

# ACTION NEWS

The Official Publication of the  
**Southwestern Indiana Builders Association**

2175 N. Cullen Ave      Evansville, IN 47715  
 ~ 812-479-6026 ~



MAY, 2005  
 VOL. 28, NO. 5



## SIBA DATES

- May 2&3 - SIBA Office, 8:30am - 4:30pm  
**Parade Book Proof Days....pg 9**
- May 10 - 5:30 pm, Holiday Inn  
**SIBA M'ship Meeting.....pg 5**
- May 24 - 4:30 pm, Louisville Tile  
**Remodelors' Council Mtg...pg 6**
- May 30 - SIBA OFFICE CLOSED  
**Memorial Day Observed**



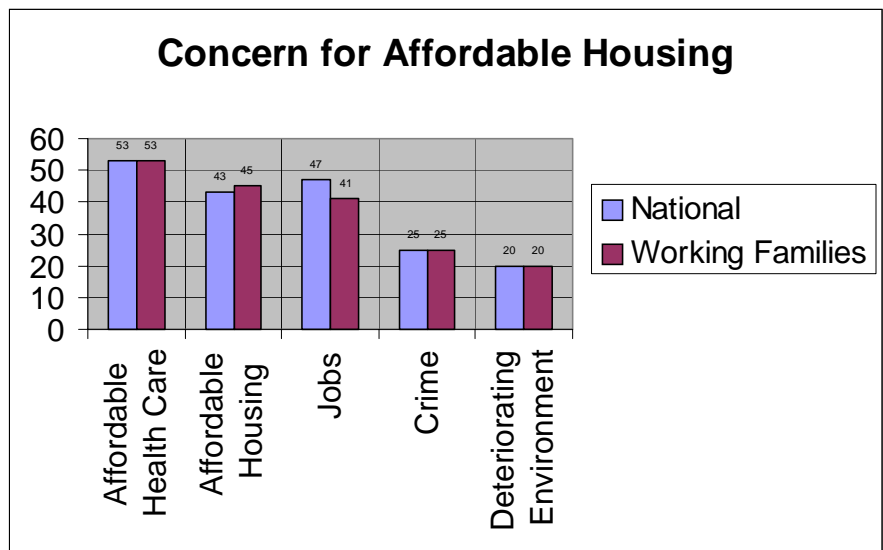
### President's Message

by **BILL BADGER, SR.**  
*Badger Construction, Inc.*

I was part of the Indiana delegation who attended the 2005 NAHB Legislative Conference in Washington, D.C. National, State and Local Homebuilders all have an interest in our recent trip.

NAHB briefed me and hundreds of other builders, which helped us with the senators and congressmen. In our meetings with legislators, we focused on several housing issues including the Homeownership Tax Credit, reforming the Federal Storm Water Program, Government Sponsored Enterprises (GSEs) regulatory reform, updating the Endangered Species Act (ESA). We explained how these issues affect

See **PRESIDENT'S**, page 25



see article page 10

## MAY HIGHLIGHTS:

- Good Builder Policy.....pg 4*
- Harassment by Customers.....pg 5*
- RC Volunteer Project.....pg 6*
- A Grand Idea.....pg 9*
- Scenes from the Legislative Conference.....pg 16*
- Basement Snorkeling.....pg 19*

*"Golf has taught me that there is a connection between pain and pleasure. Golf spelled backwards is flog."*

- Phyllis Diller

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**ACTION NEWS is the Official Publication of the Southwestern Indiana Builders Association**  
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Dave McClary, River Valley Homes

**POLITICAL ACTION**

Carl Shepherd, Shepherd Construction

**SCHOLARSHIP**

Bill Kattman, Kattmann Construction, Inc.

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**EXECUTIVE DIRECTOR**

Bill Pedtke  
E-mail: bpedtke@SIBAonline.org

**ASSOCIATION SERVICES DIRECTOR**

Shannon French Holt  
E-mail: sholt@SIBAonline.org

**ADMINISTRATIVE ASSISTANT**

Nancy Maiden  
E-mail: nmaiden@SIBAonline.org

**ACTION NEWS  
2005 DEADLINES**

Issue	Deadline
January	December 17
February	January 14
March	February 11
April	March 11
May	April 15
June	May 13
July	June 13
August	July 17
September	August 12
October	September 16
November	October 14
December	November 11

**EXECUTIVE OFFICES**

2175 N. Cullen Avenue  
Evansville, Indiana 47715  
Phone: 812-479-6026  
Fax: 812-479-6340  
Office Hours:  
8:30 a.m. to 4:30 p.m.  
Website:  
[www.SIBAonline.org](http://www.SIBAonline.org)

**2005 OFFICERS**

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**SPECS**

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1/9-Page	2 1/2" x	3 1/4"
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Insert	7 1/2" x	9 3/4"

**RATES**

Size	1X	3X	6X	12X
Ninth	\$27	\$80	\$160	\$320
Half	\$54	\$160	\$320	\$640
Full	\$107	\$320	\$640	\$1280
Insert	\$187	\$560	\$1120	\$2240

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SIBA LIFE DIRECTOR: W.C. "Bud" Bussing

*The information provided in this publication is for informational purposes only. Due to complexities of applicable building codes, construction applications, and facts specific to each situation, individuals should consult with a qualified contractor regarding specific construction needs or concerns.*

# A GOOD BUILDER POLICY



## The Pedtke Perspective by Bill Pedtke

I recently saw two articles in our local newspaper where the authors were complaining the world's population of 6 billion people is no longer manageable and cannot be sustained with our current resources. Although I find this completely unbelievable, there was no response to the articles.

If you could magically get all 6 billion from around the globe into one place, isn't it interesting to know we would all fit into the southern half of the State of Indiana. And I'm not even cramming everyone into an uncomfortable position to make us all fit. In fact, I'm figuring 40 square feet per person, about the size of the typical 5'x8' bathroom. I think we can agree most people have proven they're okay with this amount of space for quite some time.

Now, I doubt that all 6 billion people would become Hoosiers for life. And these days, I doubt such a population boom in southwestern Indiana would get I-69 built any quicker.

But the point is, when we hear complaints about the problems brought about by mere population, we should be able to differentiate the actual cause of the problem between the number of people, and policies over resources.

The point of building the "everyone in southern Indiana" image is that it really makes it clear we don't have a population problem. We have policy problems. And for policy, office holders are the key.

With poor leadership, you have poor policies based on fear, emotion, and personal favorites. With good leaders, policies are based on science, verifiable data and reason.

At last month's NAHB Legislative Conference, we heard plenty of horror stories from across the country where

government policies have become obstacles to providing people with affordable housing.

The prevalent problem is that too many policies for housing are not rational, nor effective.

Fees are being placed onto new residential development. As near as the Midwest, fees are being collected from new residents only to pay for community-wide costs. Placing such a heavy burden onto new housing is dangerous for a community. As fees artificially increase the cost of housing, the results severely slow growth, or worse – kill it.

Some fees around the Midwest reportedly begin at about \$4000 per new home. In California, the king state for impact fees, one fee was quoted at \$135,000. Imagine: a family would need \$35,000 of annual income just to qualify for a mortgage – not for their home, but for just the impact fee!

It seems obvious these fees (and policies to apply them to housing) aren't meant for anything except to prohibit new houses. Again, not a population or resource problem. This is a policy problem.

Consider other regulations that are incurred by development.

The Endangered Species Act was implemented in 1973. Since then, 1,300 different species have been listed for protection. However, less than 1% of these species have actually been "recovered", some by simple calculation errors by federal agencies. Meanwhile countless development projects are stopped, and land rights are being stripped from owners. As long as the real intent of the Act is to protect and recover endangered species, something better needs to be put in place. Something that takes into account our growing communities, affordable measures, and don't forget... the goal. The ESA may be the only case where a 1% success rate hasn't caused the policy to be updated and revised. To put this into perspective, Shaq's Free Throw percentage is about 40 times better!

Storm water regulations are similar. Hoosier builders and developers are regulated by Rule 5, a regulation based upon EPA's Clean Water Act. After 12 years, EPA's current enforcement strategy is failing to focus on the Clean Water Act's primary goal: water quality improvement. The EPA, author of the Clean Water Act, reported that

the environmental risk associated with storm water discharges from construction sites is minimal, contributing less than 2 percent to water quality impairment.

Most of this regulation oversees, not water quality, but paperwork! The cost of complying with the regulations is quoted by developers at \$1400 to \$4500 per home. In our market, that translates into thousands of households being kept from affording a new home.

Is keeping thousands of households from affording a home really worth increasing water quality by only 2%? I suspect that most of the general public would agree water quality is important, but a policy that focuses primarily on paperwork, and prevents thousands of households from affordable housing, needs to be "re-visited" and brought back to reality.

The problem with bad policies like these is that the general public typically is not made aware of them, even though the costs of bad policies are passed along to the end-user. Then it's too late. Placing cost burdens onto new development is often the path of least resistance for office-holders. Future homeowners are a cross-section of the community who cannot protest against added costs. New homes pay taxes, but they don't vote!

New policies that benefit the entire community too often get placed onto new projects only. Rarely are owners of existing homes included.

What I am realizing is this: If the consumer isn't aware of the added costs, perhaps builders need to educate them. I'm talking about the kind of education you get when you price out phone service. If you survive that process, you are made thoroughly aware of the government's involvement, which sometimes costs greater than the service provided!

Perhaps builders should follow suit, by advertising a typical new home at \$139,999. Then at the closing, the builder should add the government fees that were incurred in the building process. Be sure to add the costs (time and money) of complying with regulations. Or better yet... let the government collect all these from the consumer directly! This new policy wouldn't affect the amount of fees collected. In fact, it would simplify the process by removing the builder as the middle-man. And it would make the consumer and his pocketbook aware of the decisions made by those elected into office. I bet this would make more than 1% difference.

### 2005 MEMBERSHIP TOTALS

As of:	12/31/04	3/31/05
Builders	119	123
<u>Associates</u>	<u>265</u>	<u>286</u>
Total	384	409
<i>Y-T-D Net Growth: 6.5%</i>		<i>Annualized Retention: 86.9%</i>
<i>Total jobs represented: 18,447!</i>		

### Next Membership Meeting:

# May 10<sup>th</sup>

@ **Holiday Inn, Airport**  
(US 41 & Lynch Rd.)

"A Smoke-Free Environment"

## 5:30 p.m.

**\$17 with reservation**  
**(\$22 for walk-ins)**

~ RSVP ~

### 479-6026

~ PROGRAM ~

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## WELCOME NEW MEMBERS

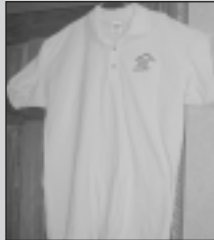
### Ray's Heating & AC Inc.

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### SIBA SHIRTS FOR SALE

Short-sleeved golf shirts and T-shirts sporting the SIBA logo are now available at the SIBA office. Golf shirts in tan or yellow can be purchased for \$17 each, and T-shirts, in many bright colors to choose from, are only \$9. Shirts are available in 3 sizes ranging from Large to XX Large and can be purchased at the SIBA office during normal business hours, 8:30am to 4:30 pm.



### Up For Renewal...

- Action Painting LLC
- Adams Plumbing, Inc.
- All-Weather Products, Inc.
- Appraisal Consultants, Inc.
- Artful Interiors, LLC
- Bassett Furniture Direct
- Benny's Flooring, LLC
- Berkau Masonry Inc.
- Brian's Sewer Service, Inc.
- Carter Lumber
- Cingular Wireless LLC
- Dave Zint Construction Inc.
- Evansville Teachers FCU
- Gallagher Niemeier Interiors Inc.
- Gensic's Furniture House/Bedland
- Haas Construction, Inc.
- Home Specialties
- Joe Hisch Drywall Co.
- Joe Mattingly Builders
- Joe Michael Landscapes
- J's Masonry
- Just Faux Fun!
- Just Faux It!
- Kattmann Construction, Inc.
- Lehigh Cement Company
- Miller Hardwood
- Paint 'N Stuff, Inc.
- Paragon Sight, Sound & Security
- Parker's Custom Ironworks, LLC
- Peoples Choice Mortgage
- Sanderick Enterprises
- Sofa Express
- Sprint Business Solutions
- Suburban Landscape Nursery
- Sunburst Stained Glass

*These members are up for renewal in April.  
If you see them, offer a friendly  
reminder to renew!*

## DIRECTORY UPDATES

*The following are corrections, changes  
and updates to the 2005 Membership  
Directory and Reference Handbook.*

*Please make the appropriate changes  
to your directory to keep it up-to-date.*

#### BRG HOMES

New Address: 5 Quail Crossing Dr.  
Boonville, IN 47601

Pg. 23

#### FAULKENBURG HOMES, LLC

New Phone: 812-549-5309

Pg. 28

#### KRYSTAL KLEENE

New Phones: 812-589-0610 Kim  
812-589-0469 Cyreena

Pg. 90

## 2005 LEGISLATIVE CONFERENCE

*S I B A  
Leaders  
Kattmann  
and  
Badger  
listen to  
briefing  
reports in*



*preparation for their visits to Capital Hill.  
Hundreds of home builders were part of the  
2005 NAHB Legislative Conference in  
Washington, DC this past April.  
See more from the Conference on page 16!*

## HARASSMENT BY CUSTOMERS PUTS YOU IN HOT WATER

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A lot has been written and said about an employer's liability for sexual harassment by its own employees. However, you also can be liable when a nonemployee harasses one of your employees.

Both the courts and the Equal

Employment Opportunity Commission (EEOC) have found that an employer may be held liable for sexual harassment of its employees by someone outside of the organization, such as a customer or vendor.

Unfortunately, there is little guidance as to the extent of your duty in this area.

See **HARASSMENT**, page 10

## RC ROSTER

54 Members!

### REMODELERS

Bosma Construction  
 Comfort Homes  
 Core Contractors, Inc.  
 Creative Interiors  
 Dunn Building Services, Inc.  
 Fest Construction, Inc.  
 Happe & Sons Construction  
 Heidorn Construction, Inc.  
 Homes by John Peninger  
 JD's Construction  
 Koch Construction Inc.  
 Martin Brothers & Co., Inc.  
 MCF Construction  
 Nurrenbern Construction  
 Popham Construction Co.  
 Sandy Smith Builder, Inc.  
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 Shepherd Construction, Inc.  
 Daniel E. Temme Architect  
 Tri-State Restoration Contractors

### ASSOCIATE MEMBERS

A.B. White & Son, Inc.  
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 All-Weather Products, Inc.  
 American Wholesalers  
 Benthall Bros Inc  
 Champion Windows  
 Electric 2000, Inc.  
 Evansville Tile Distributors  
 Evansville Winnelson  
 Fifth Third Bank  
 Gabe Mehringer Plumbing  
 ICI Paints, Inc.  
 Indiana Wholesalers Inc.  
 K-I Lumber & Building Materials  
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 Koressel Glass Company  
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 Lensing Wholesale Inc.  
 Light Concepts  
 Louisville Tile Distsr. Inc.  
 Michael Gourley & Sons  
 Old National Bank  
 Overhead Door Co. of Evansville  
 Paint 'N Stuff, Inc.  
 PPG / Porter Paints  
 River City Elevator  
 Scholz Drywall & Interiors, Inc.  
 Sears Contract Sales  
 Shelter Distribution  
 Sherwin Williams  
 Sun Windows, Inc.  
 Windows of Evansville

## REMODELERS COUNCIL

### 2005 Officers

Chairman: Damien Scheessele  
 Vice Chairman: Larry Koch  
 Secretary/Treasurer: Mike Freeman

## SIBA REMODELORS TO FOCUS ON SENIOR CENTER

### More Volunteers Wanted for May 12 Project

Did you know May is National Remodeling Month?

Did you know that all SIBA Members and their employees can participate this year?

The SIBA Remodelers Council is joining in National Home Remodeling Month, and asking for volunteers from all SIBA personnel for a commendable project.

For this year's Work Day, members of the Remodelers Council are focusing SIBA efforts at the Senior Citizen Center in Boonville, IN.

The Work Day is May 12, and volunteers are encouraged to arrive at 8:30 a.m. The rain date is May 18.

The Senior Citizen Center is one of two in Warrick County that provide seniors with a place to go and socialize, as well as transportation for medical appointments and other necessary trips.

The centers had funds cut from the county budget. Private fundraisers are being held to raise funds for the centers.

The Remodelers Council selects one project per year to combine their skilled labor for a good cause in the community.

*All SIBA members and employees of members are encouraged to help at the 2005 Work Day.* Also needed are donations of paint and painting supplies. For more details, to make a donation or to let us know if you can attend, please call the SIBA office at 479-6026.



## CHANGE ORDER PRICING STRATEGIES

Change orders are a fact of life for nearly all fixed-price contracts. Managed properly, change orders can keep you from losing money and time when clients decide to split a master bathroom in half after it's been rough-plumbed or make other midstream changes to what you've contractually agreed to build or remodel.

Try the tips below on pricing change orders and communicating the costs to customers. They were contributed by 2004 Custom Builder Symposium attendees who traded strategies in a roundtable discussion.

Include in your contract the price that you charge for change orders. You can add it before or after the description of your change order procedure. "If you spell out the procedure and price ahead of time,

customers will accept it more easily," says Dennis Dixon of Dixon Ventures, Inc., in Flagstaff, Ariz.

Some builders charge for every change order. Some charge just for major ones. If you do the latter, you should still spell out the change order price in your contract. "To ease tension with the consumer, we only charge for substantial change orders," says

See **CHANGE ORDER**, page 11

**RC MEETING**  
**TUESDAY, MAY 24<sup>TH</sup>**  
**4:30 p.m. @ LOUISVILLE**  
**TILE DISTRIBUTORS**  
 (1417 N. CULLEN AVENUE)

# SIBA Spike Club Members

(as of 3/31/05)

## SUPER SPIKES

(250-499)

<b>Tommy Thompson</b>	<b>329</b>
<i>Thompson Homes, Inc.</i>	
<b>Bob Hatfield</b>	<b>259</b>
<i>Custom Homes by Bob Hatfield</i>	

## ROYAL SPIKES

(150-249)

<b>Carl Shepherd</b>	<b>223</b>
<i>Shepherd Construction, Inc.</i>	
<b>Mike Talbert</b>	<b>208</b>
<i>Homes by the Talbert Group</i>	
<b>Steve Heidorn, CGR CGB CAPS</b>	<b>182</b>
<i>Heidorn Construction, Inc.</i>	
<b>Scott Jagoe</b>	<b>181</b>
<i>Jagoe Homes, Inc.</i>	
<b>Ron Dauby</b>	<b>172</b>
<i>Core Contractors</i>	

## RED SPIKES

(100-149)

<b>Ron McGillem</b>	<b>139</b>
<i>R.A. McGillem Construction</i>	
<b>Alan Bosma, CGB CGR</b>	<b>133</b>
<i>Bosma Construction, Inc.</i>	
<b>C. Frank Scholz</b>	<b>127</b>
<i>Scholz Insulation Co., Inc.</i>	
<b>Jeff Hatfield</b>	<b>122</b>
<i>Core Contractors</i>	
<b>Sandy Smith Jones</b>	<b>121</b>
<i>Sandy Smith Builder, Inc.</i>	
<b>Glenn Nurrenbern</b>	<b>117</b>
<i>Nurrenbern Construction</i>	
<b>Dan Buck</b>	<b>114</b>
<i>Dan Buck Development</i>	
<b>Damien Scheessele</b>	<b>105</b>
<i>Scheessele &amp; Sons Construction</i>	
<b>Larry Koch, CGB</b>	<b>104</b>
<i>Koch Construction, Inc.</i>	
<b>W.C. "Bud" Bussing</b>	<b>101</b>
<i>Bussing Construction</i>	

## GREEN SPIKES

(50-99)

<b>Brad Sterchi</b>	<b>97</b>
<i>Sterchi Homes Corporation</i>	
<b>Brad Killebrew</b>	<b>91</b>
<i>Killebrew Brick, Inc.</i>	
<b>Al Bauer, Jr.</b>	<b>87</b>
<i>Bauer Homes</i>	
<b>Dick Zirkle</b>	<b>67</b>
<i>Benthall Brothers, Inc.</i>	
<b>Mike Martyn</b>	<b>66</b>
<i>Martyn Custom Homes</i>	
<b>Bill Badger, Sr.</b>	<b>60</b>
<i>Badger Construction, Inc.</i>	
<b>Danny Davis</b>	<b>59</b>
<i>Davis Homes</i>	
<b>Bill Jagoe</b>	<b>55</b>
<i>Jagoe Homes, Inc.</i>	
<b>Jim Muth</b>	<b>52</b>
<i>Complete Lumber, Inc.</i>	
<b>Darrell Spears</b>	<b>52</b>
<i>Spears &amp; Norman Homes</i>	
<b>Jim Arvin</b>	<b>50</b>
<i>Arvin Sign Services</i>	
<b>John Peninger, CGB GMB</b>	<b>50</b>
<i>Homes by John Peninger</i>	

SIBA Members must earn six spike credits within two years to become a Blue Spike. Blue Spikes must then recruit two spikes per year until they reach Life Spike status with 25 Spikes.

\* Denotes recruiters who have not earned their 2nd Spike, and therefore do not have enough YTD credits to maintain current status. If recruiters do not earn two spike credits each year, NAHB wipes their repective spike total to zero!

## LIFE SPIKES

(25-49)

<b>Herb Schumacher</b>	<b>46</b>
<i>Schumacher Custom Homes</i>	
<b>Walt VanZilen</b>	<b>43</b>
<i>Selective Homes</i>	
<b>Rick Oakley, CGR CAPS</b>	<b>36</b>
<i>Creative Interiors</i>	
<b>Robbie Sears</b>	<b>31</b>
<i>VECTREN</i>	
<b>Bert Warner</b>	<b>31</b>
<i>Windows of Evansville</i>	
<b>Ted Ubelhor</b>	<b>27</b>
<i>Fifth Third Bank</i>	
<b>Mike Frank</b>	<b>25</b>
<i>Scholz Insulation Co., Inc.</i>	

## BLUE SPIKES

(6-24)

<b>Chris Combs</b>	<b>24</b>
<i>Combs Landscape &amp; Nursery</i>	
<b>Rick Schapker</b>	<b>24</b>
<i>Pella Windows &amp; Doors</i>	
<b>Jill Hayden</b>	<b>24</b>
<i>J.H. Hatfield Homes</i>	
<b>Mike Zehner, CGB GMB</b>	<b>21</b>
<i>Zehner Development Corporation</i>	
<b>Jeff Happe</b>	<b>20</b>
<i>Happe &amp; Sons Construction</i>	
<b>Brent Holweger</b>	<b>19</b>
<i>Holweger Development &amp; Construction</i>	
<b>Tony Arvin</b>	<b>11</b>
<i>Arvin Construction Co., Inc.</i>	
<b>Jon Newcomb</b>	<b>9</b>
<i>Prudential Prime Locations</i>	
<b>Jennifer Mitchell</b>	<b>9</b>
<i>Windows of Evansville</i>	
<b>David McClary</b>	<b>8</b>
<i>River Valley Homes</i>	



# LENSING FULL PAGE AD





## MEMBERSHIP MOMENTS

by  
*Shannon French Holt*

## SUMMER GOLF AT ROLLING HILLS

The 2005 Golf Committee has begun meeting to go over details for SIBA's Annual Summer Golf Outing and has reserved Rolling Hill Country Club for the event.

This year's summer outing will be held on Monday, July 11, 2005. Teams will again be limited to 30 foursomes in, both, the afternoon and morning sessions and foursomes will be sold on a first-come-first-served basis.

Golfers and sponsors can now reserve spots by filling out the Registration and Sponsorship forms and faxing them to the SIBA office ASAP. *See "Golfer Registration" on page 12 and "Golf Sponsorships" on page 13 of this newsletter.* Remember, teams are limited and will be sold on a first-come-first-served basis.

### 2005 GOLF COMMITTEE

Danny Davis, Chairman  
Kent Bernhardt, Kight Home Center  
Alan Bosma, Bosma Construction  
Angela Mulherin, Courier & Press  
Kevin O'Donahue, Lensing Wholesale  
Jamie Reiter, Courier & Press  
Jay Titus, Business Forms Specialists

Special thanks to all committee members and their employers for their efforts and time given to help make the 2005 Outing the best ever!

## PARADE BOOK PROOF DAYS

Advertisers and builders in the 2005 Parade of Homes Parade Book can proof their ads and 50-word descriptions on Monday and Tuesday, May 2<sup>nd</sup> & 3<sup>rd</sup> at the SIBA office. SIBA office hours are 8:30 am until 4:30 pm. Advertisers and builders may stop by the office anytime between those hours to view a color copy of their ad and make any minor changes. After May 3, 2005, ads will go to print and NO changes will be able to be made. Please call Shannon at the SIBA office with questions - 479-6026.

## 2005 MEMBERSHIP CONTEST: A GRAND IDEA

Many people realize the Builders Association is one of the wisest investments for a building or supply company. But you may not know that recruiting new members into the association has great dividends as well.

All members are encouraged to participate in the "GRAND IDEA" recruiting contest by recruiting new members between April 1 thru October 10, 2005. The top three recruiters will be awarded prizes at the October 11, 2005 membership meeting.

New Member Applications must have all required materials submitted to the SIBA office so that the SIBA Board of Directors can approve the members.

Required items for membership applications include:

- ✓ Completed Application
- ✓ Letter of Recommendation from current member in good standing
- ✓ Certificate of Workers Compensation Insurance
- ✓ Dues Payment

Applications for Builder Membership must also include a completed and signed QABS Commitment Form.

Recruiting is hard work, and the Spikes who bring in the most new members should be rewarded for their best results.

Mike Zehner and the SIBA Board of Directors approved \$1,000 in cash prizes for the summer membership contest.

The top recruiter will win \$500. Second Place will receive \$300 and Third Place will get \$200. Any ties will split the respective prizes, and the Membership Chairman oversees the contest rules. Prizes will be presented at the October membership meeting.

Although similar, this membership contest is not connected to the Annual Reverse Drawing, which is scheduled to occur at the November membership meeting.

Getting applications to prospects is even easier now. Recruiters can pick-up applications at the SIBA office, as always. But they can also now have applications sent directly to the prospect. Simply call the SIBA office with the name and address of the applicant.

ALSO... BE SURE TO DOUBLE-CHECK THE SIBA ROSTER INSIDE THE BACK COVER OF THIS NEWSLETTER. YOU MIGHT NOT REALIZE WHO HAS DROPPED THEIR MEMBERSHIP. THOSE MIGHT BE PRIMARY TARGETS!!!

## PARADE BANQUET TICKETS NOW ON SALE

The Awards Banquet for the 2005 Parade of Homes is scheduled for Tuesday, June 14<sup>th</sup> at the Executive Inn downtown. Tickets for the Banquet can now be purchased through the SIBA office for \$50 each or by filling out the *order form on page 17* and faxing it to 479-6340.

With more than 80 new homes entered in the Parade, the Banquet promises to be a great event. Comedian Heywood Banks is back by popular demand to entertain the crowd just before the 50 awards are presented by our Major Parade Sponsors!

Seats are limited again this year! Talk with family and friends and purchase your tickets early! You don't want to miss this "must see" event!

## THE BUILDER'S ENGINEER: THE SOY SAUCE INCIDENT

By *Tim Garrison,*  
*CEO ConstructionCalc.com*

The guy in line ahead of me had the same idea as me: lunch to go from Chin's Teriyaki. He got to the counter, received his Styrofoam box, and reached over to grab two or three soy sauce packets.

"That will be twenty cent extra per pack," the young Asian gal behind the counter said in broken English.

The guy, we'll call him Vinny Veinbulge, looked to be a construction worker, probably not the most sophisticated fellow you ever met. At the thought of having to pay extra for a penny's worth of soy sauce from a teriyaki joint, he looked up, astonished. A vein in his neck suddenly bulged noticeably. "Skuse me?" he said. "You mean I gotta pay extra fer soy sauce?"

See **SOY SAUCE**, page 20

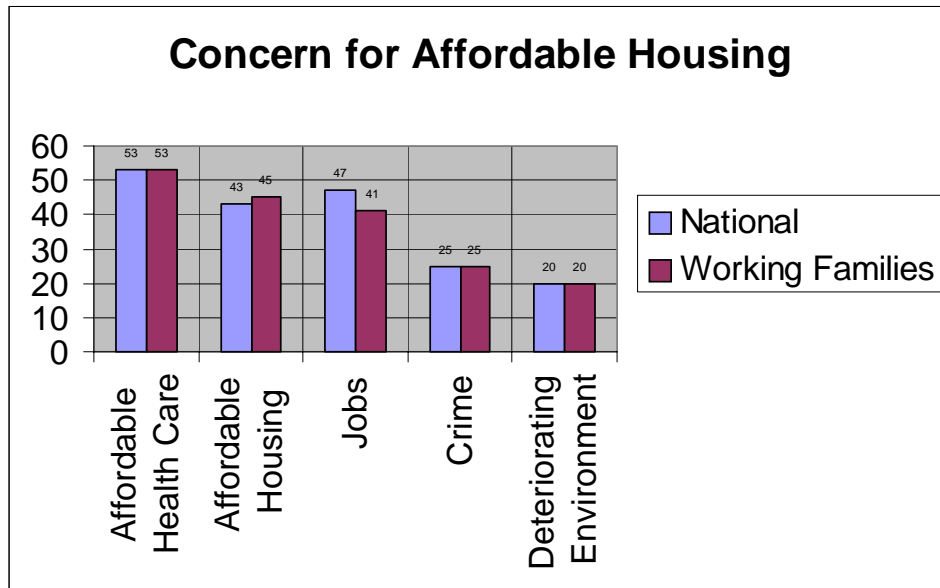
## HAYDEN LEADS GRAND IDEA

Jill Hayden recruited the sole new member at the April membership meeting. But that is enough to put the SIBA Builder in front of the pack of the "Grand Idea Membership Contest". If she manages to hold onto her lead throughout October, Hayden stands to win \$500 in cash.

## SURVEY IDENTIFIES STRONG SUPPORT FOR WORKFORCE HOUSING

A telephone survey in July commissioned by symposium sponsors NAHB and Freddie Mac found that the availability of affordably priced housing is one of the top concerns of the American public, along with affordable healthcare and jobs. Concerns were especially high among low-income households, renters, minorities and those living in markets in the West with high housing costs.

Nine out of ten of the households surveyed indicated that workers should be able to live in the communities where they work, according to Cary Overmeyer, a research analyst for Atlanta-based TNS NFO. "American value having these people as their neighbor," he says. The survey also found that U.S. Households are just about evenly split in their support for higher housing densities as a means of reducing housing costs, but 72 percent indicated support for neighborhoods with mixed housing types. Fifty percent of those polled



said that companies should provide stipends and other economic assistance to enable their employees to find affordable housing, and 55 percent indicated that there is a role for the

local government in this endeavor.

Seventy-two percent of those surveyed said that affordable workforce housing should be a concern of politicians.

## HARASSMENT

*continued from page 6*

Clearly, you may have a particularly difficult time addressing the problem if you depend on the harasser's organization for a large part of your business.

Still, you have an obligation to protect your employees by investigating the complaint and by attempting to resolve the situation satisfactorily with both the employee and the alleged harasser.

### \* EEOC Guidelines and Court Decisions \*

According to the EEOC Guidelines on Discrimination Because of Sex (found in 29 C.F.R. §1604.11(e)), an employer may be responsible for sexual harassment by nonemployees, such as customers or vendors, if two conditions are satisfied. First, you must either have actual knowledge of the harassment or reasonably should have known about the problem. Second, you must have failed to take immediate and appropriate corrective action.

The EEOC's Guidelines indicate that the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of the nonemployees. Courts that have considered the issue of nonemployee harassment

generally have agreed with the EEOC and have ruled that a harasser's nonemployee status does not automatically shield the employer from liability.

As explained in *Powell v. Las Vegas Hilton Corp.*, 841 F. Supp. 1024 (D. Nev. 1992), Title VII of the Civil Rights Act of 1964 gives employees the right to work in an environment that is free from discriminatory intimidation, ridicule, and insult. For this reason, an employer may be liable for sexual harassment by nonemployees, including clients, customers, and independent contractors.

So, for example, in *Turnbull v. Topeka State Hospital*, 255 F.3d 1238 (10th Cir. 2001), cert. denied, 535 U.S. 970 (2002), the Tenth Circuit determined that a staff psychologist at a state mental health facility had a claim for hostile environment sex harassment after a patient sexually assaulted her. The hospital knew its patients created a sexually hostile environment and, therefore, had a duty to take all reasonable actions to alleviate known or obvious risks. The employee provided sufficient evidence that the hospital did not take adequate measures to protect its staff.

Similarly, in *Lockard v. Pizza Hut, Inc.*, 162 F.3d 1062 (10th Cir. 1998), the Tenth Circuit upheld a \$200,000 jury verdict for an employee sexually harassed by a customer. The employee's supervisor failed to take

appropriate action to stop the harassment, as directed by the employer's policy, even after the employee alerted him to the customer's inappropriate behavior.

In contrast, the Ninth Circuit in *Folkerson v. Circus Circus Enterprises, Inc.*, 107 F.3d 754 (9th Cir. 1997), found that the employer took reasonable steps to protect its employee from customer harassment. In that case, the employee (who was a mime dressed as a life-size doll) wore a "do not touch" sign, was accompanied by a male performer, and had other employees warning patrons not to touch her. Thus, the court determined that the employer did not ratify or acquiesce in a patron's harassment when the patron touched the employee after being repeatedly warned not to do so.

Note, too, that harassment claims involving nonemployees typically are characterized as "hostile environment" rather than "quid pro quo" harassment. Nonemployees are not usually in a position to grant or deny tangible job benefits.

However, an employer can be liable for "quid pro quo" harassment if it orders an employee to acquiesce to a customer's sexual demands. In *Rodriguez-Hernandez v. Miranda-Velez*, 132 F.3d 848 (1st Cir. 1998), the First Circuit held the employer liable for

See **HARASSMENT**, page 21

**Actually Taken From Classified Ads in Newspapers....**

- 1) FREE YORKSHIRE TERRIER. 8 years old. Hateful little dog. Bites.
- 2) FREE PUPPIES: Cocker Spaniel, sneaky neighbor's dog.
- 3) FREE PUPPIES ... Part German Shepherd, part stupid dog.
- 4) GERMAN SHEPHERD 85 lbs. Neutered. Speaks German.
- 5) FOUND: DIRTY WHITE DOG. Looks like a rat ... been out awhile. Better be a reward.
- 6) COWS, CALVES NEVER BRED . Also 1 gay bull for sale.
- 7) NORDIC TRACK \$300 Hardly used, call Chubby.
- 8) GEORGIA PEACHES, California grown - 89 cents lb.
- 9) NICE PARACHUTE: Never opened - used once.
- 10) JOINING NUDIST COLONY! Must sell washer and dryer \$300.  
*(AND THE BEST ONE)*
- 11) FOR SALE BY OWNER: Complete set of Encyclopedia Britannica. 45 volumes. Excellent condition. \$1,000 or best offer. No longer needed. Got married last month. Wife knows everything.

**PARADE of HOMES  
AWARDS BANQUET  
TUESDAY, JUNE 14  
6pm @ EXECUTIVE INN  
TICKETS FOR  
ADVANCED PURCHASE  
ONLY  
SEE PAGE 17 FOR  
ORDER FORM**

**CHANGE ORDERS,**

*continued from page 6*

Kevin McGinnis of Period Homes in Fort Worth, Texas. "For those, we charge a flat fee of 25%."

It takes time to produce a change order, so make sure you get paid for it. "My minimum charge for change orders is \$175 plus a managerial fee of \$85," says Dixon. "I charge the managerial fee only if a client says no to a change order. That way I get paid for estimating, etc."

Be sure to charge for additional labor

when pricing a change order. The cost doesn't only cover the material. "If someone wants to upgrade from standard hardware to a premium brand, the premium brand may take more time to install," Dixon points out.

Consider using a change order if a customer goes over an allowance amount. This provides an incentive for customers to agree on and stick to a realistic allowance amount. Giving your customers a list of approved vendors (instead of letting them pick out cabinets at the most expensive showroom in town) will help them stick to their allowances.

Additional Resources for more information on this topic:

- Go to <http://www.nahb.org/generic.aspx?sectionID=242&generic> to read an article on home building contracts (including fixed-price ones).
- Go to <http://www.nahb.org/generic.aspx?genericContentID=37856> to read an article on change order management.

Need help developing change order documents? Pick up a copy of *Home Builder Contracts and Management Forms on Disk*. The book comes with a CD of electronic forms you can easily adapt for your business. Call 800-223-2665 or go to [BuilderBooks.com](http://BuilderBooks.com) to order it online.



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# 2005 GOLFERS REGISTRATION FORM

**Annual Golf Outing**  
**Monday, July 11, 2005**  
**MORNING & AFTERNOON SESSIONS**  
**LIMIT - 30 FOURSOMES PER SESSION**  
**@ Rolling Hills Country Club**



## Schedule of Events

7:00 a.m.	Registration Opens
7:30 a.m.	<b>SHOTGUN START</b>
10:30 a.m. - 12:15 p.m.	Putting Contest
11:15 a.m. - 1:00 p.m.	Lunch Is Served
12:15 - 12:45 p.m.	Putting Contest Finals
1:00 p.m.	<b>SHOTGUN START</b>
6:00 p.m.	Dinner Is Served

## TOURNAMENT FEES

**Golf Fees: \$115.00/Player**

- Lunch & Dinner
- Greens Fees & Cart Rental
- Range Balls
- Refreshments on Course

**Dinner Only: \$20.00/Person**

*(Dinner Fees not separable from Golf Fees!)*

## REGISTER TODAY!

- **MORNING & AFTERNOON SESSIONS!**
- **LIMIT - 30 Foursomes per session!!**
- Registrations are taken on a **First-come, First-served Basis!**
- **Only foursomes consisting of ALL SIBA members are eligible to win team prizes or the Championship!**
- **RHCC has a "No Jeans" dress code!**

## Player Registration

\_\_\_\_\_ AM Start \_\_\_\_\_ PM Start

TEAM/COMPANY \_\_\_\_\_

\*CAPTAIN'S NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_

**\* Captains are responsible for relaying all tournament information to other players.**

- Players:
- 1) \_\_\_\_\_
  - 2) \_\_\_\_\_
  - 3) \_\_\_\_\_
  - 4) \_\_\_\_\_

**Make checks payable to: S.I.B.A.**

**GOLF FEES (\$460/team) \$ \_\_\_\_\_**

**DINNER ONLY (\$20/person) \$ \_\_\_\_\_**  
(non-golfers only!)

**TOTAL COST \$ \_\_\_\_\_**

**Complete & Return to: SIBA - GOLF**  
**2175 N. Cullen Avenue**  
**FAX: 479-6340** **Evansville, IN 47715**

# GOLF SPONSORSHIPS

Sponsorships are OPEN for SIBA's Annual Builders Golf Outing at Rolling Hills Country Club on July 11, 2005. The builders' golf outing is a great venue to spend the day with members of the building industry one-on-one.



All sponsorships include:

- 1) Recognition in Action News
- 2) Recognition in the Golf Program.
- 3) Signage (banner and/or signs) at the Golf Outing.

MARK THE SPONSORSHIP(S)  
THAT'S RIGHT FOR YOU

## MAJOR SPONSORSHIPS

Evening Sponsor: \$500

Refreshment Sponsor: \$300

## OTHER SPONSORSHIPS

Putting Contest Sponsor: \$250

Hit-the-Green Sponsor: (Par 3's only)  
Prize valued at \$250 minimum

Luncheon Sponsor: \$200

Hole Sponsor: \$100

Prize Sponsor (No Prize is Too Small or Too Large)

Hole-In-One Contest Sponsor

(Cost Determined by Prize Value)

\_\_\_\_\_

\_\_\_\_\_

SOLD OUT!!

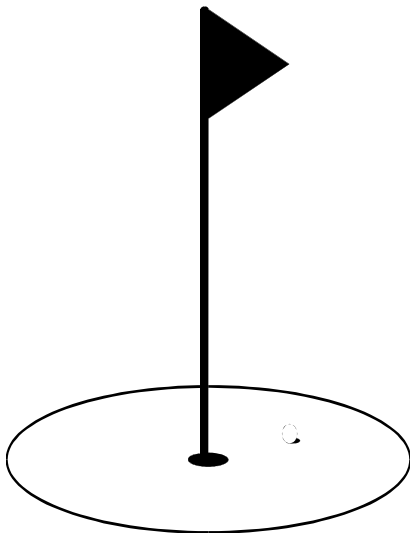
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\_\_\_\_\_



## SPONSORSHIP REGISTRATION

Name \_\_\_\_\_ Company \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

*\* SIBA will invoice your company!!*

**Complete & Return To: SIBA - Golf**  
2175 N. Cullen  
Evansville, IN 47715

**FAX LINE: 812-479-6340**

# APRIL MEETING



*Brad Sterchi, SIBA Past President, prepares to start the April Membership Meeting. Sterchi was filling in for Bill Badger while he and other SIBA leaders were in Washington, DC meeting with US lawmakers from Indiana.*



*Guest speaker, Dave Swift (l), Whirlpool Corporation's Executive VP of the North America Region, is welcomed to the April Meeting by SIBA Past President and Membership Chairman, Mike Zehner, Zehner Development Corp.*



*Special thanks to Bob Scales, Whirlpool Corp. for co-sponsoring the April Membership Meeting.*



*Janice Miller, ERA First Advantage Realty, took the opportunity as meeting co-sponsor to give away a fabulous trip! It pays to attend SIBA meetings....and stay until the end!*



*Meeting co-sponsor John Graupner, Lowe's Home Centers, thanked members for their continued business and gave away several nice doorprizes. He even had one special prize for his wife! (After all, it was their Anniversary!)*



*Darren Spainhoward, Old National Bank, gives the monthly Parade report as the 2005 Parade of Homes co-chairman.*



*Patty Cummins, Bank of Evansville, was tickled pink when Bob Scales, Whirlpool, announced she was the winner of this stainless refrigerator....just for attending the meeting!*



*Jason Hunt, Tri-State House Hunter, proudly displays the trip voucher he won from ERA First Advantage Realty! Wow, what a door prize!!*

# APRIL MEETING



*Deb Yager, Patton Heating and Air, visits with Bud Bussing, one of SIBA's charter members, before the April meeting.*



*SIBA Builder Ron McGillem (l) talks tile with Tony "the Tiler" Vincent (c) and Louisville Tile's Mark Bates.*



*Damien Scheessele, Scheessele & Sons Construction, finally won the monthly half-pot after playing every month for years*



*Parade Builder John Elpers (c) chats with Chris Combs (l), Combs Landscape & Nursery, and Bruce Moreland, King's Great Buys Plus.*



*2005 Membership Chairman Mike Zehner, greets new member Ray Zeller, Ray's Heating & AC, to his first meeting.*



*Kurt Paridaen (l), Sun Windows, talks with Parade Builders David Rahman (center left) and Kenny Reinbrecht (r) and Ron Heath, 2-10 Home Buyers Warranty before the meeting.*



*Chris McReynolds (l), Evansville Garage Doors, talks with SIBA Builder, Steve Briscoe.*



*Parade Builder, Greg Kuhlman, asks about Teresa Miller's new business, Grateful Threads.*

# 2005 Legislative Conference Washington, DC ~ April 12 - 15



During one of his best Senator stories, IBA's Bill Carson grimaces to portray the embarrassment by those who once mistook Indiana's former governor Bayh... for the doorman! It seems as Bayh greeted conference attendees at the door, his youthful appearance (along with their arrogance) fooled many into handing their coats and hats to Bayh to be checked. Imagine their mortification later as they were formally introduced to Indiana's Governor!



As part of their attendance of the NAHB Spring Board meeting in Washington, SIBA representatives attended the Area 9 Caucus. Area 9 includes members from Indiana, Illinois and Michigan, and meetings give directors the opportunity to discuss association policies prior to the NAHB Board meeting. Pictured after the meeting are Carl Shepherd, Bill Pedtke, Bill Badger, and Bill Kattmann.



I'm just a Bill, standing on Capital Hill! Bills Pedtke, Badger and Kattmann stand armed and ready with housing information for their meetings with U.S. lawmakers from Indiana.



Bill Pedtke (left) gets a friendly greeting by Congressman Mike Pence (Dist 6), who stepped out of a committee meeting to meet with the Indiana delegation.

The Evansville delegation poses with Indiana's senior Senator Richard Lugar. Lugar is serving his fifth term in the U.S. Senate, and serves as Chairman of the Foreign Relations Committee. Pictured



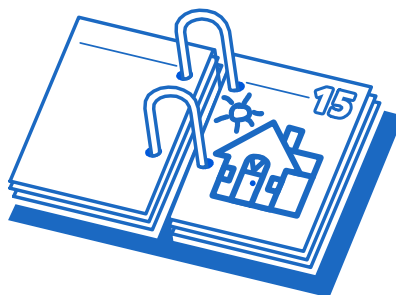
here are (r-l) SIBA Vice President Bill Kattmann, Judy Kattmann, Jim Morley, Sr., Senator Lugar, Jim Morley, Jr., Larry Swank, Mary Pedtke, and SIBA EO Bill Pedtke.

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# AWARDS BANQUET 2005 PARADE OF HOMES

**TUESDAY, JUNE 14, 2005**

at the **Executive Inn** (downtown)

**6:00 p.m. Reception**

**7:00 p.m. Dinner Is Served**

**Deadline for purchasing tickets is  
Wednesday, June 8, 2005!**

**ENTERTAINMENT**

Back by Popular Demand: HEYWOOD BANKS!

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~ One Ticket Per Attendee Required ~

**Deadline: June 8**

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**FAX: 812-479-6340**

**TICKETS FOR ADVANCE PURCHASE ONLY!!**

**TICKET ORDER FORM**

Number of Tickets: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Payment Enclosed

Please Invoice Company (SIBA Members Only)

Please charge our credit card. (Provide credit card info below.)

Name on Credit Card: \_\_\_\_\_

Signature: \_\_\_\_\_

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Exp: \_\_\_\_/\_\_\_\_

**Deadline: June 8**

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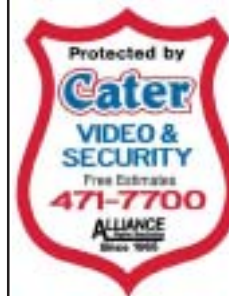
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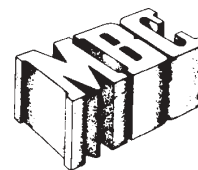
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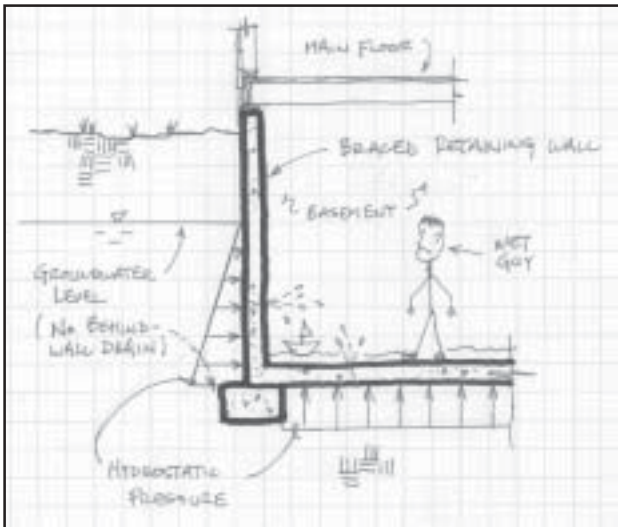
**609 N. Weinbach Avenue**  
**Evansville, IN 47711**

# THE BUILDER'S ENGINEER: BASEMENT SNORKELING

By Tim Garrison,  
CEO ConstructionCalc.com

I just read an article in USA Weekend by Lou Manfredini entitled "Avoid Basement Floods This Spring". The gist was not particularly earth-shaking: *use a sump pump*. I understand Lou targets his column more to little old ladies in rocking chairs than massively brainy builders like my target audience. But I think a better explanation is in order.

Before discussing fixes to any problem, one should understand the causes. If you construct a basement in an area of high groundwater and do not install a functional behind-wall drainage system, said groundwater will press against your basement walls, and upwards on your basement floor.



For every foot of depth, groundwater exerts 62.4 pounds of pressure per square foot of surface it presses on (called hydrostatic pressure). So the deeper the groundwater, the more hydrostatic pressure your walls and floor must resist. This is the same pressure your ears feel at the bottom of a swimming pool.

Most basements are constructed of concrete, which can be waterproof if built right. Consider the thousands of concrete water tanks in service if you doubt this is true. It's the 'constructed right' part that typically causes the rub. To ensure waterproof concrete you must:

- **Vibrate (a.k.a. consolidate) the wet concrete the right amount.** Too much consolidation can cause separation of aggregate and paste; too little can result in rock pockets and voids. Banging on the forms does not constitute proper consolidation – use a stinger.

- **Use a good mix.** I recommend small aggregate (pea gravel or 5/8" max), and 6 sacks of cement per cubic yard. This should result in a 3,500 psi mix, minimum. Don't use too much water! (see my previous column, *Too Wet Concrete is Weak*). If there is a lot of rebar clogging up the forms and you need a thinner mix, use a water-reducing admixture, a.k.a. plasticizer.

- **Use air entrainment of 4% - 6%.** This helps flowability during placement and protects against freeze-thaw. It also makes concrete more waterproof.

- **Use rebar in adequate quantities and in the right places.** Basement walls are retaining walls; *braced* retaining walls to be more specific. They are held laterally at their base by the floor slab

and at their top by a framed floor. As soil pushes on the wall and it tends to bow inward, tension will develop on the inside face of the wall.

This is very different than a cantilever retaining wall which has tension on the dirt face (see my past column, *Broken Concrete Guy Leaning Badly*). The point is, you want vertical rebar toward the tension face; in the case of a basement wall, toward the inside face. You could also center vertical rebar in the wall, but doing

so will necessitate a thicker wall, say 10-inches vs. 8.

- Horizontal rebar should be placed toward the wall center and at no greater spacing than 24-inches. I know the new International Building Code (IBC) doesn't require this much horizontal rebar, but I disagree. Horizontal bar helps hold things together in the event of earth movement or settlement, and it also helps distribute loads around should a particular load-resisting element fail. Interestingly, the 1997 Uniform Building Code (UBC) requires horizontal rebar at 18-inches or less.

- The actual amount of vertical rebar needed and the thickness of wall depends on wall height, groundwater height (if any), gravity loads from above, soil type, and other factors. Retaining walls are a lot more complicated than most people realize. My rule of thumb is

any retaining wall over 4-feet tall should be engineered.

- **You can also use a water-proofing admixture.** This type of product is added to concrete during batching. It is extra insurance against leaks, but not absolutely necessary if you get the above items right; and it won't help if you wind up with big cracks or voids. Consult your redi-mix supplier for recommended brands.

But what if your walls and floor already exist and they leak? You have several options:

1. **Remove the water from the outside.** This is the most fail-safe method of stopping leaks, however, it is usually the most expensive. Generally a ditch is dug immediately outside the wall(s) to the depth of the bottom of footing, and a drain tile system is installed. You can use perforated pipe and washed gravel or a proprietary against-the-wall system (MiraDrain is one brand). Water is collected at the bottom of the footing and routed either downhill to daylight, or to a sump or other drainage structure then pumped out. This doesn't fix the cracks, it just removes water before it gets to them.
2. If you're going to the trouble to install a drainage system, I'd also recommend waterproofing the outside of the walls via a spray-on or roll-on membrane. Cheap insurance.
3. (I might note, even the dimmest bulbs understand that a behind-wall drain / waterproofing system is a heck of a lot cheaper and easier to install up front during construction than after the fact.)
4. **Collect leakage on the inside of the wall and route it to an interior sump.** There are certain proprietary methods of collecting water in small troughs or gouges cut into the floor and routing it to an in-floor sump pump. Basement Systems is one.
5. **Use a proprietary concrete sealer / plugging agent.** Products exist which can be applied to the inside of a leaking wall or floor that will absolutely stop water from coming through. Kryton is one brand. Be

See **SNORKELING**, page 24

## MAINTAINING A SAFE WORKPLACE

In general, every employer has an obligation to provide a safe and healthy workplace for its employees. Not only does this comply with the law, but a safe and healthy workplace benefits your business in other ways:

- You avoid and minimize the direct expenses of employee injuries and the indirect costs of insurance
- You keep your employees productive on the job
- Demonstrating that you care about your employees' safety and well-being

See **WORKPLACE**, page 21

## SOY SAUCE,

*continued from page 9*

"That right," came the innocent reply. "Manager's order."

Now another vein, this one in his forehead, was pulsing largely. He replied, "Well, i'zany included with my meal, inside the box?"

The gal picked up on his growing anger and struggled to keep her composure. She replied nervously, "No, but we do include one tub teddiyaki sauce." She then pulled a small plastic tub of brown fluid from inside his Styrofoam box. "... and this one free."

Now Vinny's face was flushed red. "Lemme get this straight. I'm spendin' six bucks on Chinese food at a Chinese restaurant, and you're gonna charge me sixty cents extra for a nickel's worth of soy sauce?"

The gal fretted noticeably, avoiding eye contact. "Sorry mister, that manager's order. I no can change."

"Well then, you can tell your *manager* to take his lousy food and his soy sauce and [blankity-blank-blank-blank]."

He then spun and stalked out empty handed, no fewer than fifteen purple veins pulsing wildly across his face and neck.

The poor Asian gal was shook up, nearly in tears. I approached the counter and with a gentle smile said, "Is the to-go order for Garrison ready? By the way, I won't be needing any extra soy sauce."

She managed a grin, appreciative of my attempt at levity.

This little scenario illustrates several important business lessons.

**Penny-wise but pound-foolish.** Everybody knows soy sauce packets cost money. But the cost doesn't even register compared to the cost of losing business. Vinny won't be back, and he'll undoubtedly tell all his buddies about his experience. This is akin to a contractor being overly-frugal with nails; or a consultant obsessing over paper and pencils. Certainly, those cheapskates among us are inclined to counter, *Waste Not, Want Not*; a valid point. However, there is a balance, and if you must err, err on the side of *Don't Sweat the Small Stuff*.

Put this concept to work for you. An architect I know has a reputation for unresponsiveness and mediocrity. Yet he is always slammed with business. Why? Mochas, that's why. He generally brings or offers to buy coffee, lattes, mochas, donuts, lunches, etc. Plus he is a really nice man, very well-liked on a personal level. He

understands that cheerfully spending a few pennies here and there reaps serious dollars down the road. Many times, the deciding factor of which contractor or consultant to hire comes down to who is the nicest.

**Give Employees a Little Autonomy.** As soon as Vinny's first vein bulged, the Asian gal should have backed down and showered him with as much soy sauce as he could stand (figuratively, of course). Instead, however, she dared not break her boss' smallest rule. A construction industry parallel could be a framer who's been instructed to install joist hangers a certain way, but comes upon a situation where he could save lots of time getting the job done differently; but doesn't. This principal could apply to anything: placing rebar, shoveling ditches, filing daily reports, you name it. There are always ten ways of doing something; employees should have enough freedom to choose the best way.

**Check In.** I seriously doubt the owner of Chin's will find out about the Vinny incident. Yet he was likely working the grill just one room away. I bet if he had witnessed the incident, being a smart businessman, he would have recognized the folly in his rule and changed it. Bosses should check in with employees regularly, and more importantly, encourage open, two-way communication. Frequently, it is the employee - the one in the direct line of fire - who first notices problems. She should not be afraid or intimidated to take them upstairs.

*Tim Garrison of ConstructionCalc.com, is a professional engineer, author, and software producer for the building industry. Send e-mail to [buildersengineer@constructioncalc.com](mailto:buildersengineer@constructioncalc.com). Tim reads every one.*



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**WORKPLACE,***continued from page 20*

boosts their morale and can increase employees' goodwill toward your company.

**Legal or Regulatory Basis**

The Occupational Safety and Health Act extends to virtually every employer in the country; selfemployed persons are exempt. This law is administered by the Occupational Safety and Health Administration (OSHA). Some states have their own OSHA standards and program, but to have such a program, their standards and practices have to be at least as effective as OSHA. Check your state laws and regulations for requirements.

**Employee Rights**

Under The Occupational Safety and Health Act, employees can refuse to work in environments they consider dangerous and/or life threatening. They can call OSHA to report hazards, which may result in an inspection. They can pursue these rights without fear of retaliation or discrimination, and can ask for an investigation if they believe this right has been abridged.

**What OSHA Can Do**

Under the law, OSHA may inspect your worksite to look for safety hazards, may set standards for safe practices, and may issue

**HARASSMENT,***continued from page 10*

quid pro quo harassment by a customer because it ratified and acquiesced in the customer's demands. The court determined that the employer explicitly told a female employee to give in to those demands and to satisfy the customer and then conditioned her future with the company on her responding to the customer's unwanted sexual demands.

**\* You Must Act or the Employer Pays \***

Dealing with harassing customers can be difficult, especially when you feel as if you must choose between your employee and the source of your business income. It is clear from these cases, however, that you have an obligation to protect your employees from harassment, even if it is not convenient or not good for business. To address nonemployee harassment, therefore, you should treat the problem as

finances and penalties.

**An OSHA Inspection**

An OSHA inspector will arrive at your worksite for an inspection without advance notice. If this happens, ask to see the inspector's credentials and verify their

you would any other allegation of harassment. In other words, you should investigate the claims and, if you find harassment, try to stop it.

In particular, you should focus on improving the part of the situation over which you have control, namely, the degree of contact that the complaining employee has with the outsider. Remember, though, that taking the employee out of contact with the alleged harasser may be considered discriminatory if it reduces the employee's pay or results in less favorable working conditions. So, you should discuss possible resolutions with the employee to determine an acceptable alternative before instituting any changes to the terms and conditions of employment.

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authenticity. While the inspector has the right to enter the worksite at that time, you may request that the inspector wait for a few minutes until a senior officer from your company can arrive. You can request a

See **WORKPLACE**, page 22

# REMODELERS COUNCIL

"The January RC meeting was the most beneficial I have been to in ten years."  
- Larry Koch

**Next RC Meeting  
May 24 ~ 4:30 p.m.**

**@ LOUISVILLE TILE DISTRIBUTORS  
(1417 N. Cullen Avenue)**

**SPECIAL OFFER!!**

**Join RC for only \$40/year. Attend at least 5 meetings. If you are not completely satisfied with your membership, RC will refund your \$40!**

**There is no monthly fee to attend meetings. Programs are directly geared to small business owners. At least 2:1 builder to associate ratio at every meeting.**

## WORKPLACE,

*continued from page 20*

warrant for entry, but this very important decision should be made with legal assistance.

The inspector will brief you on the nature and focus of the inspection. This may include talking to employees, which can be done privately. If the inspector has been summoned by an employee, that employee may remain anonymous. The inspector may take pictures, collect samples, and videotape evidence.

The onsite company representative may—and should—accompany the inspector during the site inspection. You should take notes about what happened and what was said by both the inspector and you; also take pictures of the same evidence the inspector photographs.

Finally, after the inspection, the inspector will confer with you about any alleged

hazards found.

### What You Must Do Under the Law

If you have 10 or more employees at any time during the year, you must maintain records of occupational injuries and illnesses at each business location. Use the following recordkeeping forms:

**OSHA Form 301—Injury and Illness Incident Report.** This is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the Log of Work-Related Injuries and Illnesses and accompanying Summary, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents. Within seven calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes.

**OSHA Form 300—Log of Work-Related Injuries and Illnesses.** The Log of Work-Related Injuries and Illnesses is used to classify work-related injuries and illnesses and to note the extent and severity of each case.

**OSHA Form 300A—Summary of Work-Related Injuries and Illnesses.** The Summary shows the total number of injuries for the year in each category. At the end of the year, post the Summary in a visible location so that your employees are aware of the injuries and illnesses occurring in their workplace.

Refer to your state and local laws and regulations. Most state laws require filing

of OSHA records with a state agency, from the employer's first report of injury.

If an onthejob accident occurs that causes the death of at least one employee and/or the hospitalization of three or more workers, you are required to report the accident in detail to the nearest OSHA Area Office or state agency.

You are required to post a notice or poster announcing safety protections in a conspicuous place. Go to [www.osha.gov](http://www.osha.gov) to view and order notices and posters.

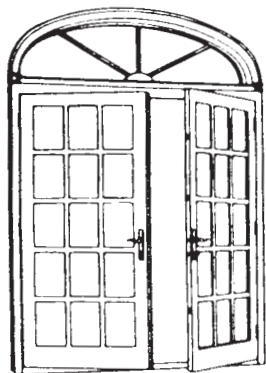
You'll find copies of OSHA forms 301, 300, and 300A—as well as detailed instructions and examples for filling them out—in *Managing Your Employees: Human Resources Guide for Builders*. The publication contains a model personnel policies and employee handbook you can customize for your company, a section on legal and regulatory authorities that affect personnel policies, and suggested systems and processes for managing your workforce. It also contains a CD of forms and checklists for managing human resources policies and programs. Call 800-223-2665 or purchase it online from [www.builderbooks.com](http://www.builderbooks.com).

Need a hand with the "people side" of your business? Visit the Human Resource Management Tools section of *biztools* on NAHB's Web site.

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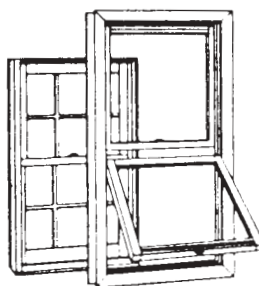
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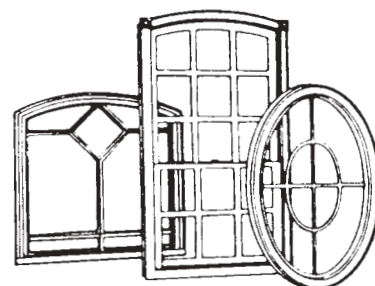


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1	2	3	4	5	6	7
<b>PARADE BOOK AD PROOF DAYS</b> SIBA OFFICE ~ 8:30am-4:30pm						
8 	9	10 SIBA M'ship Mtg. @ Holiday Inn, 5:30 pm	11	12	13	14
15	16	17	18	19	20 	
22	23	24 RC Mtg. @ Louisville Tile Distributors, 4:30 pm	25	26	27	28
29	30 	31				
		April 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30				

# MAY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11 Parade Inspections 8:30am Parade of Homes Begins @ 1pm
12	13 Parade Judging 9:00am	14 Realtors Tour Parade 9-1 Parade Banquet @ Executive Inn	15	16	17	18
<b>.....PARADE of HOMES.....</b>						
19 Parade Ends 6pm 	20	21  Summer Begins	22	23	24	25
26	27	28	29	30 SIBA New Member Orientation 7:30 am @ SIBA Office		
		July 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31				

# JUNE

*Mark your calendars for these SIBA meetings. Members should feel free to call the SIBA office for details on any of the meetings listed on these calendars, or for dates of future events.*

# Condolences...

SIBA wishes to extend our deepest condolences to the VanZilen and Selective Homes family for the loss of their son Chris.

Chris VanZilen passed away on April 19<sup>th</sup> at his home in Lowville, New York. Contributions may be made to the Crohns & Colitis Foundation of American, Greater New York Chapter, 386 Park Ave., S. 14<sup>th</sup> floor, New York, N.Y. 10016.



SIBA also lost another dear friend on April 24<sup>th</sup>.

Shirley Shepherd, wife of SIBA past president, Carl Shepherd, passed away after a long battle with cancer at St. Mary's Hospital. Shirley (Pyle) grew up in Evansville, graduate from Evansville College and lived briefly in New York before becoming a vocal music teacher in Evansville



for 41 years. She and Carl were married in 1979 and recently celebrated their 25th Wedding Anniversary with friends.

In addition to her many services for Shepherd Construction, HomeCheck and the Builders Association, Shirley was an active member of the Evansville community. She is remembered by her close friends for her ready wit, vivacious personality and luxurious voice, especially in popular rendering of show tunes. She performed frequently in small ensembles and for a wide range of charities and fundraisers. For 15 years, she was a starring member of the Musicians Club Chorus. She was also a founding member of the UE Savoyards performing Gilbert & Sullivan operettas. Along with Carl, she was a volunteer with such organizations as Evansville Civic Theatre, the Reitz Home Museum, the board of the USI Society for Arts and Humanities, the Friends of UE Music of which she was a recent past president and an active member in her church, Old North United Methodist. Contributions can be made to any of the previously mentioned organizations. Personal notes and cards can be sent to Carl Shepherd, 6321 Oak Hill Road, Evansville, 47725.



## SNORKELING,

*continued from page 19*

warned however, these products are only as good as their application, so a factory-certified applier is important. Also, if your walls or floor are not structurally sound, i.e. they're cracked, settling, or otherwise moving, this system will not likely work long term.

But what if your floors or walls are seriously cracked, settling, or moving? Leaks may not be your biggest problem. Hire a well-experienced engineer to investigate.

To summarize, basement walls and floors are a bugger to fix. The best solution is build them right in the first place.

*Tim Garrison of ConstructionCalc.com, is a professional engineer, author, and software producer for the building industry. Send e-mail to [buildersengineer@constructioncalc.com](mailto:buildersengineer@constructioncalc.com). Tim reads every one.*



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## PRESIDENT'S,

*continued from cover*

the costs of housing. Bill Carson at the state level has been tremendous for opening doors to the legislators. Thank you, Bill!

During our visit with Senators, we also discussed Senate Bill 406, the "Small Business Health Fairness Act" as I mentioned in the last Newsletter. This bill would enable associations to form groups across state lines to obtain affordable health care. Other organizations and large companies currently enjoy this benefit. It's now time for the Builders Association. The Senate is still working on this issue for fine tuning. What is important is that the lawmakers know that we want some type of positive action on this and that the bill is not dead. NAHB, State and Local representatives will continue the efforts on our behalf.

During our meetings on Capital Hill, we also brought up an important issue that had just recently become a great concern with developers and builders. I appreciated the attendance by Jim Morley, Morley and Associates, who provided details on some of the problems in dealing with the Army Corps of Engineers. These problems would affect all developers and contractors.

Representation was promised by all the lawmakers for attendance of a meeting regarding this issue at the end of April. We'll keep you posted on this issue.

Your local, state and national homebuilder's associations are working for you. This is just one of the many reasons to encourage membership in the Homebuilder's Association.

Please be sure to follow-through with your Commitment to meet or exceed the standards in the QABS program. Builders should have the appropriate language in their sales contracts that binds themselves and their customers to the QABS program, including the manual and the third-party dispute resolution mechanism. This program has already proven its value to several builders, and should be followed by all SIBA builders. If you have any questions, please stop and ask me, or call the SIBA office for further information.

I wish the best to the Parade Builders. So far this year, the weather has been cooperating enough to make completing 84 Parade Homes possible. I'm proud of the Parade Committee and the builders and subcontractors who make this the best housing event of the year.

I look forward to returning to the podium at the May membership meeting. Hopefully, I'll see you all there!

## DEVOTED SIBA MEMBER.....and HUSBAND!

As meeting co-sponsor and a SIBA Officer, John Graupner, Lowe's Home Center, was, of course, present at the April 12th SIBA Membership Meeting.

That's not so odd.....right?! Well, his wife thought so. Laurie Graupner also attended the April meeting. You see, it was the Graupners' 19th Wedding Anniversary and she just wanted to be with her husband!

Although it may not have been the exact type of evening she had planned or



the dinner John would have preferred to take his bride to on this special night, he at least was prepared with 19 long-stem red roses! As pleased as Laurie was with the roses, she wasn't that excited about receiving them in front of 200 people!

Congratulations to John and Laurie Graupner and special thanks to John for his continued support and dedication to the Builders Association.

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# MEMBERSHIP ROSTER

(as of 4/21/2005)



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BRG Homes  
W.E. Brubeck Construction LLC  
Dan Buck Gen. Contractor Inc.  
Bussing Construction  
Carlton Construction  
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DLR Construction Co.

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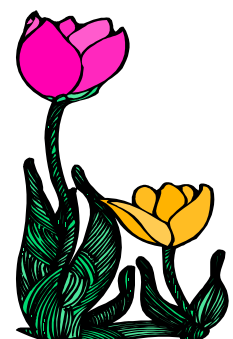
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Cingular Wireless LLC  
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Complete Design Service  
Complete Lumber, Inc.  
Concrete Depot of Evansville, Inc.  
Concrete Supply, LLC

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 Counter Design  
 Countrywide Home Loans  
 Cox Interior Supply  
 Culberson Poured Walls  
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 Deanne Naas, FC Tucker Emge  
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 Dossett & Sons Inc.  
 EA2/Systems/an Amer. Water Co  
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 Bill Egli Concrete Construction  
 Elaborate Tile Company  
 Electric 2000, Inc.  
 ELKO Kitchen & Bath  
 Elliott's Excavating  
 Ellis Wood Floor Service  
 EMC the Boc Group  
 Emerald Turf Farm  
 Engler's Flashing Works  
 ERA First Advantage Realty, Inc.  
 Erosion Resources & Supply Inc.  
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 Evansville Drywall Supply  
 Evansville Federal Credit Union  
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 Fan & Light World  
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 Grooms Exteriors, Inc.  
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 Hahn Bros. Drywall Corporation  
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 Hall Plastering & Drywall, Inc.  
 Harding Shymanski & Co.  
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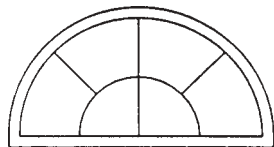
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