



AUGUST 2023

PUNCH LIST

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TEXAS MUTUAL AWARDS \$1 MILLION IN SAFETY EDUCATION GRANTS

Since 1999, Texas Mutual has been partnering with colleges across the state to help them provide safety education to their communities. This year, we distributed \$1 million in grants to 10 Texas colleges offering free or discounted workplace safety and health courses to local businesses and their employees.

These Texas Mutual grants support risk management programs at:

- Amarillo College
- Angelina College in Lufkin
- College of the Mainland in Texas City
- Del Mar College in Corpus Christi
- El Paso Community College
- Kilgore College
- Lamar Institute of Technology in Beaumont
- Midland College
- Odessa College
- Texarkana College

Texas Mutual also supports the Risk Management Institute at Lee College in Baytown.

Courses offered at these institutes include Occupational Safety and Health Administration (OSHA) outreach courses, CPR & first-aid and fall protection. The colleges also provide courses tailored to the primary industries in their communities such as Department of Transportation (DOT) regulations and crane operator training.

Over a 24-year period, we've awarded \$12 million in safety education grants to our college partners, and more than 52,000 students have attended free or discounted safety training. At Texas Mutual, we know a safe workforce begins with training and we're proud to support colleges across the state that are helping their communities be stronger and safer at work. Learn more about the colleges we partner with on our [College Safety Programs](#) page.

Released May 23, 2023
Texas Mutual Website

TEXAS MUTUAL'S 2023 DIVIDEND DISTRIBUTION

On May 1, 2023, Texas Mutual announced that its board of directors voted unanimously to approve a \$340 million dividend distribution in 2023. This year's dividend payout marks the 25th year we've paid dividends to our safety-conscious policyholders, bringing the total delivered back to Texas businesses to over \$4 billion since 1999. This milestone is made possible because of our policyholders who make safety a priority and play a fundamental role in our mission to create a stronger, safer Texas.

Our dividend program gives us the opportunity to share our financial success with businesses who are doing their part to keep our workforce safe while also creating a positive effect on Texas' economy. We're proud to reward our policyholders for their commitment to workplace safety and loyalty to Texas Mutual. This year, dividends will be

distributed to an estimated 69,000 Texas business owners, representing approximately 92% of Texas Mutual's policyholders for their dedication to maintaining safe work environments for their employees.

While Texas Mutual has awarded dividends each year since 1999, they are based on performance and therefore are not guaranteed. Additionally, dividends must comply with Texas Department of Insurance regulations.

Dividend checks were distributed to qualifying policyholders on June 23.

To learn more about Texas Mutual's dividend program, visit texasmutual.com/ownershippays.

Released May 1, 2023
Texas Mutual Website



A strong foundation of safety

with the Texas Construction Safety Group



QUALIFYING CLASS CODES

All construction and construction suppliers



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LEARN MORE

To learn more about safety groups, contact Texas Mutual at (800) 859-5995.



The Texas Construction Safety Group was designed by subcontractors for subcontractors to help nail down lower premiums and keep employees safe.

In addition to a premium discount, members have access to a safety plan specific to subcontractors and can qualify for a group dividend. Texas Mutual policyholders have access to thousands of free training materials in our safety resource center, including a robust safety catalog, 400 free e-Learning online training courses and more.



DIVIDEND HISTORY

All Texas Mutual policyholders have the opportunity to earn individual dividends, but as a member of the Texas Construction Safety Group, they may qualify for an additional group dividend if the group has favorable results. Safety group dividends are based on the group's loss history rather than a company's individual history.

2022	\$ 6,812,466
2021	\$ 6,112,979
2020	\$ 4,866,828
2019	\$ 4,235,645
2018	\$ 4,844,767
2017	\$ 3,919,416
2016	\$ 3,080,487
2015	\$ 2,222,185
2014	\$ 1,230,220
2013	\$ 1,186,906
2012	\$ 1,761,021
TOTAL	\$50,768,967

The total above represents dividend payouts from 2005-2022.

Dividends are based on performance, are not guaranteed and must comply with Texas Department of Insurance regulations.



**TEXAS CONSTRUCTION
SAFETY GROUP**
A TCA-Endorsed Workers' Comp Program

TexasMutual[®]
WORKERS' COMPENSATION INSURANCE

WORK SAFE, TEXAS[®]

texasmutual.com



OSHA'S HAZARD ALERT FOR HEAT

WASHINGTON – The U.S. Department of Labor today announced that its Occupational Safety and Health Administration has issued a heat hazard alert to remind employers of their obligation to protect workers against heat illness or injury in outdoor and indoor workplaces.

The department also announced that OSHA will intensify its enforcement where workers are exposed to heat hazards, with increased inspections in high-risk industries like construction and agriculture. These actions will fully implement the agency's National Emphasis Program on heat, announced in April 2022, to focus enforcement efforts in geographic areas and industries with the most vulnerable workers.

The action comes as President Biden announced new actions today to protect workers from extreme heat and new investments to protect communities, as historically high temperatures break records and expose millions of people to the serious dangers of heat in the workplace.

"Historically high temperatures impact everyone and put our nation's workers at high risk," said Acting Secretary of Labor Julie Su. "A workplace heat standard has long been a top priority for the Department of Labor, but rulemaking takes time and working people need help now. Today, at the President's request, the Occupational Safety and Health Administration issued a heat hazard alert to make sure employers follow current standards and that workers across the country know their rights. This action, combined with OSHA's increased heat-safety enforcement efforts, shows that we are determined to protect the safety and health of millions of people whose jobs become more hazardous in harsh weather."

Since 2011, the Bureau of Labor Statistics reports 436 people

have died due to workplace heat exposure, with an annual average of 38 deaths between 2011 to 2019. In addition, an average of 2,700 cases involving heat illnesses lead to days lost at work, putting an additional economic burden on workers and employers. Statistics show that people who work in conditions without adequate climate-control face higher risks of hazardous heat exposure and that these situations disproportionately expose people of color to hazardous heat.

In October 2021, OSHA began the rulemaking process to consider a heat-specific workplace standard by publishing an [Advance Notice of Proposed Rulemaking for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#) in the Federal Register.

"As the Occupational Safety and Health Administration works toward proposing a rule to protect workers from heat illness, we are taking several measures today to better protect workers in extreme heat," said Assistant Secretary for Occupational Safety and Health Doug Parker. "Employers have a duty to protect workers by reducing and eliminating hazards that expose workers to heat illness or injury."

OSHA uses hazard alerts to provide specific information on safety and health hazards to employers, workers and other stakeholders. An alert describes the hazard and offers recommendations on how hazardous exposures can be eliminated or reduced and what actions employers should take to protect employees.

Continued on Page 4



UPCOMING EVENTS

SAM MEETING Safety Roundtable

**Thursday, September 7
4:00 - 6:00 p.m.**

**\$50.00 per person
\$60.00 for Future Members**

**Maggiano's Little Italy
6001 W. Park Blvd. | Plano**

**Discuss Safety Issues with
professionals from Cornerstone
Safety, BSBD Insurance, Cutler
Smith, and King of Texas Roofing.**

**Heavy Appetizers and Cash Bar
*36 Seats Available***

SAM UNIVERSITY Managing a Crisis at the Jobsite

**Tuesday, September 19
4:00 - 6:00 p.m.**

\$30.00 per person

**Pennington Commercial
2052 McKenzie Drive | Building 1
Carrollton**

**Discuss emergencies one might ex-
perience on a jobsite and how to
manage the situations.**

**Presentation by:
Jeff Wolfla, BSBD Insurance Agency**

SAM MEETING Market Forecast

**Thursday, October 5
4:00 - 6:00 p.m.**

**\$50.00 per person
\$60.00 for Future Members**

**Maggiano's Little Italy
6001 W. Park Blvd. | Plano**

**General Contractors will tell us what
is coming up in the DFW
Construction Market.**

Heavy Appetizers and Cash Bar

OSHA'S HAZARD ALERT FOR HEAT (CONTINUED)

The alert issued today does the following:

(a) Highlights what employers can and should be doing now to protect employees; (b) Ensures employees are aware of their rights, including protections against retaliation; (c) Highlights steps OSHA is currently taking to protect workers; (d) Directs employers, employees and the public to crucial OSHA resources, including guidance and fact sheets on heat.

"State laws that attempt to limit workers' access to basic heat-illness prevention measures send a dangerous message that

employers are not responsible for providing employees with a safe work environment. In fact, that is simply not the case. Regardless of their job or where in the nation they work, workers have the right to a safe and healthy workplace. OSHA will use every tool and mechanism at our disposal to enforce those rights and make sure that every employee ends their workday safe and healthy," Parker added.

[Learn more about OSHA](#) and [how to protect workers from heat illness](#).



6th ANNUAL CLAY SHOOT REGISTRATION IS OPEN!

Thursday, October 19

Registration & Lunch - 11:00 a.m.

Safety Meeting - 12:00 p.m.

Shooting Immediately Follows

Appetizers & Beverages

Awards Ceremony

Current Price Through September 30:

Individual Shooter - \$225.00

4-Shooter Team - \$900.00

Sponsorships Available at www.members.sam-dfw.org/calendar

SAFE + SOUND WEEK - AUGUST 7-13

Safe + Sound Week is a nationwide event held each August that recognizes the successes of workplace health and safety programs and offers information and ideas on how to keep America's workers safe. This year Safe + Sound Week will provide resources for businesses on mental health and well-being. These materials will be posted before the start of Safe + Sound Week. Please check back soon!

Why Participate?

Successful safety and health programs can proactively identify and manage workplace hazards before they cause injury or illness, improving sustainability and the bottom line. Participating in Safe + Sound Week can help get your program started, energize an existing one, or provide a chance to recognize your safety successes.

Who Participates?

All organizations looking for an opportunity to recognize their commitment to safety are welcome to participate. Last year, more than 3,300 businesses helped to raise awareness about workers' health and safety!

Check out our [event archive](#) for information on previous years' engagement.



SAM'S LIEN INFORMATION

SAM collects and compiles the information on Mechanics Liens filed in Tarrant and Dallas Counties on an ongoing basis. This information is available in a searchable spreadsheet on our website for our members. We are able to observe some trends and common owner issues. During our regular meetings, we invite our attendees to share their work experience with General Contractors, Engineers, and Architects as a way to help others when evaluating contracts and projects. Our members find these two features the most valuable aspect of their membership in SAM.

NEW! Find the complete Top 10 Lists for the tables below in tabs in the Lien Spreadsheet.

Contact Carrie Buckley today for more information - 817.266.1909 or director@sam-dfw.org.

MOST LIENED PROJECT ADDRESSES (BY TOTAL \$)

Company Name	City	# of Liens	Total Liens
150 W. Main St.	Richardson	17	\$2,754,069.57
8030 Park Lane	Plano	10	\$2,416,004.60
1102 N. Shiloh Rd. (doubled from July)	Garland	13	\$2,359,079.04
2600 E. Meadows Blvd.	Mesquite	9	\$1,735,215.60
800 N. Harwood St.	Dallas	7	\$1,670,656.73

MOST LIENED COMPANIES (BY NUMBER OF LIENS)

Company Name	# of Project Addresses	# of Liens	Total Liens
Landmark at Meadows 139 LLC	3 (Meadows Blvd.)	26	\$3,839,934.98
Richardson Gateway LLC	1 (150 W. Main St.)	16	\$2,504,618.89
Hartman Income Reit or Hartman Spe LLC	8	13	\$270,931.34
Reserve at Shiloh LLC	1 (1102 N. Shiloh Road)	13	\$2,359,079.04
Mm Jackson Parking B LLC	2	12	\$3,895,314.07

THIRD-PARTY PROS FACTOR IN BROADNAX' PERMIT WOES?

The City of Dallas' Development Services Department (DSD) held a Lunch-N-Learn training session Friday where officials with the City's engineering division discussed common construction management mistakes that prolong permit approvals.

During the training session, City inspectors Eric D'Llaggio and Cecil Oliver discussed the roles of third-party inspectors, developers, and contractors during the pre-development and construction process and how a lack of communication between them can lead to lengthy permit cycles.

While Dallas can be considered an attractive market to some investors, developers with new construction projects are often burdened by the City's complicated and slow permitting process, particularly for residential and commercial construction.

With permit times far beyond the acceptable metric established by DSD's 2022-2023 performance goals and metrics report, local officials criticized Dallas City Manager T.C. Broadnax, who nearly lost his job over his handling of the problem.

A developer is generally responsible for buying the land, arranging necessary land use permissions, and coordinating development plans.

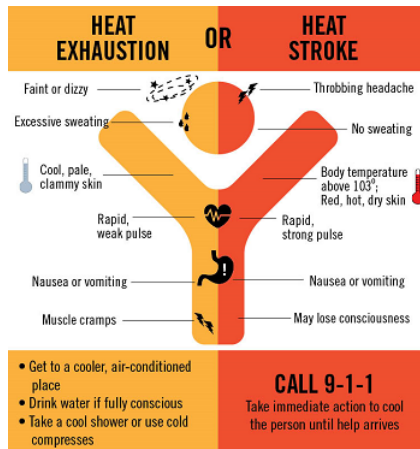
General contractors are typically responsible for managing the project, including hiring subcontractors, meeting with clients, getting building permits, and scheduling inspections.

A third-party inspector is responsible for conducting inspections, certifying development plans, and ensuring new construction projects meet all applicable ordinances and City codes.

According to D'Llaggio, professional third-party inspectors must thoroughly know the approved design plans, the construction schedule, safety standards, and more.

During the pre-development phase, each party must sign a memorandum of understanding, a binding contract that meticulously details the roles and responsibilities each party

The best way to explain Texas summers to someone who does not live there



will play during the development process.

If either party deviates from the signed agreement, someone fails to perform their respective duties or a component of the project changes. Each party must denote a mutual agreement to terminate the contract.

In an example of a scenario that delays approval, D'Llaggio claimed that if a third-party inspector identifies discrepancies between the design plan and the development site, then it is the duty of the design engineer who sealed and stamped the plans to provide a corrective action plan. It is not the responsibility of the City or the third-party inspector to find a solution.

To avoid such scenarios and ensure a smooth inspection process, D'Llaggio said that "communication" was the key to success."

If a project continues to hit snags in pre-development, it is likely that one of the parties is not communicating or that their duties were not properly conveyed in the memorandum, he alleged.

Some of the more common design mistakes highlighted during the training session included the incorrect installation of concrete piping, improper placement of above-ground utility structures like street lights, tree wells, and parking meters, and using construction materials that are not in accordance with City codes.

While City Inspectors have some wiggle room to amend simple design mistakes, D'Llaggio noted that in almost all cases, the engineering firm that designed and created the plans would need to be the one to make the changes.

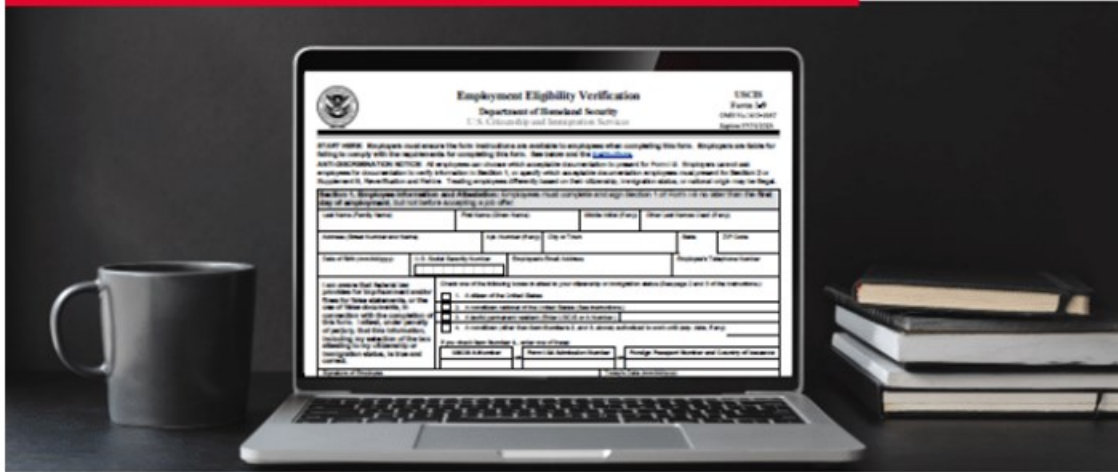
Ultimately, the longer it takes for a third-party inspector to certify development plans, the longer it takes to obtain a construction permit, and the longer it takes to get the project off the ground.

Andrew Terrell
The Dallas Express



COMPLIANCE UPDATE

NEW FORM I-9 RELEASED BY USCIS



AS OF AUGUST 1, 2023 EMPLOYERS MAY BEGIN USING NEW FORM I-9

USCIS has released a new Form I-9 and has included instructions on how to complete the new forms. Below are key points from these changes.

- Reduced Sections 1 and 2 to a single-sided sheet. No previous fields were removed. Rather, multiple fields were merged into fewer fields when possible.
- Moved the Section 1 Preparer/Translator Certification area to a separate, standalone supplement (Supplement A) that employers can provide to employees when necessary.
- Moved the Section 3 Reverification and Rehire area to a separate, standalone supplement (Supplement B) that employers can print if or when rehire occurs or reverification is required.
- Revised the Lists of Acceptable Documents page to include some acceptable receipts as well as guidance and links to information on automatic extensions of employment authorization documentation. Added a box that eligible employers must check if the employee's Form I-9 documentation was examined under a DHS-authorized alternative procedure rather than via physical examination.

**Employers may continue to use the old Form I-9 through 10/31/2023.
After this date you will be subject to penalties.**

THERE'S A BUC-EE'S KNOCKOFF IN MEXICO?

Prominent American gas station chain and country store Buc-ee's has addressed a viral post that depicts a grocery store in Mexico with a knockoff version of the brand's iconic name and logo.

In a statement sent to WFAA, Buc-ee's officials denounced the imitator, asserting that the Texas-based brand would defend its intellectual property against bad actors and from improper use. "The Buc-ee's brand represents clean restrooms, freshly prepared food, and great service. Buc-ee's has invested heavily in innovation across the company to create and maintain these award-winning guest experiences," the statement read. "Accordingly, Buc-ee's will not stand as an idle spectator while others use without permission the intellectual property that Buc-ee's has cultivated for decades."

The viral Facebook post has a photo of a small building painted with a store name and logo in Buc-ee's signature colors and style. But instead of Buc-ee's, the name reads "Buk-ii's," and where Buc-ee the beaver goes, the store has a malformed rendition of the familiar hat-donning mascot. It's hard to tell because of its distorted proportions, but it may be a different type of rodent — WFAA called it a gopher.

Imitation brands are nothing new. Many foreign companies create off-brand versions of products and companies to profit from name recognition or brand awareness without having acquired the licensing rights to do so.

According to the original uploader, Ramon Montelongo, the Buk-ii's store is opening in Matamoros Tamaulipas, Mexico, near the Los Indios International Bridge.

In an interview with MySA, Montelongo explained that the

super mercado would likely sell groceries, including fresh fruits and vegetables, meats, and beers, among other everyday necessities.

This isn't Buc-ee's first rodeo when it comes to protecting its intellectual property. The American gas station chain has filed lawsuits against several companies pertaining to the fair-use rights of its logo/mascot, company name, and brand imagery.

Some companies that have lost or settled trademark lawsuits with Buc-ee's include a San Antonio-based chain called Choke Canyon that used a cartoon alligator on a yellow circle as its logo, similar to what Buk-ii's did with the cartoon gopher.

Buc-ee's went head to head with another company, Chicks, a convenience store based in Bryan. The lawsuit was ultimately dismissed and settled out of court. Chicks has since been sold and rebranded as Stripes Convenience Store. Buc-ee's also sued B&B Grocery in Uvalde County for using a beaver mascot.

Considering Buc-ee's has a history of defending its intellectual property, Buk-ii's could soon be facing legal action.

*Andrew Terrell
The Dallas Express*



OUR ASSOCIATION LEADERSHIP

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Director

Robert Petitti - INSURICA
Director

Spike Cutler - Cutler-Smith, P.C.
Legal Counsel
scutler@cutler-smith.com

How Can You Help SAM?

We need committee members to help brainstorm and execute new ideas that the committees decide to implement in SAM.

This Association was created for YOU, the subcontractors in Dallas-Fort Worth. Your involvement is the key to your getting what you want from SAM!

Contact Carrie to sign up as a committee member.

Subcontractors Association of the Metroplex

Carrie Buckley, Executive Director

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