrong answer. It reflects a craft-worker mindset, not a supervisory one. The correct answer is, “I am a professional construction foreman/superintendent.” It’s very difficult for them to make that jump and not feel embarrassed, but how they see themselves determines how they act and lead on the job. They are no longer just “one of the guys.”

4. Your foremen rarely solicit input from their crews. They: a) think they will look weak; b) worry that someone else will get credit for a good idea and take their job; c) would never think to ask; or d) don’t even know that it’s part of their job.

5. Your foremen run their crews almost 100% of the time using authority, not influence. Which approach do you think is more effective, productive and profitable?

6. Your foremen are often stuck between the roles of “boss” and friend. This kills the ability to discipline and hold others accountable for their actions.

7. Your foremen do not effectively delegate. They are get-it-done people and therefore over-participate in the action at the jobsite. They are excellent at directing tasks. They generally do not empower people and wouldn’t know how to anyway. Wonder whose fault that is?

8. Your foremen often have confused loyalties between their roles as multi-million dollar company managers and union members. The peer pressure of being a “good union guy” is leveraged regularly by their peers, reducing their effectiveness and authority.

9. Your foremen do not admit mistakes or failures. Failure is not a learning experience in their eyes; failure is simply failure.

10. Your foremen do not know how to effectively motivate their crews. The most effective and well-documented tools of praise and positive reinforcement are generally entirely absent. What was not given to them will not be given to others.

Now let’s review. I’m willing to guess a few of the items on this list didn’t come as a surprise to you. So the obvious question is, what are you doing to fix these attitudes among your foremen? By refusing to act or address the problems, you own them — they’re all on you.

How about the attitudes and actions on the list that you didn’t know about? Now that you do, what’s your next move? Are you going to discuss them and provide your guys with the tools to address them, or just rationalize them away and take the path of least resistance?

Several hundred thousand foremen are waiting for help. They’re doing the best they can with what they’ve got, but they need their employers to help them understand how important and vital they are to their company and the industry. They need serious professional support to become high-quality leaders and managers. But really, I think they’re waiting for you to acknowledge the challenges.
GROWING AND DEVELOPING SERVICE SUPERVISORS

January 31 - February 1, 2019
CAMPC Classroom / 686 Mariposa St. / Denver, CO 80204

The key role played by field supervisors has a direct impact on your bottom line. Often, these highly qualified technicians are placed in this management position with virtually no management or leadership training. MSCA’s Growing and Developing Service Supervisors is focused training designed specifically for improving the performance of service field supervisors. Using proven methods, this program will advance skills in leadership, coaching, planning, time management, communication, and motivational techniques, all of which will give the field supervisor an edge and the confidence to deal with the workplace challenges of today.

This program uses real world exercises and video-recorded role plays that participants can relate to. Attendees will easily incorporate the skills they learn from the seminar into their everyday responsibilities. Every participant who completes the program will receive a Certificate of Completion and a comprehensive workbook that can be used for years to come. This valuable workbook contains more than 100 sample forms, procedures, checklists and reports that field supervisors use daily.

TOPICS INCLUDE
- Transition to management
- Establishing effective time management habits
- Communication
- Establishing job leadership
- How to coach and mentor for improved team performance
- How to properly delegate
- How to deal with difficult customers and employees in a professional manner
- Using creative problem-solving to improve production and performance
- Dealing with conflict and negotiations skills
- Sales management basics
- Complying with human resource issues
- Planning, goal-setting and productivity improvement
- Motivating employees

ABOUT THE PRESENTER

The program was developed by a task force of MSCA contractors in partnership with Kevin Dougherty, who is the lead instructor for the program. Kevin has been a speaker in the construction industry for more than 20 years. He represents a changing industry – aggressive, realistic, and open-minded. Kevin’s work experiences and education enable him to relate to today’s problems and provide tangible solutions in an easy-to-listen-to style. He has taught thousands of people in various seminars. His client base ranges from family-owned businesses to corporate conglomerates. In addition to speaking and writing articles, Kevin has served as a sales manager and corporate trainer for a multimillion-dollar mechanical contractor and specialty services contractor.

Registration Fee for CAMPC/MCA/MSCA member company is $499.
This fee includes all program materials, meals, and a comprehensive workbook. Class size is limited.

Visit www.campc.org/education/workshops to register
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<td>1/22 - 1/24</td>
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<td>2/7/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>FL Level 1 - Coaching for Peak Performance</td>
<td>2/12/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>PM Level 1 - Contracts</td>
<td>2/14/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>FL Level 1 - Financial Management</td>
<td>2/19/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>Leadership Access Institute - Hogan Coaching</td>
<td>2/20 &amp; 2/21</td>
<td>2 days</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>PM Level 1 - Estimating</td>
<td>2/21/2019</td>
<td>10:00 am</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>FL Level 1 - Scheduling</td>
<td>2/26/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>PM Level 1 - Getting Things Done</td>
<td>2/28/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td><strong>MARCH 2019</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MCAA 2019 Convention</td>
<td>3/3 - 3/7</td>
<td>4 days</td>
<td>Phoenix, AZ</td>
<td><a href="http://mcaaconvention.org">http://mcaaconvention.org</a></td>
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<tr>
<td>FL Level 1 - Project Kickoff Meeting</td>
<td>3/5/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>PM Level 1 - Safety</td>
<td>3/7/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>FL Level 1 - Round Table</td>
<td>3/12/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>Leadership Access Institute - Resolving Workplace Conflict</td>
<td>3/13/2019</td>
<td>7:30 am</td>
<td>Plumbers Local 3**</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>PM Level 1 - Labor Relations</td>
<td>3/14/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
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<tr>
<td>PM Level 1 - Financial Management</td>
<td>3/21/2019</td>
<td>12:00 pm</td>
<td>CAMPC</td>
<td><a href="mailto:jordyn@campc.org">jordyn@campc.org</a></td>
</tr>
</tbody>
</table>

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† SMART Sheet Metal Local Union #9 - 1515 W 47th Ave, Denver, CO.
** Local 3 - 17100 E. 32nd Pl., Aurora, CO.
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