

Member Milestones

Nine Builders Association members were honored as part of the Top 400 Contractors in the May 19 edition of Engineering News-Record magazine. [Clark Construction Group](#) was named as the 13th largest contractor, while [Opus North Corporation](#) (36th), [Pepper Construction Company](#) (45th), [Ryan Companies US, Inc.](#) (54th) and [James McHugh Construction Company](#) (88th) were also in the top 100. [McShane Construction Corporation](#) was listed 102nd, [W.E. O'Neil Construction Company](#) 112th, [Weis Builders](#) 149th and [Bulley & Andrews, LLC](#) at 294th.

Four Builders Association companies were honored with AGC Safety Awards for their commendable safety performance in 2007. [Valenti Builders, Inc.](#) won for its Zero Incidence Rate for companies with over 50,000 work hours, and [BABCO Construction](#), [Lawdensky Construction Company](#) and [The Lombard Company](#) were among companies with 10,000-50,000 work hours who displayed a Zero Incidence Rate.

[W.E. O'Neil Construction Company](#) announced that Michael J. Faron has been named Chairman and John A. Russell has been named President. Faron joined W.E. O'Neil in 1973 and had been President of the company since 1989. Russell joined the O'Neil team in 1982 and was promoted to Executive Vice President in 2005.

A new Ronald McDonald House near the University of Chicago Comer Children's Hospital was completed in February by [Bulley & Andrews'](#) Meyne division. The 30,000-square foot facility houses families whose children are being treated at the hospital. The new facility, a Victorian-style home, is close to twice the size of the original house.

[James McHugh Construction Company](#) completed a renovation of Chicago's Blackstone Hotel in March. Renovations started in May of 2006 and called for most of the hotel to be gutted, while historic



Faron



Russell



McShane

areas were restored on the skeleton of the building. The main lobby, Crystal Ballroom, Art Hall and lower level barber shop were among the areas renovated in the Blackstone.

[McShane Construction Company](#) CEO James A. McShane was awarded the Richard G. Levy Presidents Award by the Chicago Chapter of the Society of Industrial & Office Realtors. The recipient is chosen based on accomplishments both in and out of the construction industry.

[Lombard Architectural Precast Products \(LAPPCO\)](#) manufactured the architectural precast concrete for Provena St. Joseph Medical Center in four months. The concrete work - which included custom formliners to create the look of modular brick, corner brick, jumbo brick and edge caps - was part of a sweeping renovation at the hospital. Part of that renovation is Will County's first Women's and Children's Center.

[Arnstein & Lehr](#) launched its new construction practice group in April. Attorneys in the Chicagoland area include: Matt Bryant; Barry Chatz; Mark Enright; Samuel Levine; Hal Morris; Dan Schlade; Mark Spognardi; Skip Starck; Paul Starkman; and Justin Weisberg.

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1) 180 days after expiration of the agreement, or 2) certification of impasse by the Secretary of Labor. If they fail to agree the default schedule goes into effect automatically. Generally, the Rehabilitation Plan will be effective for 10 years (the "Rehabilitation Period"), beginning several years after the initial year of critical status.

During the Rehabilitation Plan's adoption period (which begins on the date the plan is certified as "critical" and ends on the day before the Rehabilitation Period goes into effect), the multiemployer plan cannot accept any collective bargaining agreement which provides:

- For reduced contributions for participants
- A suspension of contributions for any period
- Any new direct or indirect exclusion of new or younger employees from participation.

Similarly, the plan cannot be amended in any way that would increase liabilities, unless the amendment is required by law or required to maintain qualified status. After the Rehabilitation Plan is adopted, tight restrictions exist on increasing benefits.

But unlike the contribution obligations with respect to Endangered Plans, Critical Plans come with "Employer Surcharges." In 2008, a mandatory 5% contribution surcharge is imposed 30 days after the employer is notified that the plan is in critical status and that the surcharge is in effect. This surcharge is 10% for later years as long as the plan is in critical status.

The surcharge does not apply once the employer adopts a contribution schedule which meets the requirements of the Rehabilitation Plan. And if the employer already has a contribution schedule which meets Rehabilitation Plan requirements when the plan is declared Critical, then the surcharge is not imposed.

Failure to make required contributions or make required contributions on a timely basis, subjects the employer to a 100% excise tax and the usual ERISA penalties and assessments.

Robert Christenson, a partner at Fisher & Phillips LLP, is the chair of the firm's Employment Benefit Practice Group. The national firm represents management in areas of labor, employment and employee benefits.